Memorandum

Date: June 15, 2012

To:
1. Eric Butler, Projects and Environmental Branch Chief
   Central Valley Flood Protection Board (CVFPB)
2. Len Marino, Chief Engineer, CVFPB
3. Jay S. Punia, Executive Officer, CVFPB

From: Nancy C. Moricz, P.E., Engineer, Water Resources Projects Section, CVFPB

Subject: Transmittal of the Public Comment Record on the 2012 Public Draft Central Valley Flood Protection Plan

Please find attached the final and complete compilation of public comments on the 2012 Public Draft Central Valley Flood Protection Plan (CVFPP).

All public comments received on the CVFPP from January 1, 2012 through the May 4, 2012 comment deadline have been indexed and compiled in their entirety without truncation or paraphrasing. The first 33 pages are an indexed spreadsheet of the comment submittals. The following 1,221-pages are the submittals arranged by index number. This report is also available on the Board's website at: http://cvfpb.ca.gov/CVFPP/index.cfm.

The Board received 297 individual comment submittals that were indexed 001 through 299, with two duplications (Index Numbers 267 and 287) deleted as shown on the submitted document. Comment Number 154 represents 4,499 supporters of an online petition submitted by the National Wildlife Federation Action Fund on behalf of its supporters.

Public comments were received via the following three methods of submittal:

Email: submitted or forwarded to cvfppcom@water.ca.gov,

Mail: submitted to Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821,

Transcribed public testimony received at numerous public meetings during the comment period between January 1, 2012 and May 4, 2012.

Weekly updates were provided to all Board members and posted on the Board's website for viewing or download.

SURNAME DWR 155 (Rev 7/11)	Nancy Moricz	Eric Butler	L Marino	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
001	Nicole S. Suard, Esq.	Snug Harbor Resorts, LLC	sunshine@snugharbor.net	CVFPP			See Letter	
002	Melinda Terry	CA Central Valley FCA	melinda@cvflood.org	CVFPP			See Letter	
003-01	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.2	4-14	The Life Cycle Management (LCM) strategy helps to protect large woody vegetation on levee systems only for the near future. In the distant future this strategy will result in a loss of riparian habitat on Central Valley levee systems. The LCM strategy will ultimately result in a huge reduction of shaded riverine aquatic habitat (SRA) as the major source of recruitment will be removed and will also result in a disruption of the food web productivity and result in a decrease of invertebrates available for listed fish.	After the eventual die-off of a large tree that has been protected through LCM, a new tree of the same species should be replanted in its place.
003-02	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.3	4-16	It is stated, "As the SSIA is implemented, some features of the SPFC may prove to be obsolete and slated for removal, while other features may be added".	The Resources Agencies will need to be consulted with if any features that pertain to ecological restoration are slated to be removed if those features are included as a mitigation component in the CVFPP PEIR/PEIS.
003-03	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.4.5	4-26	It is stated, one of the programs actions will be to isolate, stabilize or remove mercury and other heavy metals, polychlorinated biphenyles, and other long-lasting ecosystem contaminants.	Through what methods will this be achieved? The techniques should be stated in the plan.
003-04	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.4.6	4-27	It is stated, "The 2017 CVFPP update will be prepared in close coordination with USACE."	All Resources Agencies should be closely coordinated with during the updating of the 2017 CVFPP and not just USACE. It would be of interest to DWR to have all other agencies involved in the discussions regarding the issues with ETL 84-99 compliance.
003-05	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.5	4-28	There are mentions of an emergency response exercise with environmental resource and regulatory agencies	I was unaware that such a plan existed. This emergency plan should be highlighted and explained more in detail.
003-06	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.5.2	4-32	It's stated that continued engagement with partners and stakeholders will occur	The continued engagement and coordination with the Resources and Regulatory Agencies should be added here.
003-07	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.6.1	4-33	Table 4-1, summarizes costs to implement various elements of the SSIA	It would be helpful if cost estimates for ecological restoration were included.
003-08	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.6.1	4-34	Table 4-2, SSIA Cost Estimates by Region	Table 4-2, should include a map indicating each of the nine regions along with the estimated costs for that regions improvements
003-09	Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.7.2	4-39	Table 4-3, SSIA Range of Investments Over Time	Again, I do not see estimates set aside for ecological restoration.
003-10	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.1		DWR needs to give value to Environmental Safety as it does for human safety. After all, humans can't live without the environment, but the environment can live without humans. There is a lack of seriousness about the necessity of ensuring the continued well-being of this critical human support system. This document treats the environment as an after thought, when it is every bit as valuable as an asset as the people and their properties. More space and thought should be given to developing an economic assessment of the worth of environmental units such as one juvenile salmon or an acre of tule marsh. As long as we ignore the intrinsic worth of the biota and their habitat, we will never measure the real worth of our repairs and restorations.	
003-11	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.3		Is there a measure of the buildup of sediment in the Sacramento Basin over time since the gold mining began? What is the present accrual of sediment since these operations have stopped?	
003-12	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.4		The sideboard note is vague as a definition. How about an example?	
003-13	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.7		This quote needs a citation.	
003-14	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.7		Figure 1-6 should be located closer to the text reference in 1.3 line 8.	
003-15	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.6.2		Expand the primary goal to include "environmental" safety as in 1 above.	
003-16	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.6.3		Typo in par. 1 line 1 "for"	
003-17	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	2.2		On page 2-3 par. 2 line 1, "To effectively evaluate" is a split infinitive. This use is also found in several other places in the text.	
003-18	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	2.6.1		Typo on page 2-16 in par. 1 line 8.	
003-19	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	3.6.1		Close up the end of the sentence in par.1 on page 3-19 line 8.	
003-20	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	4.2		The last par. On page 4-15 needs clarification for riparian forest corridors. What are these?	
003-21	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	4.4.1		Where are the FPZ items on page 4-21?	
003-22	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	4.5		Typo on page 4-28 under "Floodplain Management" lines 3,4	
003-23	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Attachement 2: Conservation Framework	1.2	1-7	It is stated, "environmental stewardship can reduce flood project regulatory delays, lower long-term operation and repair costs, provide greater public benefits, and strengthen public support."	It should be added that environmental stewardship implementation will help to restore ecological functions and have positive effects towards the recovery of listed species.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
003-24	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Attachement 2: Conservation Framework	2.2.3	2-12	In the second paragraph, changes to aquatic habitat are discussed.	It should be added that when floodplains are inundated they also function to slow river velocities thus, the loss of floodplain-river connectivity has resulted in increased river velocities.
003-25	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Attachement 2: Conservation Framework	2.2.3	2-15	Table 2-3: Representative Sensitive Wildlife Species of Riverine, Wildland….	In the table the state (DFG) listing for Delta Smelt is incorrect. This species listing should be California listed as endangered (CE) and not threatened (1-20-2010).
003-26	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Attachement 2: Conservation Framework	2.4.4	2-23	More should be added to the discussion of impacts from invasive species.	It should be added that nonnative fish species not only can prey on native fish but also pose a huge threat to them by competing with native species for resources such as food and habitat.
	Kenneth Cumming	NMFS					General Comments	
003-27	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			There is a need for framing the various agency authorities, jurisdictions, and an arbitration service to settle agency concerns as they arise.	
003-28	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			Mitigation Banks need more explanation in the text.	
003-29	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			There doesn't seem to be a discussion of enforcement actions and their operation.	
003-30	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			A number of the topics are incompletely described and should have concept teams assigned to explore the topic development.	
003-31	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			The protocol for setting up partnerships and valuing their productivity should be explored.	
003-32	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			With the sequential development of higher levels of permits (site, reach, corridor, region etc.), there is a need to examine how they will be enforced.	
003-33	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			There is a need for a schematic of agency relationships, especially as they deal with different levels of authority and decision making (IWG, Collaborative, Advisory Commission).	
003-34	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			With the proliferation of documents, there is a need for a centralized repository and method of access.	
003-35	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			There should be more discussion on the role and control of encroachments (agriculture, treated water, housing, invasive plants and animals).	
003-36	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			Possibly there ought to be a guideline for engagement civility.	
	Kenneth Cumming	NMFS					Specific Comments	
003-37	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework		4-14	Add fish screens on diversion structures.	
003-38	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework		5-11	Develop and present pallet information suitable plants and trees for the lower waterside slope.	
003-39	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework		5-19	Discuss how research on Best Management Practices would be carried out.	
003-40	Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework		5-28	Include fish species in the list.	
004	Susan Dell Osso	River Islands at Lathrop	sdellosso@cambaygroup.com	CVFPP			See Letter	
005	John R. Cain (15 others)	Bay-Delta and Central Valley Flood Management (Conservation Community)	jcain@americanrivers.org	CVFPP			See Letter	
006	Tara Brocker	TK Farms	tara@tarabrocker.com	CVFPP			See Email	
007	Gary Sack	California Farm Bureau Federation	gsack@cfbf.com	CVFPP			See Email	
008		Glenn County Farm Bureau	glenncfb@att.net	CVFPP			See Email	
009	David Toney	Agriculture Stakeholder	dtoneygcfb@att.net	CVFPP			See Email	
010	John Garner	Agriculture Stakeholder	jsgarner@frontiernet.net	CVFPP			See Email	
011	Valeri Severson	Strachan Apiaries, Inc.	valeri@strachanbees.com	CVFPP			See Email	
012	Mike Vereschagin	Veresachagin Farms, Inc.	mvereschagin@sbcglobal.net	CVFPP			See Email	
013	Gubinder Atwal	Sohan S. Atwal and Sons Farming, Inc.	sosa-sons@sbcglobal.net	CVFPP			See Email	
014	Chris Torres	Chris Torres Farming and Equipment	dadofranki@yahoo.com	CVFPP			See Email	
015	Francis Coats		fecoats@msn.com	CVFPP			See Email	
016	David Burroughs		david.burroughs@rabobank.com	CVFPP			See Email	
017	Bruce Fry	Mohr-Fry Ranches	brucefry@mohrfry.com	CVFPP			See Email	
018	Tom Ellis		tntcube@frontiernet.net	CVFPP			See Email	
019	Steven Zumalt			CVFPP			See Transcript 01-27-12 Board Meeting	
020	Susan Tatayon	The Nature Conservancy		CVFPP			See Transcript 01-27-12 Board Meeting	
021	Dr. Rene Henery	Trout Unlimited		CVFPP			See Transcript 01-27-12 Board Meeting	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
022	John Cain	American Rivers		CVFPP			See Transcript 01-27-12 Board Meeting	
023	Dr. Nat Seavy	PRBO Conservation Science		CVFPP			See Transcript 01-27-12 Board Meeting	
024	Monty Schmitt	Natural Resources Defense Council		CVFPP			See Transcript 01-27-12 Board Meeting	
025	Byron Buck	State and Federal Contractors Water Agency		CVFPP			See Transcript 01-27-12 Board Meeting	
026	John McCamman	California Waterfowl Association		CVFPP			See Transcript 01-27-12 Board Meeting	
027	Rex Bell	PG&E		CVFPP			See Transcript 01-27-12 Board Meeting	
028	Justin Fredrickson	California Farm Bureau Federation		CVFPP			See Transcript 01-27-12 Board Meeting	
029	Melinda Terry	CA Central Valley FCA	melinda@cvflood.org	CVFPP			See Transcript 01-27-12 Board Meeting	
030	Chris Lee	Yolo County		CVFPP			See Transcript 01-27-12 Board Meeting	
031	Greg Overton	Glenn County Farm Bureau	g_overton31@yahoo.com	CVFPP			See Email	
032	Roger Dorris	Hershey Land Company Row Crop, LLC	hersheyland@sbcglobal.net	CVFPP			See Email	
033	Samuel Nevis	Yuba-Sutter Farm Bureau	ysfb@ysfarmbureau.com	CVFPP			See Email	
034	Jon Bill	Rancho Alberta	jonbill@digitalpath.net	CVFPP			See Email	
035	Mike Crump	Butte Co. Dept. of Public Works	mcrump@buttecounty.net	CVFPP			See Email	
036	William B. Fielder	Reclamation District 833	fielder@manznet.com	CVFPP			See Email	
037	Terry Lattemore	Richvale Homeowner	latte114@gmail.com	CVFPP			See Email	
038	David Okita	Solano County Water Agency	dokita@scwa2.com	CVFPP	several	several	All CVFPP documents do not show the Mellin Levee that is part of Unit 106, West Levee Yolo Bypass near Rio Vista. The hook shape part of Unit 106 does show, but not Mellin Levee part. I have attached documentation.	Include Mellin Levee as a Project Levee on all maps and descriptions
039	Jim Giottonini	San Joaquin Area Flood Control Agency (SJAFCA)	Jim.Giottonini@stocktongov.com	CVFPP			See Letter	
040	Carl Hoff	Butte Co. Rice Growers Association	choff@bucra.com	CVFPP			See Email	
041	Stanicia Boatner and Cara Martinson for: Karen Keene, Kathy Mannion, Kyra Ross	CA State Association of Counties, Regional Council of Rural Counties, League of California Cities	sboatner@counties.org and cmartinson@counties.org	CVFPP			See Letter	
042	Justin Fredrickson	California Farm Bureau Federation	jfredrickson@cfbf.com	CVFPP			See Letter	
043-01	Nova Clemenza, 574-2322	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.4	pg 1-15	3rd paragraph, last sentence requires correction or edit for missing preposition	Change sentence to read: "…with regard to management **of** vegetation on the levees…." or "with regard to vegetation management on the levees…"
043-02	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.6	pg 1-27	1st sentence under Plan Formulation requires correction.	Change to read: "Plan formulation **for** the 2012 CVFPP…"
043-03	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.6.4	pg 1-29	See Textbox for Coordination with Other Programs and Projects, under Statewide Flood Management Planning Program. It is stated that the SFMP assesses flood risk; I thought the SFMP *defines* flood risk but *assesses* flood exposure?	Change to read: " The comprehensive Statewide Flood Management Planning Program is assessing flood **exposure** statewide…."?
043-04	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	2.6.1	pg 2-16	Last complete sentence on page, under Residual Risk Management, requires typo correction	Change to read: "The scale of risk management actions vary among the **approaches**."
043-05	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.2	pg 3-5	Figure 3.1, shown appropriate linework for the bypass expansions, it doesn't	re-order drawing layers to show the expanded bypass areas and the associated new boundaries of the bypass expansions. Compare Figure 3.1 and Figure 3.2
043-06	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.3	pg 3-10	last paragraph in Section 3.3, correct sentence to show as possessive	Change to read: "Small **communities'** improvements should…" or re-write as "Improvements in small communities should…"
043-07	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.5.6	pg 3-17	2nd paragraph, 3rd sentence, remove unnecessary indefinite article in sentence "a"	Change to read: "…changing reservoir operations, and Congressional approval **for new** dynamic flood control diagrams."
043-08	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.5.6	pg 3-17	2nd paragraph, 1st sentence, under Weir and Bypass Operational Changes requires further criteria stated.	Add phrase to read: "….Sacramento Weir, which is currently opened when the Sacramento River water surface elevation reaches 27.5 feet at the I Street Bridge **and is forecast to continue rising.** "
043-09	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.6.1	pg 3-19	1st paragraph, last sentence. Remove hard return near end of sentence	Remove hard return after "…under other…" and before "…State programs."
043-10	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.7	pg 3-21	1st paragraph, last sentence. Remove hard return near end of sentence	Remove hard return after "…support for…" and before "…flood projects."

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
043-11	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.12	pg 3-30	3rd paragraph, remove duplicate reference to emergency response or combine with reference to ER planning? Or perhaps this way it is written was the way it was intended.	Change to read: "These efforts encompass urban levee improvements, emergency repair projects, physical and operational changes to flood management reservoirs, **flood emergency preparedness and response efforts**, and improvements to operations and maintenance, and floodplain management."
043-12	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-32	1st paragraph, 3rd sentence, correct as noted	Change to read: " Flood stages in the San Joaquin River Basin do not change much with **respect to current** conditions because…."
043-13	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-33	Figure 3-4. Remove or consolidate duplicate text above Figure title.	Clarify which statement to keep (various frequencies) then remove other if duplicate (100-yr event)
043-14	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-34	Figure 3-5. Remove or consolidate duplicate text above Figure title.	Clarify which statement to keep (various frequencies) then remove other if duplicate (100-yr event)
043-15	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.4	pg 3-36	Table 3-7 correct misspelled word	Change to read: $329 million in expected annual **damages**
043-16	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.14.4	pg 3-41	2nd bullet, 2nd sentence, suggestion to add definite articles	Suggest change to read: "This includes connecting fishery habitat from **the** Delta to **the** Yolo and Sutter bypasses and to the Butte Basin."
043-17	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.1.1	pg 4-2	3rd paragraph, correct reference to Flood Operations Center	Change to read: "…"the State-Federal Flood **Operations** Center…"
043-18	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.1.1	pg 4-2	4th paragraph, flood fight is two words, see Flood Fighting Methods manual, typical for all refs to "flood fight" and "flood fighting"	Change to read: "… DWR will continue to provide **flood fight** assistance…". Typical for all refs to "flood fight" and "flood fighting"
043-19	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.3.2	pg 4-18	Correct text from the water code in text box about the CVFPA, remove extraneous "the"	Change to read: "…(c) Upon completion of the Central Valley Flood Protection Plan pursuant to this part, the department may **identify and propose** to the board…"
043-20	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.1	pg 4-20	4th paragraph, last sentence requires correction	Change to read: "…to help **develop the** State basin-wide feasibility studies…" or "… to help **development of the**…"
043-21	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.5	pg 4-25	3rd bullet at bottom of page, confirm reference to NWS -CNRFC and correct as needed, although it can be assumed we are referring to CNRFC there are multiple RFCs nationwide.	Change to read: "…and National Weather Service - California Nevada River Forecast Center…"
043-22	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.6	pg 4-26	2nd main level bullet (6th bullet down on page), correct sentence as needed	Change to read: "..reasonable opportunities will be carefully evaluated for **integration of multiple** objectives …" or "…**integrating multiple** objectives…"
043-23	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	last bullet under Flood System Operations and Maintenance, correct reference to IFMCP, use title case for title.	Change to read: "Initiated and coordinated the **Interagency** Flood Management Collaborative Program"
043-24	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	1st bullet under Floodplain Management, delete hard return	Delete hard return between 2 and 2.5 in reference to CCR
043-25	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	3rd bullet under Floodplain Management, correct verb used in sentence, use affected in lieu of effected	Change to read: "Sent flood risk notification leters to 300,000 **affected** property owners in…."
043-26	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.9	pg 4-41	1st bullet under Funding availability, insert space between cost numbers in range	Change to read: "An additional **$11 to $14** billion …"
043-27	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.9	pg 4-42		
043-28	Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	general	typ all	use consistent terms throughout document, ie - reevaluation vs. re-evaluation	review before finalizing to check to consistency
044	Ed Hulbert	Reclamation District 1004		CVFPP			See Letter	
045	Doug LaMalfa	Senator, 4th District		CVFPP			See Letter	
046	Lewis Bair	Reclamation District 108		CVFPP			See Letter	
047	Tim Miramontes			CVFPP			See Letter	
048	Herbert and Lynnel Pollock			CVFPP			See Letter	
049	Kyle Lang			CVFPP			See Letter	
050	Kent Lang			CVFPP			See Letter	
051	Candace Miramontes, Robert Miramontes Sr., Jim Vann, Lenore Timko, Un-readable, Dan Bickel, Toni Ann Moss	Yolo County Farm Bureau		CVFPP			See Letter	
052	Sam Chamberlin, Karolyn Wasserman			CVFPP			See Letter	
053	Chailu Heinll (sp?)			CVFPP			See Letter	
054	Jerry Kaneko			CVFPP			See Letter	
055	Jim Peart			CVFPP			See Letter	
056	Jim Eldon	Fiddler's Green Farm, Inc.		CVFPP			See Letter	
057	Ross E. Peabody	Peabody Engineering		CVFPP			See Letter	
058	John R. Webber	Yolo County Landowner		CVFPP			See Letter	
059	William Correa, Craig Miglal (sp?), Christopher Correa			CVFPP			See Letter	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
060	Gary Evans	Colusa County Board of Supervisors	cocolusa@countyofcolusa.org	CVFPP			See Letter	
061	Roger Swanson	Butte Sink Waterfowl Association		CVFPP			See Transcript 02-24-12 Board Meeting	
062	Greg Zlotnick	State and Federal Contractors Water Agency		CVFPP			See Transcript 02-24-12 Board Meeting	
063	John Garner	Colusa Basin Flood Control District		CVFPP			See Transcript 02-24-12 Board Meeting	
064	Chris Scheuring	California Farm Bureau Federation		CVFPP			See Transcript 02-24-12 Board Meeting	
065	Tim Miramontes	Yolo County Farm Bureau		CVFPP			See Transcript 02-24-12 Board Meeting	
066	Tom Ellis	Agriculture Stakeholder		CVFPP			See Transcript 02-24-12 Board Meeting	
067	Dan Welsh	US Fish and Wildlife Service		CVFPP			See Transcript 02-24-12 Board Meeting	
068	Fritz Durst	Reclamation District 108, Sacramento River Westside Levee District		CVFPP			See Transcript 02-24-12 Board Meeting	
069	Lewis Bair	Reclamation District 108, Sacramento River Westside Levee District, Knight's Landing Ridge Drainage District		CVFPP			See Transcript 02-24-12 Board Meeting	
070	Jim Giottonini	San Joaquin Area Flood Control Agency (SJAFCA)		CVFPP			See Transcript 02-24-12 Board Meeting	
071	Dr. Rene Henry	Trout Unlimited		CVFPP			See Transcript 02-24-12 Board Meeting	
072	Susan Tatayon	The Nature Conservancy		CVFPP			See Transcript 02-24-12 Board Meeting	
073	James Sligar	Cherokee Canal Landowner		CVFPP			See Transcript 02-24-12 Board Meeting	
074	Tara Brocker	Yuba-Sutter Farm Bureau		CVFPP			See Transcript 02-24-12 Board Meeting	
075	Ashley Indrieri	Family Water Alliance		CVFPP			See Transcript 02-24-12 Board Meeting	
076	Denise Carter	Colusa County Board of Supervisors		CVFPP			See Transcript 02-24-12 Board Meeting	
077	Val Toppenberg	Sierra Northern Railway		CVFPP			See Transcript 02-24-12 Board Meeting and Received Documents	
078	Scott Shapiro	California Central Valley Flood Control Association		CVFPP			See Transcript 02-24-12 Board Meeting	
079	John McCamman	California Waterfowl Association		CVFPP			See Transcript 02-24-12 Board Meeting	
080	Dan Gorfain	Friends of the Sacramento River Greenway		CVFPP			See Transcript 02-24-12 Board Meeting	
081	John Cain	American Rivers		CVFPP			See Transcript 02-24-12 Board Meeting	
082	Tiffany Ryan	Representing Senator Doug LaMalfa		CVFPP			See Transcript 02-24-12 Board Meeting	
083	Richard Johnson	Sacramento Area Flood Control Agency (SAFCA)		CVFPP			See Transcript 02-24-12 Board Meeting	
084	Petrea Marchand	Yolo County		CVFPP			See Transcript 02-24-12 Board Meeting	
085	Nicole S. Suard, Esq.	Snug Harbor Resorts, LLC		CVFPP			See Transcript 02-24-12 Board Meeting	
086	Scott Shapiro	Sutter Butte Flood Control Agency (SBFCA)		CVFPP			See Transcript 02-24-12 Board Meeting	
087	Melinda Terry	California Central Valley Flood Control Association		CVFPP			See Transcript 02-24-12 Board Meeting	
088	Matt Williams			CVFPP			See Transcript 02-24-12 Board Meeting	
089-01	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.1	2.2	Include a bullet on side channel development and similar description as other bullets.	see comment
089-02	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.2	2.9	These floodplain processes also affect the surrounding upland species, so suggest the minor change to the second sentence of the paragraph: "These fundamental geomorphic processes influence the formation of floodplain topography, soils, and other floodplain dynamics to create a diverse mosaic of floodplain landforms of different age classes that support a mosaic of upland and riparian vegetation and different age classes."	see comment
089-03	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.3	2.1	Last sentence says riparian and wetland habitat that still exist are primarily found between levees ("narrow strips along waterways"). It should be mentioned that these areas are subject to flood management activities and USACE veg policies (or at least life cycle management as proposed by the CVFPP)	see comment

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
089-04	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	3	3.1	The supporting goal "Promote Ecosystem Functions" is too weak. It needs to be "Improve Ecosystem Functions" in the Conservation Framework (CF) and the Plan. It better represents the intent of the Central Valley Flood Protection Act of 2008. Which states: promote, improve and increase ecosystem function.	see comment
089-05	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.8	Add a bullet to potential improvements that includes identification and acquisition of potential mitigation lands in strategic locations early, before they are needed (i.e.. Regional Advanced Mitigation Planning - RAMP) .	see comment
089-06	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.9	Table 4-1: Removal of dams and other structures is a huge opportunity for habitat improvement, and it should be mentioned for its positive ecological benefits.	see comment
089-07	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.2	4.11	2nd paragraph talks about mitigation and mentions off-site mitigation. It should be mentioned that any mitigation (on or offsite) must provide in-kind compensation for impacts made.	see comment
089-08	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.4	4.14	2nd bullet should also mention that this would create an opportunity for bank swallow habitat if banks are allowed to erode	see comment
089-09	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.8	4.18	1st paragraph of section: This should state that new and replacement levees will be set back as far as feasible.	see comment
089-10	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.15	4.24	The changes to weirs described in this section should also address fish stranding issues and propose ways to reduce or eliminate this impact.	see comment
089-11	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.2	5.3	This says that mitigation incentives will be developed on a project by project basis. This seems to indicate that there is no broad, unified approach to mitigation and funding for the whole CVFPP. Project-by-project funding, conservation and mitigation for the CVFPP will ultimately be more expensive than a unified approach. DFG suggests that DWR develop a concrete strategy to account for the impacts from the CVFPP and stay ahead of those impacts with completion and funding of appropriate mitigation. DWR should be able to say in whole, or better yet on a section by section basis that all of the impacts in that area will be compensated for with all of the mitigation and other beneficial effects in that area.	see comment
089-12	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.1	5.5	Add to end of the sentence: "and State law such as CEQA, CESA, and section 1600 et seq. of the Fish and game Code.	see comment
089-13	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4	5.4	1st paragraph of section 5.4 describes the vegetation management approach as one that will "protect and improve habitat" within the levee system. Life Cycle management will not protect and improve habitat if it is carried out as proposed and mitigated primarily on the landside toe of levees. LCM leads to the eventual elimination of all woody vegetation on the landside, crown, and upper waterside slopes of the levees. It is better for the environment than complete removal of vegetation as required by the USACE's ETL, but it still will cause substantive and possibly unmitigable impacts as it is currently described in the Plan and the CF.	see comment
089-14	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.13	With regards to vegetation management (e.g. thinning or trimming) on levees: Management of this vegetation could exacerbate conditions for some species, particularly neotropical migratory birds that are prone to cowbird parasitism and/or that nest below five feet elevation. This needs to be acknowledged (i.e. the tradeoff in keeping vegetation, but making conditions potentially worse for some species).	see comment
089-15	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.17	Endangered Species Act Compliance, first paragraph or section should also discuss the California Endangered Species Act and species that are only State listed such as the Swainson's hawk. The 1st paragraph is also very fish-centric and, other than the list of species in the first sentence, does not focus on terrestrial species. Swainson's hawk, Western burrowing owl, and riparian brush rabbit are a few examples of terrestrial species that may have a lot of impacts associated with loss of habitat and possibly direct take. This section should include a discussion of some key (most likely to be impacted) terrestrial species that occur in the planning area along with elements for protection and recovery.	see comment

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
089-16	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6	5.21	The section on Regional Conservation Planning should also include potential use of Safe Harbor Agreements (federal, via USFWS, and state, via CDFG) and the ongoing efforts of groups like the Sacramento River Conservation Area Forum, the Sacramento River Watershed Program, CVPIA programs, and the efforts of resource conservation districts and watershed groups. Most of the watersheds in the upper Sacramento River, at least, have watershed assessments and management plans, some of which that address management of flooding.	see comment
089-17	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.1	5.22	"This analysis identifies floodplain areas, both directly connected to the river and disconnected from the river (e.g., behind natural or built levees or other flow obstructions) that could be inundated by biologically meaningful floodplain flows." It should be considered that fish biologic needs/issues (i.e.. connectivity, predation, stranding) may not be met by such "...biologically meaningful floodplain flows."	see comment
089-18	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.6	5.28	It is stated that DWR will collaborate with the NMFS Central Valley Anadromous Fish Recovery Plan. But, no fish species are listed for targeted planning under the heading: "Examples of species in the Central Valley that are suitable for this more targeted conservation planning include the following:".	see comment
089-19	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.1	"Ecological Indicators" It would be very helpful to go into greater detail on how these "projects" will be monitored and how we'll measure "success" of a project (or set of projects). There is some mention of monitoring, however, there are many levels of work proposed over a long period of time and having some measure of success via monitoring would help "close the loop" on the projects.	see comment
089-20	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.2	Last bullet under Habitat quantity should include dense riparian forest for yellow-billed cuckoo and other neotropical migrants	see comment
090	Julie Haas	DWR	jhaas@water.ca.gov	2012 CVFPP, Public Draft Dec. 2011	1/Fig 1-9	1-23	In Fig 1-9 "Geographic Scope of CVFPP," the label for the Systemwide Planning Area is confusing. I spoke with a DWR engineer familiar with the CVFPP and he said the green areas identified on the map are actually areas outside of the SPFC Planning Area that are in tributary watersheds that influence flooding within the SPFC Plannning Area. This is not clear from the label.	Suggested revised label text: "Systemwide Planning Area (SPA) includes lands in tributary watersheds that influence flooding under current facilities and operation..." Old text: "Systemwide Planning Area (SPA) includes lands subject to flooding under current facilities and operation..."
091	Luis Nichols	Agriculture Stakeholder	luisn@mail.fresnostate.edu	CVFPP			See Email	
092	Mistie Bainer	Santa Barbara County Farm Bureau	mbsbcfb@hwy246.net	CVFPP			See Email	
093	Derek Larsen	MBK Engineers	larsen@mbkengineers.com	Attachment 8J: Cost Estimates - Appendix A. CVFPP Cost Estimate Methodology	4.0 Flood Management Elements	"4-15" Table 4-12	The costs reported for the WSAFCA-EIP-CO West Sacramento are incorrect and the name of the project is incorrect. "West Sacramento Project GGR" should be "West Sacramento Project GRR"	Change the Name to be: "WSAFCA - West Sacramento Levee Improvement Program" Change Cost range to, "$440.0 to $526.0" Change the Name to: "West Sacramento Project GRR"
094-01	Larry Dacus	TRLIA	dacus@mbkengineers..com	2012 CVFPP Attachment 8J; Appendix E	Figure E-8	E-15	The Three Rivers Levee Improvement authority (TRLIA) notes that Figure E-8 indicates that the recently completed (2006) Bear River Setback Levee is proposed to be removed and replaced by a new Bear Setback Levee further to the north. TRLIA recommends that this alternative (FTR_1A) be removed from the array of considered alternatives. The existing Bear River Setback Levee was constructed using DWR grant funds. To abandon this improvement so soon after being constructed does not indicate adequate evaluation of this alternative during CVFPP formulation. Prior to selecting the implemented alignment, TRLIA evaluated an alternative very similar to FTR_1A and found the implemented solution to be cost effective, have less severe impacts to unique agricultural lands, and to eliminate certain hydraulic impacts which occur with a northern alignment.	Delete Alternative FTR_1A from array of alternatives
094-02	Larry Dacus	TRLIA	dacus@mbkengineers..com	2012 CVFPP Attachment 8J; Appendix A	Chapter 4.2, Table 4-12	Pg. 4-14	TRLIA also suggests additional information be added to Table 4-12. In addition to the two TRLIA EIP projects, TRLIA has accomplished additional repairs to the RD 784 Levee System and is currently involved in evaluating the Yuba Goldfields and its ability to serve as high ground for the State Plan of Flood Control. TRLIA suggests two additional lines to this table as follows: TRLIA Proposition 13 RD 784 Levee System Improvements Feather $61.0 to $105.0 TRLIA Goldfields High Ground Evaluation Yuba $10.0 to $50.0	Add information to Table 4-12 TRLIA Proposition 13 RD 784 Levee System Improvements Feather $61.0 to $105.0 TRLIA Goldfields High Ground Evaluation Yuba $10.0 to $50.0
095	Marilyn Fitzgerald	Agriculture Stakeholder		CVFPP			See Letter	
096	Jane Fitzgerald	Agriculture Stakeholder		CVFPP			See Letter	
097	Karen Fitzgerald	Agriculture Stakeholder		CVFPP			See Letter	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
098	Terry Lattemore	Richvale Homeowner		CVFPP			See Letter	
099	Maria Rea	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	CVFPP			See Letter	
100	Richard Johnson	Sacramento Area Flood Control Agency (SAFCA)		CVFPP			See Letter	
101	Gary Lindberg	Richvale Homeowner		CVFPP			See Letter	
102	Manual and Sally Kafkares	Rio Oso Homeowner		CVFPP			See Letter	
103	Jane Osborne and Ann Byrd	Furlan Joint Venture, Sutter Basin Landowners		CVFPP			See Letter	
104	Carl Hoff	Butte County Rice Growers Association		CVFPP			See Letter	
105	James Sligar	Butte County Homeowner		CVFPP			See Letter	
106	Roger Abe	Yuba County Supervisor	rabe@co.yuba.ca.us	CVFPP			See Comment Card 04-06-12 Public Outreach Hearing	
107	Gary Bell			CVFPP			See Comment Card 04-06-12 Public Outreach Hearing	
108	Kent McKenzie	CA Cooperative Rice Research Foundation, Inc.		CVFPP			See Letter	
109	Lauren Ward	Ward Farms		CVFPP			See Handout Letter from 04-06-12 Public Outreach Hearing	
110	Susan Schohr	Agriculture Stakeholder		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
111	John Cain	American Rivers		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
112	Susan Tatayon	The Nature Conservancy		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
113	Richard Johnson	Sacramento Area Flood Control Agency (SAFCA)		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
114	Jack Baber	Reclamation District 1004		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
115	Patrick Porgans			CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
116	Melinda Terry	California Central Valley Flood Control Association		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
117	David Stalling	Trout Unlimited		CVFPP			See Transcript from 04-05-12 Public Outreach Hearing	
118	Jim Nielson	Assemblyman		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
119	Tiffany Ryan	Senator Doug LaMalfa		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
120	Logue	Assemblyman		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
121	James Gallagher	Sutter County Supervisor		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
122	John Nocoletti	Yuba County Supervisor		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
123	Dan Merkley	California Farm Bureau Federation		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
124	Dick Akin	Akin Ranch		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
125	John Calrlon	River Partners		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
126	Tom Ellis	Agriculture Stakeholder		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
127	James Sligar	Butte County Homeowner		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
128	Charlie Hoppin			CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
129	Dale Clever	City of Colusa		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
130	John Cain	American Rivers		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
131	John Garner			CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
132	Mat Conant	California Farm Bureau Federation		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
133	Daniel Peterson			CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
134	Mark Hennelly	California Waterfowl Association		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
135	James Bell	County of Colusa		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
136	Diane Fales	Reclamation District 1001		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
137	Larry Munger	Sutter County Supervisor		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
138	Carl Hoff	Butte County Rice Growers Association		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
139	Denise Carter	Colusa County Supervisor		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
140	Russell Young			CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
141	Tara Brocker	Yuba-Sutter Farm Bureau		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
142	Lauren Ward	Ward Farms		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
143	Lewis Bair	Reclamation District 108, Sacramento River Westside Levee District, Knight's Landing Ridge Drainage District		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
144	Susan Schohr	Agriculture Stakeholder		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
145	Mike Shannon	Shannon Farms		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
146	Kent McKenzie	CA Cooperative Rice Research Foundation, Inc.		DPEIR			See Transcript from 04-06-12 Public Outreach Hearing	
147	Doug LaMalfa	Senator		CVFPP			See Transcript from 04-06-12 Public Outreach Hearing	
148	Stanley Cleveland, Jr.	Sutter County Supervisor		DPEIR			See Transcript from 04-06-12 Public Outreach Hearing	
149	Tara Brocker	Yuba-Sutter Farm Bureau		DPEIR			See Transcript from 04-06-12 Public Outreach Hearing	
150	Tom Ellis	Agriculture Stakeholder		DPEIR			See Transcript from 04-06-12 Public Outreach Hearing	
151	Justin Fredrickson	California Farm Bureau Federation		CVFPP			See Email	
152-01	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	general comment		Thank you for the opportunity to review and comment on the December 2011 Public Draft of the Central Valley Flood Protection Plan. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand. For future generations of Californians to enjoy the recreation opportunities along our rivers, streams and lakes that we currently enjoy, recreation planning must be fully integrated into the Central Valley Flood Protection Plan. In fact, California's Davis Dolwig Act requires this, as follows: There shall be incorporated in the planning and construction of each project such features as (DWR), after giving full consideration to any recommendations which may be made by the…Department of Parks and Recreation,…determines necessary or desirable …to permit, on a year-round basis, full utilization of the project …for recreational purposes. Water Code section 11910. The section goes on to require "full and close coordination" for all planning for recreation in state water projects between DWR and the Department of Parks and Recreation. This coordination is mandated for the federal and state water projects and "every other project constructed by the State itself or by the State in cooperation with the United States." Water Code section 11905. As used in this section, "project" means any "physical structure to provide for the conservation, storage, regulation, transportation, or use of water…". Water Code section 11904. We believe many flood control facilities fall into these definitions. To meet these requirements, we recommend that recreation be more explicitly incorporated into the Plan in, at a minimum, the following sections:	
152-02	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 1	1-17	**List of challenges.** Please consider adding this bullet point:	Public access within California's navigable waterways has been guaranteed by the state's Constitution since 1879; however, private land borders many Central Valley waterways, and significant state and federally-funded infrastructure was built without public access in mind. This limits access to public resources for boating, fishing and wildlife observation in many park-poor, disadvantaged valley communities. This situation leads to conflicts between private landowners and recreationists and promotes the use of unsafe ad-hoc access points. California State Parks has developed multi-agency recommendations and multi-stakeholder strategies for enhanced utilization of public lands along rivers and sloughs for recreational access (Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision and the Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation). Implementation of these strategies will reduce trespass on private land, increase economic sustainability, and improve the public health and safety of valley residents.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
152-03	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 1 State's Interest in Integrated Flood Management	1-20	Consider mentioning that the State's interest in public safety, environmental stewardship and economic stability are well supported by safe public access to our rivers and streams, on-site environmental education, and the economic vitality provided by quality-of-life enhancements and environmental tourism revenues. The potential for enhancing recreational use of the flood control system has been recognized since 1929. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain and other, new possibilities will arise as the flood control system is improved.	
152-04	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 2	2-6 AND 2-9	Paragraphs on both these pages bemoan the limited Preliminary Approaches' lack of opportunities to integrate environmental features and construct multi-benefit projects into small community and urban area protection actions. According to our statewide surveys (http://www.parks.ca.gov/?page_id=23880), these are the very areas where recreational facilities and safe access are most needed. Incorporating walking and bicycle paths with angling and paddling access points, and wildlife observation areas with environmental education components require a modest investment and little, if any, additional public land. Incorporating these features offers multiple benefits that meet significant State and/or FloodSAFE goals: encouraging environmental stewardship and water conservation, encouraging a healthy active lifestyle, offering non-polluting transportation routes (especially important in regions with impaired air quality), reducing trespass on private property, increasing public safety and supporting these communities' economic sustainability. These types of facilities should be integrated into all flood control improvements where feasible	
152-05	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 2	2-23	**Table 2-6.** California State Parks research has found that almost 80% of Californians cite the importance of water features (lakes, reservoirs, rivers and wetlands) to enjoyment of their favorite recreational activity, so improving public access cost-effectively increases the social sustainability of all Preliminary Approaches for all the reasons described in the comments above. Please consider adding the following bullets to the Social Metric:	Not Feasible Relevant Relevant but Negligible • Improve Flood Conveyance • Improve Flood Storage • Improve Flood Conveyance and Improve Flood Storage Relevant and Significant • Improve Flood Conveyance • Improve Flood Storage • Improve Flood Conveyance and Improve Flood Storage Relevant and Significant • Improve Flood Conveyance • Improve Flood Storage • Improve Flood Conveyance and Improve Flood Storage • Improve Flood Conveyance and Increase Capacity • Improve Flood Conveyance and Improve Flood Storage and Increase Capacity • Improve Flood Storage and Increase Capacity • Improve Flood Conveyance and Improve Flood Storage and Increase Capacity	
152-06	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 2	2-24	**Figure 2-6.** Incorporating modest recreational facilities such as those described in the comments above increase the economic benefits of the least-costly Preliminary Approaches with little impact on capital and operating costs. For instance, all-weather levee roads can accommodate hiking and bicycling trails by selecting appropriate gates, connecting to public roads, bicycle routes and sidewalks, and providing directional signage. These routes can lead to occasional waterfront access for fishing and launching paddlecraft. The provision of wildlife viewing areas with benches and educational signage can be located along these routes at little cost.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
152-07	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	Ch 2	2-26	**State Systemwide Investment Approach.** Please consider the following examples of how incorporating recreational facilities into all flood control improvements where feasible supports the five distinguishing characteristics important from a State investment perspective: 1. Life Safety: Providing safe public access reduces boating accidents and boats stranded without safe egress points, prevents drowning deaths, allows for easier patrols and reduces accidents from attempts to climb armored slopes. Encouraging more citizens to recreate along our rivers discourages illicit and criminal behavior in these areas. 2. Vibrant Agricultural Economy: Tourists, especially high-value international tourists, are drawn to areas with diverse opportunities. Developing outdoor recreational, environmental, agricultural and cultural tourism in California's Central Valley will improve the economic stability of the agricultural economy by supporting farm jobs, providing a local market for value-added product sales, generating tax revenues that support local infrastructure, etc. More data about tourism preferences and patterns is available in the federal report Key Facts about International Travel and Tourism to the United States, available at: http://www.tinet.ita.doc.gov/outreachpages/inbound.general_information.inbound_overview.html. Additional research is available from http://sfp.ucdavis.edu/agritourism/. 3. Reduction in Economic Losses: Low-intensity recreational development may be designed to limit flood damages. Utilizing lands for outdoor recreation, especially where flood frequencies limit agriculture and more intense development, provides regional economic benefits. Sacramento's American River Parkway including Discovery Park, the Napa River/Napa Creek Flood Control Project and the Guadalupe River Flood Control Project in San Jose are all useful examples. 4. Ecosystem Restoration and Enhancement: Providing modest access improvements in habitat areas allows for safe, beneficial public use of a public resource. Concentrating facilities in areas that cause the least disruption of ecosystem restoration projects minimizes damage to more sensitive areas. Educating the public fosters an appreciation and desire to protect these special areas. Descriptions of these strategies may be found in the Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at	
152-08	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	3		To meet the requirements of Water Code section 11910, California State Parks is ready to assist FloodSAFE staff to identify opportunities to integrate recreational facilities into SSIA projects, based on our significant outreach, research, planning and management history in the region. Incorporating recommendations in the Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision and the Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation into this chapter or citing these reports would clarify the State's intent to provide public access improvements.	
152-09	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	4	4-36	**Financing Strategy.** Some funding for recreational infrastructure is expected to be available through boating fuel taxes and FERC relicensing of hydroelectric facilities, but more will be needed. The Financing Plan should allow funding of facilities to support recreation that is ancillary to and compatible with a project's flood control or floodplain restoration purposes. Providing examples of eligible facilities, such as parking lots, trails for walking, horseback riding, or bicycling, hunting blinds, nature observation facilities like interpretive signage, and bank fishing improvements, offers helpful guidance. The guidelines could indicate an appropriate cap on recreation costs, such as 5 percent of a project's total cost, to ensure that recreation is ancillary to the project's primary flood control or floodplain restoration purpose.	
152-10	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	what's missing		**Beneficial Uses of Agricultural Land Conversion.** The Central Valley Flood Protection Board, in its April 5, 2012 Public Outreach Hearing, asked, in part: "Has the proposed Plan identified all possible uses – besides public safety – of farmland that is taken out of production?" We believe the Plan could more clearly articulate the potential for recreational use in these areas. Lands deemed unsuitable for other uses still retain an economic value for recreation use. For instance, where agricultural land is converted for flood control purposes, recreational and tourism land uses provide local jobs, support local businesses, provide local tax revenues and support resident's quality of life. You may refer to the California Outdoor Recreation Economic Study (2011), available at: http://www.parks.ca.gov/?page_id=795 for useful data on the economic benefits of recreation.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
153	Jacqueline Fitzgerald	Agriculture Stakeholder		CVFPP			See Letter	
154	Robyn Carmichael and 4,498 others	National Wildlife Federation Action Fund (email petition)	info@nwa.org	CVFPP			See Email	
155	Dante John Nomellini	Reclamation Districts		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
156	David Stalling	Trout Unlimited		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
157	Monte Schmitt	Natural Resources Defense Council		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
158	Julie Rentner	River Partners		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
159	John Maguire	San Joaquin County Public Works		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
160	James Giottonini	San Joaquin Area Flood Control Agency (SJAFCA)		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
161	Mark Tompkins	American Rivers		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
162	Katie Patterson	San Joaquin Farm Bureau		CVFPP			See Transcript 04-09-12 Public Outreach Hearing	
163	Dante John Nomellini	Reclamation Districts		DPEIR			See Transcript 04-09-12 Public Outreach Hearing	
164	Tim Neuharth	Steamboat Acres		DPEIR			See Transcript 04-09-12 Public Outreach Hearing	
165	Euvonna Foster	Self-employed Farmer		CVFPP/DPEIR			See Mailed Comment Card	
166	Jan Vick	Mayor - City of Rio Vista		CVFPP			See Letter	
167	Matt Rexroad	Yolo County Supervisor		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
168	Tim Miramontes	Agriculture Stakeholder		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
169	William Lockett			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
170	Yana Berrier			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
171	Tom Ellis	Agriculture Stakeholder		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
172	Dr. Nat Seavy	PRBO Conservation Science		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
173	Curtis Knight	California Trout		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
174	Lauren Ward	Ward Farms		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
175	Lonn Mair	Pacific Gas and Electric		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
176	Kyle Lang			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
177	Christine Harlan			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
178	Art Pimentel	Woodland City Mayor		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
179	Lynnel Pollock			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
180	Chris Lee	County of Yolo		CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
181	William Mattos			CVFPP			See Transcript 04-11-12 Public Outreach Hearing	
182	Tom Ellis	Agriculture Stakeholder		DPEIR			See Transcript 04-11-12 Public Outreach Hearing	
183-01	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-3	While the Board of Supervisors supports developing a comprehensive plan, we have a serious concern with one proposed project in the CVFPP. The project of concern is the proposed Feather River Bypass and its effect on agricultural operations in the area along Cherokee Canal. The project, as described in the CVFPP, proposes to widen the existing Cherokee Canal that runs from the Shippee Road/Highway 99 area to the Butte Basin Overflow Area (BBOA) by adding a new levee (no side is indicated), improving the remaining existing levee and constructing an inlet structure to the bypass from the Thermalito Afterbay. The proposed bypass has not been fully vetted to determine the cost/benefit of the proposed project and its environmental and economic effects on surrounding properties. The proposed project appears to have been inserted in the CVFPP so as to have the project listed in the plan for future funding. The County believes that this is premature and that further analysis needs to be done before such a project is included in the CVFPP. County Public Works staff was involved in the scoping of projects in our area concerning projects that we felt needed to be addressed in the CVFPP, and this project was never discussed. County Public Works staff has provided comments to DWR in the past and during scoping meetings regarding the needed improvements to the Cherokee Canal to allow it to more efficiently carry the current flows that it is subject to. There have been a number of studies that document the need to improve the carrying capacity of the Cherokee Canal that would provide a basis for including this type of project in the CVFPP.	The County requests that the CVFPB eliminate the Feather River Bypass from the CVFPP and instead include a project that will make necessary improvements to the existing Cherokee Canal.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
183-02	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.4.4	3-12	Here there are two facilities that may affect Butte County that are described to be removed. It is not clear from the description exactly where they are located. The County would ask that these facilities be better identified so that we can more fully analyze the impacts to Butte County. The second location that is described appears to be close to the north end of the Butte Basin Overflow Area (BBOA) where there are two structures that allow the Sacramento River, when the gage at the Ord Ferry Bridge is at 114 feet or better, to overflow and inundate the BBOA. Those two locations are referred to as the "Murphy Plug" and the "3B's". The County has commented in the past that during high river flow events the 3B's overflow area erodes and thus lowers the effective weir height of the structure. The lowering of the structure height in turn increases the frequency of "nuisance" flooding of the upper end of the BBOA. This nuisance flooding not only inundates the agricultural lands in this area longer than normal but reduces the holding capacity of the BBOA when it is needed for major flood events. The County has recommended in the past and continues to recommend that this structure be reinforced and maintained to prevent erosion during major flood events and thus eliminate the nuisance flooding and reduced capacity of the BBOA.	The County recommends that theses improvements be reflected in the CVFPP so that should funding become available the project can be completed.
183-03	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-5	The County is pleased to see that the State has recognized the need to improve the levee system that protects the City of Chico and the urban areas of the County surrounding Chico from flooding caused by the streams that are in the Chico area. The improvement to an urban level of protection will be of significant benefit to residents in both the City and the surrounding County areas. These streams and their associated drainage basins have been extensively studied over the years by Butte County, State and Federal agencies.	Therefore, the County strongly supports the proposed improvements to the levee system that protects the City of Chico and the surrounding County urban areas.
183-04	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-8	Another project the County supports is levee improvements along the west side of the Feather River that protect the Yuba City and City of Marysville urban areas. A portion of these levees is located in Butte County and also provide protection to the cities of Gridley and Biggs. These levees have been identified for improvement by the Sutter Butte Flood Control Agency (SBFCA) of which the County is a member. SBFCA was formed in 2010 and an assessment voted on and approved by the property owners in the Agency boundary to fund the improvements. SBFCA is currently preparing designs and environmental studies for the First Phase of this major project with construction to begin in 2013. The inclusion of this project in the CVFPP would allow it to possibly be eligible for additional state and federal funding which would help to reduce the overall assessment for the affected property owners for the construction.	Therefore the County strongly supports this project and encourages the DWR to identify funds that could be used to assist in completing this important project.
183-05	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.3	3-10	In Section 3.3 Small Community Flood Protection, Page 3-10 the plan states that "Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas." It would be helpful if the plan identified the communities that would benefit from these improvements. The County believes that the cities of Gridley and Biggs would benefit from the improvements to the Feather River levees being targeted for improvements by the Sutter Butte Flood Control Agency to provide urban protection for the Yuba City and Marysville urban	It would be helpful if there was a chart in the plan that identifies these small communities so that the County could support this aspect of the plan.
183-06	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.4	3-10	Section 3.4 Rural-Agricultural Area Flood Protection, Page 3-10 identifies levee improvements that protect these rural areas. The County is supportive of improvements to the State Plan of Flood Control (SPFC) and Non-SPFC levees that protect the agricultural areas of Butte County. Agriculture is the main economic engine in Butte County and improvements that would protect this vital industry are important to the County. The County does have some reservation, though, about statements in this section of the plan that talks about restoration of "shaded riparian aquatic habitat, wetlands, or other habitat." There needs to be more specifics about what this restoration entails and the potential impacts to neighboring agricultural	The County does not support any restoration plan that would remove existing agricultural land from production to create these restored areas.
183-07	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.1	3-14	Section 3.5.1 Weir and Bypass System Expansion, Page 3-14. There is a reference to modifications to the Butte Basin Overflow Area. There should be more specificity as to what these modifications are.	The County's comments on the BBOA and the 3B's above would also be applicable here.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
183-08	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.3	3-15	The Intake structure for the proposed Feather River Bypass and the Butte Basin small weir structures are listed but no details are given as to where these are to be or are located. The County does not support the Feather River Bypass as stated above and would therefore recommend that this be taken out of the CVFPP as stated above. As for the Butte Basin structures without specifics as to what structures the plan is referring to we cannot fully comment on the proposal.	If they include the BBOA and 3B's facility commented on above then the County can support the proposal.
183-09	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.4	3-16	There is a discussion in this section about "Transitory Storage". It is not clear if this involves the storage in the BBOA.	If it does not than the County's comments concerning the BBOA and 3B's above are applicable.
183-10	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.7	3-18		The County's comments on the BBOA and 3B's would be applicable to this issue.
183-11	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.7	3-22	In the area of "Fish Passage Improvements" the Big Chico Creek system is listed as a proposed stream. It is not clear what improvements are being contemplated for this system and how they would impact the ability of the system to carry high flows and not flood surrounding properties.	If these proposed restoration improvements in any way diminish the carrying capacity of Big Chico Creek, the County would not support these improvements.
183-12	Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP			See attached letter from the Butte County Board of Supervisors as the complete set of Comments from the County of Butt on the CVFPP.	
184	Donna Critchfield	Colusa City Concil	dcritchfield@frontiernet.net	CVFPP			See Email	
185	Mike Inamine	Sutter Butte Flood Control Agency (SBFCA)	admin@sutterbutteflood.org	CVFPP			See Letter	
186	Steve Lambert	Butte County Board of Supervisors		CVFPP			See Letter	
187	Les Heringer	M&T		CVFPP			See Letter	
188	Steve Lockett	Agriculture Stakeholder		CVFPP			See Letter	
189	William P. Lockett	Agriculture Stakeholder		CVFPP			See Letter	
190	Charles and Arlene Bell			CVFPP/DPEIR			See 04-06-12 Comment Card	
191	Robert Scheiber	RD 1001		CVFPP			See Letter	
192	Tim Miramontes, et all (petition)	Agriculture Stakeholder		CVFPP			See Letter	
193	Lauren Ward	Ward Farms		CVFPP			See Letter	
194	Yana Berrier			CVFPP			See Letter	
195	Lonn Mair	Pacific Gas and Electric		CVFPP			See Handout from 04-11-12 Public Outreach Hearing	
196	Chris Torres	Chris Torres Farming and Equipment	dadofranki@yahoo.com	CVFPP			See Email	
197	Tom Madden	Valley Tool and Manufacturing Company	tom@rockhound.com	CVFPP/DPEIR			See Letter	
198	Catherine Marsh	Joseph M. Marsh Farms	1cjm@frontiernet.net	CVFPP			See Email	
199	Shannon Buchan	Sierra Sacramento Valley Medical Society	sbuchan@ssvms.org	CVFPP			See Letter	
200	Bob Williams	Tehama County Supervisor	dconstant@tehamacountyadmin.org	CVFPP			See Letter	
201	Michael Bessette	City of West Sacramento/West Sacramento Area Flood Control Agency	michaelb@cityofwestsacramento.org	CVFPP			See Letter	
202	Lisa Humphreys	Agriculture Stakeholder	lhumphreys09@gmail.com	CVFPP			See Email	
203	Glenn County Farm Bureau	Glenn County Farm Bureau	glenncfb@att.net	CVFPP			See Email	
204	Etta Lee Ramos		jamie@ysfarmbureau.com	CVFPP			See Letter	
205	William P. Lockett		jamie@ysfarmbureau.com	CVFPP			See Letter	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
206	David Lamon, City Services Director	City of Marysville	dlamon@marysville.ca.us	CVFPP	Appendix A, Attachment 8J	Table 4-12, page 4-14	The City of Marysville and Marysville Levee District have reviewed the overall plan and portions specific to the Marysville Ring Levee Urban flood control improvements. Overall we commend the plan and feel that it is a good framework for future flood control projects and System improvements. However, we are concerned with information related to the Marysville Ring Levee Improvements range of costs provided in Appendix A, Attachment 8J, Table 4-12 (page 4-14). This table shows a range of costs from $161.9 million to $194.3 million. According to the text, "A project cost was provided by DWR Flood Projects Office for each urban area. For purposes of this cost estimate, these were estimated to be low cost. In most cases, the low project cost estimate was increased by 20 percent to provide the high end of the cost estimate. For projects that have advance design studies, or are in progress or completed, the low and high costs are the same (i.e. 0 percent increase between low and high estimate). These projects also have a higher level of engineering already completed compared to other urban improvement projects, so there are no additional risk assessment, feasibility, engineering, and permitting costs included in the estimates." However, the Marysville Ring Levee Project is currently being implemented by the USACE through the Federal Yuba River Basin, California Project. Construction began in 2010 and is scheduled to be completed in 2016. According to the Yuba River Basin, California, Marysville Ring Levee Engineering Documentation Report (USACE, April 12, 2010), the total estimated project cost, including contingency and inflation through the midpoint of construction, is $92.5 million. Further, we have worked with DWR and the Corps to further refine the design and necessary improvements and have realized approximately 50% cost savings on Phase 1 alone. Therefore, we suggest that this table be revised to reflect a range of costs between $70 and $92.5 million per the USACE published Engineering Documentation Report to avoid contradictory cost information causing confusion for project stakeholders.	
207-01	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-17	4th bullet regarding work windows. In the second sentence it refers to "new " species. Recommend deleting "new" and replacing it with "additional".	If habitat is improved and increased in and near the flood system, an intended outcome is increases in population sizes and, potentially populations of additional species using restored areas.
207-02	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-18	3rd full paragraph. Recommend deleting the phrase "where feasible" and elsewhere in the document. Without additional information the reader does not know how an effort is evaluated for feasibility.	
207-03	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-12	The USFWS supports the concept of setback levees and widening the floodplain for both environmental and public safety reasons and where future feasibility studies show the benefits. We recognize that these actions can have a detrimental impact on agricultural and other interests and plan to work collaboratively with all involved to develop and implement sound projects.	
207-04	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2.7	2-25	The USFWS concurs and supports the idea of creating a flood system that would lower flood control operations and maintenance costs and may also be compatible with enhancing habitats within and adjacent to the flood system.	
207-05	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-30	6th bullet. We suggest this bullet be strengthened to include the language from the DWR Environmental Stewardship Policy which goes beyond "considering" opportunities for ecosystem restoration.	All levels of project planning and development should include environmental stewardship and ecosystem protection and restoration as criteria in project funding decisions.
207-06	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph. Recommend deleting "to the extent feasible" in the first sentence.	Levee projects in urban areas should consider setbacks based on the level of existing development and the potential benefits.
207-07	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph, 3rd sentence. Recommend deleting "consider" from the sentence.	Other improvements should incorporate ecosystem preservation, restoration and enhancement as funding criteria for project design and funding.
207-08	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-14	Feather River Bypass. The Service manages 10,311 acres of conservation easements and 733 acres of fee-title wetland habitat in the Butte Sink. The Service has concerns on the effect of creating a 32,000 cubic-foot per second bypass on or near Cherokee Canal and how that could affect the wetlands managed by the Service. Four major water delivery and fish passage structures have been built on or near Cherokee Canal and it is unclear how the bypass would effect the function and integrity of these	Coordinate with the Service during the Feasibility stage and the regional planning stages. The Service has a role both as a regulator, responsible for implementing the Endangered Species Act and Fish and Wildlife Coordination Act, and also as a land manager of numerous refuges in the Central Valley.
207-09	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-16	Section 3.5.5, last paragraph. We recommend deleting "where feasible" at the end of the last sentence.	
207-10	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	4th bullet. It should be made clear in this bullet that life-cycle management does not apply to the lower 1/3 of the waterside levee slope.	
207-11	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	5th bullet. There needs to be some clarification on use of term riparian habitat. Riparian habitat is the interface between the terrestrial and aquatic areas. Therefore, some of riparian forest referred to here would need to occur within floodplain (waterside of the levee). Habitat removed on the landside of the levee and levee crown would generally not be considered riparian habitat although some of the vegetative species may be the same. The upper 2/3 of the waterside levee could be considered riparian depending on the species composition and frequency of	These are important distinctions which need to be worked out in development of the Conservation Strategy.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
207-12	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-26	1st bullet. It should be clarified whether or not a project which does not meet at least one of the criteria listed here for "no-regrets program or action" would truly be considered a no regrets project by the State as it relates to early implentation projects.	
207-13	USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-35	Phase II. It is disappointing to see that setback levees may not be constructed until Phase II. We understand these take time to plan; however, it seems to imply here that they could not be a part of Phase I. Given that Phase I work is planned for the next 5 years, we would not want to see it discouraged as part of an EIP program.	
207-14	USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-1	The Conservation Framework does not focus on upland areas along with the broader watershed. This limitation could result in the failure of restoration actions. A standard starting point for any riverine restoration project, is to match the project to contemporary flow and sediment transport regime while balancing it with historical flow and sediment transport regime. These historic regimes are controlled by larger-scale geomorphic features. A watershed scale perspective is integral during the design phase of restoration/enhancement projects.	Incorporate a watershed approach to the Conservation Framework and Strategy.
207-15	USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-15	Table 2-3. Delta smelt is also State listed.	
207-16	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-3	USFWS fully supports DWRs Environmental Stewardship Policy which includes a provision for DWR to include environmental stewardship and ecosystem restoration as a criterion in project funding decisions for all DWR programs.	
207-17	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS agrees that consolidating meandering levees into shorter setback levees would decrease O&M, and provide improvements in floodplain processes, habitat quality, quantity and connectivity.	
207-18	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS concurs designs and budgets for flood projects should include actions that provide ecosystem benefits.	
207-19	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-16	LCM-USFWS reiterates its support for the LCM concept. However, we would expect that any vegetation removed on the waterside of the levee be planted elsewhere in the system on the waterside of the levee.	
207-20	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-22	Collaborating with Existing Regional Conservation Plans	You should also add CDFG Ecosystem Restoration Program and the Central Valley Project Improvement Act's Anadromous Fish Restoration Program.
207-21	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.5	ES-19	2nd bullet. We recommend deleting the word "needs" in the last sentence and insert clarifying language.	Each agency has its own requirements, guidance, and role in project implementation, and there are challenges associated with meeting the requirements of State and Federal laws under the jurisdiction of these agencies.
207-22	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Modified State System wide Investment Approach Alternative include LCM?	
207-23	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Achieve SPFC Design Flow Capacity Alternative include LCM or a variance proposal?	
207-24	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-37	There is a discrepancy in the language regarding mitigation plantings in the floodplain between Impact BIO-A-2 and Impact BIO-A-3. In A-2 it states: *Any mitigation plantings in the floodway will not be permitted if they would result in* ***substantial increases*** *in flood stage elevations or alter flows in a manner that would have a* ***substantial adverse effect*** *on the opposite bank*. In A-3 the statement is: *Any mitigation plantings in the floodway will not be permitted if they would result in* ***increases*** *in flood stage elevations, or* ***alter flows*** *affecting the opposite bank.*	
207-25	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Mitigation Measure BIO-T-1a: Before an NTMSA [or LMTA] is implented, the CNDDB will be searched to determine whether sensitive communities, habitats, and species observation records may be present in or near the project area.	CNDDB is a good tool, but one should not assume species absence based solely on negative search results for particular species.
207-26	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Impact BIO-T-1, 3rd bullet. It would also be appropriate to consult with the USFWS as compliance with the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act may be needed.	
207-27	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	1	1-5	line 18, the CVFPP study area does not encompass most of California (see Figure 1-3 on page 1-8).	Recommend the sentence be rewritten to: Because of the interconnected nature of flood management, water supply, and land use management decision making, the CVFPP study area encompasses much of the Central Valley.
207-28	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	2	2-12	line 31, suggest deleting "may be" and replace it with "are encouraged to...." This language closely aligns with the bullets on page 2-5.	
207-29	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.3.1	3.3-11	The detriments of flooding on agricultural production are discussed, but the reason so much farmland exists on historic floodplain areas is because of the benefits of soil and nutrient replenishment for agricultural crops.	Add a discussion that some agriculture may benefit from occasional flooding.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
207-30	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-42 & 43	There is a discussion regarding the thinning of riparian habitat. Do you mean narrowing or both thinning and narrowing. This could have different affects on different species.	Clarify the meaning of thinning.
207-31	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-44	The USFWS has concerns for the effect the VMS could have on habitat connectivity. In some reaches of the plan it would be very difficult to adequately offset the loss of vegetation due to VMS because the replacement vegetation would not be located in a way which restores connectivity.	
207-32	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	We agree with the bullet in line 8, however acreage is also an important component.	You should also be thinking in terms of acreage in addition to function and value.
207-33	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	You discuss providing compensation habitat that has been implemented by a levee maintenance agency or other entity. What other entities are you thinking of?	Clarify what potential other entities may be providing habitat restoration for compensation.
207-34	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-49	A bullet discusses doing a survey of shaded riverine aquatic (SRA) habitat before construction activities occur. This sounds as though it would be site specific. We believe a survey of the entire system need to be conducted very early on in the planning effort in order to determine the significance of the SRA habitat to the overall system.	Include a mitigation measure to survey SRA habitat for the entire system.
207-35	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-74	The CNDDB is to be searched to determine what sensitive habitats and species may be present and where. The CNDDB only shows species that have had a positive occurrence due to a survey. This would exclude areas that have sensitive habitats or species, but have not been surveyed and species that can be very difficult to detect even when directed surveys are done.	Examine species ranges and habitat preferences in order to determine what minimization and avoidance measures should be included for NTMAs.
207-36	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-76	When discussing compensation habitat, providing an endowment and conservation easement should be mentioned.	
207-37	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-82	The PEIR assumes that you can offset adverse effects to species and their habitats due to construction-related effects. However, in some cases this could be very costly or even impossible. Widening the bypasses or creating new bypasses could effect a large acreage of existing wetlands and rice. Some of these areas have a conservation easement held by the Fish and Wildlife Service for the protection of migratory birds. Changes in the ability to acquire water, the depth and/or duration of flooding, damage to infrastructure, the need for increased sediment removal, the need for increased invasive plant removal, and increased maintenance costs have not been analyzed.	Include an effect analysis which analyzed the effects on all of the concerns outlined in this comment. We believe that Service land is not the only land that would have these kinds of effects. There are numerous Department of Fish and Game Wildlife Areas that could be affected by bypass expansion or creation, as well as conservation easements and lands held by private conservation organizations.
207-38					3.6.4	3.6-82	Similar to the above comment, the PEIR does not address the effects to habitat that would be used to create or enlarge bypasses. Currently, there are two conservation banks for giant garter snake, which border the eastern levee of the Sutter Bypass. Expansion of this bypass to the east would cause significant effects to these lands which serve as compensation for adverse effects to giant garter snake. While snakes can and do use the bypass during the summer months, adverse effects occur to overwintering snakes when the bypass floods through potential mortality through drowning. In addition to the conservation banks, there is rice habitat adjacent to many bypasses, which provides habitat for giant garter snakes, but would also be negatively affected by incorporating these areas into the bypasses.	Analyze effects of habitat loss to giant garter snake and avoid bypass expansion in areas with high quality habitat.
207-39	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-84	There is a statement which says "Authorized losses of habitat will not exceed the function and value of available compensation habitat." It can be difficult to determine the value of habitat to a particular species in order to offset any loss of value. While it is important to look at the quality of the habitat, the sheer loss of quantity of habitat would require that it at least be replaced and depending on temporal effects it may need to be replaced in greater quantity than what is affected.	
207-40	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-89	As stated above, the USFWS has concerns on the long-term effects of VMS on riparian connectivity. In order to adequately analyze the effects of VMS and LCM to the system, DWR should survey the rivers within the planning area in order to review which areas currently lack connectivity and therefore are negatively affecting riparian species which require connectivity as well as which areas would be degraded and cause fragmentation.	Include a survey of the riparian habitat, in order to analyze the effects of VMS and LCM on riparian habitat connectivity. This would also potentially locate areas for possible setback levees.
207-41	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-90	There is a bullet which implies that if there is little to no woody vegetation existing, then the VMS would result in little change from existing conditions. While this is true, it also does not allow for potential to improve conditions. This would permanently create a degraded condition, which may cause the eventual decline of some species (riparian brush rabbit).	Look at the rivers within the planning area as a system and determine where connectivity is needed. These areas would be adversely affected by not allowing vegetation to grow on them in a future condition. This effect should be included in the document.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
207-42	USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	4	4-29	While the BDCP was included as a project which met the conditions for inclusion in the cumulative impacts, it doesn't seem to have been given much consideration. BDCP is considering lowering a portion of the Fremont Weir to allow more frequent inundation of the Yolo Bypass. It does not appear that DWR has considered the effects of both allowing more frequent inundation with the CVFPP measure of potentially widening the Fremont Weir.	Provide a cumulative effects section which analyzes the effects of the multiple projects occurring and how that may affect fish, wildlife and their habitat.
208	Charles Marsh	Reclamation District 479	bigsycamoretree@gmail.com	CVFPP			See Letter	
209	Michael D Andreotti	Agriculture Stakeholder	boardclerk@countyofcolusa.org	CVFPP			See Comment Card for Colusa Area	
210	Mark Andreotti	Agriculture Stakeholder	boardclerk@countyofcolusa.org	CVFPP			See Comment Card for Colusa Area	
211	R Davies	Davies Oil	robjdavies@yahoo.com	CVFPP			It is with great concern for our community that I ask the board to consider the impact of its' actions. Colusa County is much like the greater body of California in that it is driven largely by the commerce of agriculture. Truly few in numbers, California farmers have helped to feed the world for over 100 years. Through much adversity, the California farmer has worked hard to keep food not only on his table but yours and mine as well. However, his commitment to task comes with the responsibility of not only caring for his crops but the health and well-being of all that influences his land. Like the farmer, you are charged with the responsibility to consider the health and well-being of those influenced by your actions. This includes those in highly populated areas such as Natomas as well as those of us who live in smaller yet no less important communities. From Redding to the Sacramento Delta, you are obligated to keep whole each and every citizen, to the best of your ability. It is my understanding that part of the proposal before you puts valuable farmland at risk of becoming floodplain, an outcome we adamantly oppose. To take out of production, to put one acre of farmable ground at risk of becoming floodplain is to misappropriate an asset of California, indeed of this great nation, that is literally irreplaceable. It is my understanding that much of the levee system that has kept us safe for so many years was actually designed and built by farmers. In fact, when I hear of 100 and 200 year flood plans I think of those wise men and women who didn't have the luxury of knowing what history might afford them. We now know they were actually making history by putting together a river and levee system that has worked tirelessly for these many years. It seems only logical to me that those of us now charged with the task of "improving" the current system should include, in fact, insist on having the insight and knowledge of the farming community be part of the solution. Respectfully, Robert J. Davies Colusa, CA.	
212	John Cardoza	Agriculture Stakeholder	jcardoza40@gmail.com	CVFPP			See Email	
213	Gemma M. Biscocho	San Joaquin Area Flood Control Agency (SJAFCA)	gemma.biscocho@stocktongov.com	CVFPP			See Letter	
214	Suzi Kinkle		sckinkle@sbcglobal.net	CVFPP			See Email	
215	Kathy Yerxa	Colusa Shooting Club	kathy@rivervistafarms.com	CVFPP/DPEIR			See Comment Card	
216	Woody Yerxa	Colusa Area Landowner	kyerxa@frontiernet.net	CVFPP			See Comment Card	
217	Melinda Terry	CA Central Valley FCA	melinda@cvflood.org	CVFPP			See Letter	
218	Jacob Cardoza	Agribusiness	jcardoza3@csustan.edu	CVFPP			See Email	
219	Brian Anthony	Agriculture Stakeholder	banthonyrocha@yahoo.com	CVFPP			See Email	
220	Dale Clever	City of Colusa	daleklever@sbcglobal.net	CVFPP			See Letter	
221	Carl Lindahl	Lindahl Farms		CVFPP			See Letter	
222	Jeff Moresco	Agriculture Stakeholder	aggiejeff@frontiernet.net	CVFPP			See Email	
223-01	Joe Lastufka	Taxpaying Property Owner - You work for me!	jlstfk@yahoo.com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	I oppose the Feather Rever bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelyhood, and you are treatening to drown me!	Do not even attempt to buil the Feather River Bypass. The government has problems maintaining what already exists. My proposed modification is that you hire someone who can figure this problem out and improve my life as well as others. That is your Job and you have failed. If you need to dredge the rivers, raise the dams, build more dams, raise the levees, then do it. Figure out how to capture more of the "floodwater" and deliver that water to southern California. Northern California gets the flood protection Southern California gets the water.
223-02	Joe Lastufka	Taxpaying Property Owner - You work for me!	jlstfk@yahoo.com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	I oppose the Feather Rever bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelyhood, and you are treatening to drown me!	Increase the water sorage capacity with higher dams or more of them. Only an envronmentalist would dislike increased water storage. Let them go without water so they can't flush their toilets and if they refuse to leave then flood them out in the winter time.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
224	Francis & Pat Lastufka	Resident / Farmer	lstfk@yahoo,com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	We oppose any modifications / changes to the Butte Sink floodwater drainage area that would increase the water flow into the Butte Sink specifically the additional Feather River water.	Increase the drainage capacity of the Butte Sink area without increasing the flows into it. Prove you can properly maintain what exists before increasing the flood protection systems maintenence requirements
225-01	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	2	2 7	Urban areas are targeted for 200 year protection while rural areas are targeted for 100 year protection	provide an equitable level of protection for rural small communities
225-02	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	2	2 9	the plan notes levels of protection would generally not improve in rural-agricultural areas	consider providing a greater level of flood protection to the rural-agricultural areas
225-03	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	2	2 12	there is no mention of the sites reservoir as transitory storage	include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
225-04	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 3	the plan indicates 200,000 af easements in the Sacramento watershed	please indicate if these are addition easements and if so where are they located and by what method would they be acquired.
225-05	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 4	the plan mentions fish passage east of butte basin	what is the nature of the improvement
225-06	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 10	23 small communities receive improved flood protection	please identify the communities
225-07	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 10	it would appear that rural communities are not receiving equitable flood protection consideration consideration	at a minimum bring levees up to minum design standards
225-08	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 11	economically feasible is mentioned thru-out the document	consider providing a greater level of economic consideration to the rural communities
225-09	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 11	the plan indicates the State will prioritize the improvements addressing the greatest need first	consider a more proactive engagement of local entities in determining these priorities
225-10	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 13	the flexibility to shift water between watersheds is understandable	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir as it would potentially assist in mitigating additional flows to the Sacramento watershed, a watershed already recognized as being impacted.
225-11	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 14	mod to moulton Colusa tisdale	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
225-12	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 16	there is no mention of the sites reservoir as transitory storage	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
225-13	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 18	what improvements how much lower how much more water don't flow march 1	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering"
225-14	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 18	whole heartedly agree with the increased impacts to ag practices	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
225-15	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	3	3 22	we applaud the notion of system self mitigation	please address the apparent disparity between 'habitat establishment' and flood control functionality (i.e. trees in the bypass restrict the capacity of the bypass)
225-16		Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	4	4 31	The State's active support of the Agricultural Floodplain Management Alliance (AFMA) is very important to achieving the needed changes to the NFIP.	Fully Engage AFMA in discussions relative to the Flood Plain Risk Management Plan
225-17	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.com	CVFPP	General Comment entire document		AS the Plan is intended to be a "frame work" or "over view' of Flood control in the Central Valley, it would seem more appropriate to not specifically indentify projects within the plan.	Remove references to project specifics throughout the document. It is also recommended that the Plan be adopted WITH OUT Technical Appendices.
226	Denise Carter	Colusa County Board of Supervisors	cocolusa@countyofcolusa.org	CVFPP			See Letter	
227	Joe Damiano	Colusa County Agricultural Commissioner	jdamiano@countyofcolusa.org	CVFPP			See Letter	
228	Rachel McGowen	Butte County Farm Bureau	rachel@buttefarmbureau.com	CVFPP			See Letter	
229	Denise Sagara	Yolo County Farm Bureau	denise@yolofarmbureau.org	CVFPP			See Letter	
230	Diane Ross-Leech	Pacific Gas and Electric	dpr5@pge.com	CVFPP/DPEIR			See Letter	
231	Melvin Borgman		melvin.borgman@yahoo.com	CVFPP			See Email	
232	Paul and Kathy Sankey	Colusa Area Landowner	mksankey@sankeyauto.com	CVFPP			See Email	
233	Eric Miller	Richvale Irrigation District	rid@pulsarco.com	CVFPP			See Letter	
234	Daniel Kelly	Levee District 1	dkelly@somachlaw.com	CVFPP			See Letter	
235-01	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		We believe that the BDCP, Delta Plan and Delta Conservation Plan should be consistent with regards to land use policy. Specifically, these plans should all include a policy that the plans will not usurp private property rights and shall respect the vested rights given by prior local land use approvals. A policy that definitively states that notwithstanding any other policy provided in the Delta Plan, that in no way should the Delta Plan abrogate existing vested rights	Provide a policy statement as follows: "Notwithstanding any other policy provided in this Delta Plan, in no way shall the Delta Plan abrogate any existing vested property right of any property affected by the Plan."

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
235-02	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan does not define "200-year flood protection" that is required for urban areas.	If a clear definition for 200 year flood protection cannot be provided, then the Plan should include a direct statement that development will not be delayed pending specific information. It should be up to the local agency to determine the 200 year event. In areas where specific 200 year modeling has been done, as in the Lower San Joaquin River area, the Plan should include a statement that the existing modeling is sufficient for use in determining the 200 year event.
235-03	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan does not mention urbanizing areas where development is occurring that has been previously approved by local governments.	The definition and requirement for 200-year flood protection should extend to urbanizing areas as well as established urban areas.
235-04	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		All references to the Paradise Cut flood bypass should indicate its location south of Stewart Tract.	(Same as comment).
235-05	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan should acknowledge that Califia funded and owns the HEC-RAS flood model utilized by the Plan that should be used in establishing the 200 year flood event.	(Same as comment).
235-06	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		We believe that the attachments and appendices to the Delta Plan should illustrative only since they are so voluminous and detailed, that there has not been adequate time to review them completely.	(Same as comment).
235-07	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan should acknowledge that approved development within the Secondary Zone of the Delta should not be affected by the Plan's policies, other than the existing requirement to provide 200-year flood protection.	(Same as comment).
235-08	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 2.8	2-29	Section 2-8 includes a reference to “deep flood plains” as areas inundate three feet or greater. The section should clearly state that the Plan does not intend to create a new definition and that the term is being used in the context of this section only.	(Same as comment).
235-09	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.2	3-6	Figure 3-2 incorrectly shows the Stewart Tract (area north of Paradise Cut) as part of an expanded flood bypass. Previous correspondence from Califia includes an updated figure that corrects this error.	Insert updated Figure 3-2 as previously provided.
235-10	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.5.2	3-15	We are pleased to see the language regarding the evaluation of a Lower San Joaquin River Bypass and the potential for the State to purchase easements from willing sellers to accommodate the bypass. The section should be expanded to describe the current effort between Califia, LLC, NRDC, Natural Heritage Institute, DeltaKeeper, American Rivers and others to move this project forward. The description of the project should also indicate the specific location within the Pescadero Tract as an expansion of the existing Paradise Cut bypass.	Include language in this section to describe the current effort between Califia, LLC, NRDC, Natural Heritage Institute, DeltaKeeper, American Rivers and others to move this project forward. The description of the project should also indicate the specific location within the Pescadero Tract as an expansion of the existing Paradise Cut bypass.
235-11	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.15	3-44	The text box on this page titled, "Limiting Growth in Central Valley Floodplains" indicates that "urban flood risk reductions under the SSIA will be limited to areas protected by facilities of the State Plan of Flood Control." It should be noted that Paradise Cut, the only existing flood bypass in the San Joaquin River system is part of the facilities in the State Plan of Flood Control and is proposed for expansion with the Lower San Joaquin River bypass improvements.	Included language that Paradise Cut, the only existing flood bypass in the San Joaquin River system is part of the facilities in the State Plan of Flood Control and is proposed for expansion with the Lower San Joaquin River bypass improvements.
235-12	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 4.4.2	4-21	Stewart Tract and Pescadero Tract should be shown as part of Lower San Joaquin River region and not Delta-South within Figure 4-3. The Stewart Tract in particular is an urban area with vested, existing entitlements within the Secondary Zone of the Delta. Paradise Cut is the key existing facility of the State Plan of Flood Control to alleviate flooding on the San Joaquin River in the region, and future expansions of the bypass will include areas of the Pescadero Tract.	Update Figure 4-3 to show Stewart Tract and Pescadero Tract as part of the Lower San Joaquin River region.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
235-13	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	DPEIR	Section 5.2.3	5-6 and 5-7	This section states that the Modified SSIA Alternative, "also includes expanding the Yolo Bypass and widening Fremont Weir, but does not include any of the other bypass expansions and related improvements contained in the proposed program. This alternative presents a less construction-intensive alternative that addresses only the most critical stressors on public safety, operations and maintenance, and ecosystem function, while minimizing potential adverse environmental effects." We believe that this statement is erroneous and downplays the importance of a flood bypass for the San Joaquin River watershed. The existing Paradise Cut bypass, the only bypass in the San Joaquin River watershed can be improved/expanded to help alleviate potential flood damage to a large portion of the cities of Stockton, Lathrop, and Manteca and protect vital public facilities located near Stockton, such as San Joaquin General Hospital, the San Joaquin County Jail and Veteran's Administration Facility.	This alternative should be modified to include improvement/expansion of Paradise Cut and the Paradise Weir, in addition to the planned improvements to the Yolo Bypass and Fremont Weir.
236	Matt Kondolf	UC Berkeley - Landscape Architechture and Environmental Planning	kondolf@berkeley.edu	CVFPP			See Letter	
237	Jeff Spence	Reclamation District 777	jeff@laughlinspence.com	CVFPP			See Letter	
238	Daniel Kelly	Sutter Bypass Butte Slough Water Users Association	dkelly@somachlaw.com	CVFPP			See Letter	
239	Mary Pitto	Regional Council of Rural Counties	mpitto@rcrcnet.org	CVFPP			See Letter	
240	John R. Cain (15 others)	Bay-Delta and Central Valley Flood Management (Conservation Community)	srothert@americanrivers.org	CVFPP			See Letter	
241	John Cain	American Rivers	srothert@americanrivers.org	CVFPP			See Letter	
242	Justin Fredrickson	California Farm Bureau Federation	photz@cbf.com	CVFPP			See Letter	
243	Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.org	Technical Attachments	All	All	Many of the attachments and appendices were not published until as late as four weeks ago, well beyond the December 31,2011 deadline for the plan. Neither the CVFPB nor the public have had the statutory and intended six months to review and comment on the details of the CVFPP provided in the attachments and appendices. As has been stated at many of the public hearings, phase 3 and 4 of the development process were not completed due to time constraints.	We suggest that the CVFPB require DWR to complete the process it designed and started
244	Tara Brocker	Yuba-Sutter Farm Bureau	jamie@ysfarmbureau.com	CVFPP			See Letter	
245	Scott Smith	North-state Diving	scott@northstatediving.com	CVFPP			See Email	
246	Matthew Keasling on behalf of Moore Family	Taylor & Wiley	mkeasling@taylor-wiley.com	CVFPP			See Email	
247	Anjannette Shadley Martin	Western Canal Water District	anjannette@westerncanal.com	CVFPP			See Letter	
248	Patrick Roche	Contra Costa County	patrick.roche@dcd.cccounty.us	CVFPP			See Letter	
249	James Gallagher	Sutter County Supervisor	james@ricelawyers.net	CVFPP			See Letter	
250	Katie Patterson	San Joaquin Farm Bureau	kpatterson@sjfb.org	CVFPP			See Letter	
251	Sherry Smith	Agriculture Stakeholder	ricefarmersdaughter@yahoo.com	CVFPP			See Email	
252	Sacramento County Farm Bureau	Sacramento County Farm Bureau	sacfarmbur@msn.com	CVFPP			See Letter	
253	Al Montna	Montna Farms	janicecain@montnafarms.com	CVFPP			See Letter	
254-01	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Draft Programmatic Environmental Impact Report (DPEIR)	3.5	3.5-1	The Biological Resources - Aquatic section seems to be limited on the discussion of delta smelt. This is concerning due to the fact that they are in the Sacramento River. More discussion should be included regarding the potential affects to this state listed endangered fish species	
254-02	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-3	It is stated, "the Sacramento River is one of California's largest and most important aquatic ecosystems". Furthermore, it should be stated that the Sacramento River is California's largest river system	
254-03	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-5	It is stated, "Setback levees exist along portions of the river upstream from Colusa, but leeves become much narrower along the river's edge as the river continues south to the Delta". This statement is not entirely true as levees do not become "narrower" instead, levees are built closer to the river's edge thus creating a more confined channel	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
254-04	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-5	It is stated, "Most of the levees along the lower Sacramento River are lined with riprap, which reduces the ability of the levees to contribute erodible substrate, reduces habitat variability, and nearly eliminates the processes that lead to the development of complex shaded riverine aquatic (SRA) habitat preferred by native species...". Due to the creation of poor habitat conditions it is of great importance that future plans for habitat enhancement be implemented in these reaches of the river. Every avenue for the construction of new setback levees in areas where feasible should be explored.	
254-05	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 15	3.5-5	"Shaded riverine aquatic", has been defined and previously abreviated and should be abbreviated in the rest of this section	
254-06	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 42	3.5-5	There is no such species as the "Feather River Chinook salmon". Rather, this should be stated as Chinook salmon in the Feather River.	
254-07	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 2	3.5-6	"pools/ponds", the forward slash should be spelled out and replaced with the word "and" instead	
254-08	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-6	The scientific name should be included for green sturgeon.	
254-09	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-6	It should be noted that the Daguerre Point Dam acts as a fish barrier for salmon as well as salmon cannot all pass over the ladder at all times of the year.	
254-10	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-9	It's stated that there are no spawning anadromous salmonids in the San Joaquin River. This is an inaccurate as there are both spawning California Central Valley Steelhead and Fall-run Chinook present	
254-11	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-41	NMFS agrees that implementing the vegetation management strategy (VMS) will result in a gradual reduction of existing riparian habitats. A vegetation variance should be applied for on proposed project sites. This is especially important in the State System Wide Improvement Area (SWIA) as a large percentage of this area is designated as critical habitat and essential fish habitat (EFH) for listed fish species. The eventual die off of levee vegetation without allowing for vegetation recruitment could lead to jeopardizing the future existence of these ESA listed fish species. The VMS would create a situation where all project related actions may not be able to be mitigated for.	
254-12	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-45	More analysis needs to be included regarding negative impacts to fish resulting from the removal of levee riparian forests. For instance, this would include a reduction in the reproductive productivity of invertebrates which is a food source for many fish species, loss of SRA, loss of large woody material (LWM) and debris as a refuge for fish and escapement of fish predators.	
254-13	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-48	It is stated, "it cannot be assured that in all instances fisheries impacts would 8 be mitigated to a less-than-significant level". Further mitigation efforts will be a requrement of the regulatoury agencies to ensure impacts to listed fish species are not at a significant level thus, additional mitigation will need to be conducted.	
254-14	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-58	Scientifically engineered land grading on newly designed floodplains will need to graded allow for proper drainage as floodplains recede in order to prevent fish entrainment.	
254-15	Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-59	It is stated that, as a result of future operational changes in multiple Central Valley reservoirs, flow patterns could benefit fish in some instances and adversely affect them in other instances. If these operational changes result in adverse effects on listed fish species then this will contradict legislative direction to improve habitat for the future existence of listed species. Legislative direction is given in the CVFP Act of 2008 Water Code Section 9616 (a) (Act) that mandates system improvements to be made in water conveyance practices which will promote natural ecosystem functions. More specifically, "promote natural dynamic hydrologic and geomorphic process as to promote the recovery and stability of native species populations and overall biotic community diversity". Therefore, any changes in water conveyances that will result in redd scouring, change in water temperatures or increases siltation as specified in the DPEIR will not be consistent with the environmental objectives set forth in the Act and is also clearly stated as goals in the CVFPP Conservation Framework.	
255	Jim Provenza	Yolo County Board of Supervisors	phillip.pogledich@yolocounty.org	DPEIR			See Letter	
256	James Houpt		jhoupt@houptlaw.com	CVFPP			See Letter	
257	Ryan Schohr	Agriculture Stakeholder	ryan@schohr.com	CVFPP/DPEIR			See Letter	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
258	Justin Fredrickson	California Farm Bureau Federation	jfredrickson@cfbf.com	DPEIR			See Letter	
259	Susan Schohr	Agriculture Stakeholder	ricencows@schohr.com	CVFPP			See Letter	
260	Bill Emlen	Solano County	rmsmith@solanocounty.com	CVFPP			See Letter	
261	Artemio Pimentel	City of Woodland - Mayor	ana.gonzalez@cityofwoodland.org	CVFPP			See Letter	
262	Ron Erny		rerny@succeed.net	CVFPP/DPEIR			See Letter	
263	Jeff Moresco	Agriculture Stakeholder	aggiejeff@frontiernet.net	CVFPP			See Email	
264	Mario Consolacion	Contra Costa County Flood Control and Water Conservation District	mcons@pw.cccounty.us	CVFPP/DPEIR			See Letter	
265	Max sakato	Reclamation District 1500	xminusmax@yahoo.com	CVFPP			See Letter	
266	Roger Swanson	Wild Goose Club	swanson409@sbcglobal.net	CVFPP/DPEIR			See Letter	
267	Duplication of Index No. 226							
268	Jared J. Gross	Wilbur-Ellis Company	jgross@wilburellis.com	CVFPP			See Letter	
269	Jack W. Baber	Reclamation District 1004	rd1004@comcast.net	CVFPP			See Letter	
270	Robert Scheiber	Reclamation District 1001	asstrd@syix.com	CVFPP			See Letter	
271	Daniel Desmond	Butte County Rice Growers Association		CVFPP			See Letter	
272-01	USACE	USACE		2012 CVFPP Public Draft	General	N/A	When compared to existing conditions, improvements to upstream levees and/or increased upstream system capacity will likely increase the probability of flood flows being conveyed downstream. The CVFPP does not describe how increased downstream flood probability (relative to existing conditions), will be addressed on a system-wide basis.	
272-02	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The term "attenuation" is misused in many locations to describe peak flow reduction from several different processes. Attenuation should refer to flood wave attenuation.	
272-03	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Recommend describing what Early Implementation Project (EIPs) are included in the without-project, with-project, conditions used for analysis. Without additional information, it is not clear what assumptions are being incorporated into the document.	
272-04	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Many places throughout the document describe USACE policy as requiring removal of all woody vegetation from levee slopes and toe areas. The document does not point out that a vegetation variance may be sought that may allow some woody vegetation to remain.	
272-05	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The term “vegetation variance” is used when referring to the August 3, 1949 HQ approval to modify the O&M manual to allow brush and small trees to be retained on the waterward slope… Recommend using the term deviation so it’s not confused with the vegetation variance policy currently being used.	
272-06	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Document should discuss potential growth inducement associated with the State Systemwide Investment Approach.	Add text addressing potential growth inducement associated with the State Systemwide Investment Approach
272-07	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Document should discuss how levee superiority could be incorporated into the State Systemwide Investment Approach.	Add text discussing how levee superiority could be incorporated into the State Systemwide Investment Approach
272-08	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Document should address how information from the National Levee Database, developed by the U.S. Army Corps of Engineers is being utilized in the CVFPP.	Add text discussing National Levee Database.
272-09	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The CVFPP does not include consideration of endangered and threatened species. Recommend including language acknowledging that site-specific coordination with resource agencies may be required to address impacts to listed species.	
272-10	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The CVFPP does not include any processes to analyze the cumulative impacts of permitted and unpermitted encroachments on levees. Encroachments, whether unpermitted or permitted, may present some of the most significant flood risk impacts to public safety within the flood protection system. There are currently over 18,000 permitted encroachments in the system with requests for future permits coming to the CVFPB daily. The State's Plan should address the issue of encroachments in some detail.	
272-11	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The CVFPP states that assistance under PL 84-99 has not been cost effective as compared to the dollars spent on rehabilitation assistance in recent years. This analysis does not take into account the losses that could occur if the rehabilitation is not completed in a timely manner after flood events. The cost analysis should be revisited with consideration given to potential losses that may occur if rehabilitation work is not undertaken.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-12	USACE	USACE		2012 CVFPP Public Draft	General	N/A	To address water resources challenges in California, including flood risk management, an examination of the system from above the rim reservoirs to the headwaters and downstream into the San Francisco Estuary will be required.	
272-13	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Instead of proposing to continue the interim standards for vegetation management, the CVFPP should address the proposed long-term approach to vegetation management as contemplated in the February 2009 Framework agreement. The Corps expected for the Central Valley Flood Protection Plan to update or provide the basis for creating a new Framework document to address continued extensions of eligibility under the RIP and Pub. L. No. 84-99 for California.	
272-14	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The CVFPP frequently refers to "USACE Feasibility Studies." All US Army Corps of Engineers feasibility studies are conducted with a non-Federal cost-sharing partner. The California Department of Water Resources and/or the Central Valley Flood Protection Board often, but not always, fill that role.	
272-15	USACE	USACE		2012 CVFPP Public Draft	General	N/A	There is no discussion within the CVFPP regarding the approach for encroachment enforcement. There have been widespread identification of unauthorized encroachments that are negatively impacting levee stability and a plan for moving forward is appropriate.	Recommend adding an encraochment section
272-16	USACE	USACE		2012 CVFPP Public Draft	General	N/A	There are many stream gages listed in the O&M manuals. For example, I street gage is required for operation of Sacramento Weir. Are these also part of the SPFC? If so, what is their status relative to standard operating procedures, data quality, completeness, etc?	
272-17	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The comparison of performance should describe the overall performance throughout the system, for a range of flood events. From a flood risk management perspective, the critical performance is the flood frequency at which flood damages are likely to occur and this varies throughout the system. Suggest describing the performance of each alternative by reach. For example, describe performance by the frequency of the flood that would exceed a reaches capacity. Reach capacity could be defined for, overtopping, freeboard encroachment, or 90% Conditional Non-Exceedance	
272-18	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Suggest differentiating flood risk between geotechnical performance and hydraulic/hydrologic capacity. The focus of Hydraulic/hydrologic capacity is the size of features (width of conveyance, height, etc) and overtopping related flood risk. The focus of geotechnical performance (fragility curves) is reliability.	
272-19	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Operations and maintenance cost are repeatedly described as "high" throughout the document. Recommend that specific thresholds or general ranges are defined for the use of general terms such as "low", "medium", and "high."	
272-20	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The term "chronic erosion" is used throughout the document without definition. The USACE does not understand how this term is being used as applied. Please include a definition.	
272-21	USACE	USACE		2012 CVFPP Public Draft	General	N/A	In several locations the document uses the term 100-yr storm when it should be 100-yr flood. The term storm event refers to the precipitation event. A flood event is the result of precipitation in combination with antecedent conditions (snow pack, infiltration, etc). In most cases used in this document, the term 100-yr storm should actually be 100-yr flood. See http://ga.water.usgs.gov/edu/qafloods.html for description.	
272-22							Comment Removed per request of Commentor	
272-23	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Because the CVFPP's goals are different for urban and non-urban areas, recommend providing maps describing urban and non-urban areas.	
272-24	USACE	USACE		2012 CVFPP Public Draft	General	N/A	Recommend providing maps describing residual floodplain risk for each approach within the CVFPP. Also include a description of the residual risk of each approach compared to FRM objectives for urban and non-urban areas.	
272-25	USACE	USACE		2012 CVFPP Public Draft	General	N/A	In order to relate inadequate conveyance capacity to other potential system hazards, it would be helpful to highlight the history of geotechnical instability and seepage induced (i.e. non-overtopping) failures in the system. This would provide a very meaningful context for understanding the relative risk of the overtopping hazard.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-26	USACE	USACE		2012 CVFPP Public Draft	General	N/A	The state has also started a Climate Change pilot study that will examine the sensitivity of climate change variables and reservoir inflow in the Feather-Yuba river system and in the Merced River system. The results of this study will not be available until the fall of 2013. The remaining reservoir locations in the Central Valley will be examined in FY 13 and Fy14 resulting in a sense of the sensitivity of climate change to reservoir inflow and a possible shift in flow frequency at downstream locations. The threshold study and the preliminary pilot study correctly discern the possible effects that climate change will have on the Central Valley flood protection system. The Corps has no additional comment on the Climate Change attachment.	
272-27	USACE	USACE		2012 CVFPP Public Draft	1	Page 1-1	Potential for failure is described as "high" in the document. Recommend that specific thresholds and criteria are defined for the use of general terms such as "low", "medium", and "high."	
272-28	USACE	USACE		2012 CVFPP Public Draft	1/1.1	1-1	There is reason to question the Hydrology appendix, section 1.1, page 1-1, 3rd paragraph, "Hydrology from the Comprehensive Study is applicable for use in the 2012 CVFPP because no major flood has occurred in the Sacramento and San Joaquin river basins to modify the hydrology since development of the Comprehensive Study". The hydrologic flow frequency estimates can also change because of new methods of analysis. For instance the USGS "Regional Skew for California, and Flood Frequency for Selected Sites in the Sacramento-San Joaquin River Basin, Based on Data through Water Year 2006", Scientific Investigations Report 2010-5260, will influence the skew coefficients used in development of new flow frequency curves. The state has begun a study of the Central Valley to refine flow frequency curves which is not yet ready for the 2012 CVFPP report, however new methods of analysis and an additional 10+ years of record will certainly result in some changes to the hydrology of the Central Valley.	
272-29	USACE	USACE		2012 CVFPP Public Draft	1/	Page 1-3	Second sentence is incomplete. The sentence refers to five locations but describes the latitude of Chico.	
272-30	USACE	USACE		2012 CVFPP Public Draft	1/	Figure 1-3	Figure should note if these are regulated or unregulated flows (or both). Assuming it is both, the historical records shown in figure 1-3 can be misleading because they are based on non-uniform hydrologic conditions. The document notes that 3-day values are used, presumably to approximate a uniform record with reservoirs. Suggest noting on figure when upstream reservoirs were completed.	
272-31	USACE	USACE		2012 CVFPP Public Draft	1/	Page 1-6	Recommend the term "regulate flood flows" rather than "moderate flows"	
272-32	USACE	USACE		2012 CVFPP Public Draft	1/	Page 1-16	Recommend revising the following sentence. "In addition, as the moderating effects of snowpack on runoff decrease..." The word "moderating" does not seem to apply and the description of the issue is unclear. It is more clear in chapter 4, attachment 7 because of the information in the supporting paragraph.	
272-33	USACE	USACE		2012 CVFPP Public Draft	1/	Page 1-18	Another impact of concern is the potential transfer or increase in flood risk to other locations within the system. For example, increasing upstream capacity to convey a larger flood would reduce upstream overtopping and allow larger floods to be conveyed downstream.	
272-34	USACE	USACE		2012 CVFPP Public Draft	1/1.4.1	page 1-19	FEMA's ongoing flood risk mappping program is an effort to consolidate better information and knowledge of increasing flood risk. The notable current trendis the increased flood risk, not the mapping program.	
272-35	USACE	USACE		2012 CVFPP Public Draft	1/1.4.1	Page 1-19-20	The USACE project delivery process, including project formulation, design, and funding, are largely defined by Federal law and regulation. Those constraints affect the scope of responsibilities that the State, or any non-Federal sponsor, is able to assume.	
272-36	USACE	USACE		2012 CVFPP Public Draft	1/1.4.1	Page 1-19-20	Multipurpose projects have an evaluation process that does take into account the values of ecosystem restoration. The reason for the disparity between urban and rural projects is the difference in the economic value of urban residences and structures vs. agricultural crops - not environmental restoration.	Recommend revising text to accurately reflect Federal regulatations with regard to integrating ecosystem restoration projects.
272-37	USACE	USACE		2012 CVFPP Public Draft	1/1.6	page 1-21	The CVFPP was not prepared in coordination with the USACE. The USACE did not participate in the composition of the draft CVFPP or the analysis of the supporting data. The USACE is therefore not in a position to determine whether the CVFPP is a defensible document from the perspective of the federal government. Ultimatley, in order to make that determination, the various elements of the CVFPP will need to be evaluated through the USACE project planning process. The USACE has provided comments on the CVFPP through the public commenting procedures. USACE comments provided are not exhaustive and should not be read to be an endorsement or support of the CVFPP as a whole.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-38	USACE	USACE		2012 CVFPP Public Draft	1/Box Inset: Coordination with other programs and projects	page 1-29	It is USACE's understanding that the California Water Plan is California's umbrella strategic document for water resource management in California. Coordination efforts specific to coordination between the CVFPP and The California Water Plan Updates should be addressed.	
272-39	USACE	USACE		2012 CVFPP Public Draft	2/	page 2-1	EAD as related to NED should not include local business losses. Business losses are usually accounted for in the Regional Economic Development (RED) account as most times these losses are viewed as transfers on a national level. Business Losses should not be added on to NED losses to establish the No Project condition damages.	
272-40	USACE	USACE		2012 CVFPP Public Draft	2/2.3.1	Page 2-4	Suggest including levee height increases as possible method to restore or enhance system capacity. Given the physical constraints, there may be locations where this is the only feasible method. In addition, there may be locations where this would promote higher geomorphic stability than other methods. Levee height increases are described in the technical documentation.	
272-41	USACE	USACE		2012 CVFPP Public Draft	2/2.4.1	Page 2-7	The USACE does not determine federal interest based on achieving protection from any particular flood event. Pursuing projects based on achieving a targeted level of protection may not be a viable approach for projects where California is expecting federal participation through the USACE.	
272-42	USACE	USACE		2012 CVFPP Public Draft	2	Page 2-7 and 2-29	There is no federal standard of flood protection defined for developed vs: undeveloped areas. FEMA uses a 100-yr base floodplain to define the Flood Insurance and floodplain management requirements necessary for a community to be included in the NFIP; however, NFIP does not distinguish between developed and undeveloped areas.	
272-43	USACE	USACE		2012 CVFPP Public Draft	2/;2.5.1	Page 2-12	Given the physical constraints, at what event(s) would 32,000cfs be diverted through the bypass identified in the first bullet point on the page? Please elaborate.	
272-44	USACE	USACE		2012 CVFPP Public Draft	2/2.6.1	Pages 2-14-15	USACE projects are generally required to incorporate non-structural methods of achieving flood risk reduction. To the extent that USACE participation is expected in projects included in the CVFPP, the consideration of non-structural approaches to flood risk reduction should be incorporated.	Add non-structural elements to at least one of the three preliminary approaches.
272-45	USACE	USACE		2012 CVFPP Public Draft	2/	Table 2-2	Recommend that similar levels of forecasting and notification be included in all three approaches.	
272-46	USACE	USACE		2012 CVFPP Public Draft	2/2.6.1	Page 2-17	Note: The draft CVFPP uses the terms "ecosystem mitigation" and "ecosystem restoration" interchangeably. In order for the CVFPP to be integrated with the Corps' planning process, the CVFPP text should be revised for clarity and consistency. Mitigation is generally meant to compensate for loss of habitat due to the implementation of the project. Restoration is when habitat is restored above and beyond the compensation required for project impacts.	The CVFPP text should be revised for clarity and consistency with USACE terminology.
272-47	USACE	USACE		2012 CVFPP Public Draft	2/2.6.1	Page 2-18	Text notes that modeling considers levee condition and the probability of levee failure. These assumptions are critical to assessing flood risk and potential methods to reduce risk. Recommend describing these assumptions.	
272-48	USACE	USACE		2012 CVFPP Public Draft	2/	Figures 2-3 and 2-4	Stage sensitivity for a 1% Annual Chance Exceedance Flood are provided. The values are highly dependent on the hydraulic assumptions. However, the assumptions are not described. Suggest describing the assumptions in the document. In addition, comparison of stage for a single event does not reflect the residual flood risk for each approach.	Figure 2-6. This graphic would be helped by the addition of a no project column for comparision purposes. Comment valid for Figure 3-6 and 4-1.
272-49	USACE	USACE		2012 CVFPP Public Draft	2/2.7	pages 2-25 thru 2-28	The preferred approach- Enhanced Flood System Capacity – may be achievable over a long term approach, due to extremely high cost. Until then the State, Levee Maintenance Agencies, and USACE may spend a large amount of funding enhancing the existing system by improving structurally the existing flood control projects to provide a certain level of protection considering the existing system capacity. Some funding may be without any regrets but some of the expense may be not justified on long run, such as deep seepage cut-off walls for levees that may be later relocated, expensive seepage and stability berms designed for a water elevation that may be much higher than the design water elevation after the enhancement of the flood capacity, and other improvements like that.	
272-50	USACE	USACE		2012 CVFPP Public Draft	2/2.7	pages 2-25 thru 2-28	Achieving SPFC Design Flow capacity may provide protection for the agriculture area as long as the levees are functioning normally. However, these levees were not properly designed and constructed and may breach before the basin will reach its new design capacity. Some structural improvements of these levees may be still required.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-51	USACE	USACE		2012 CVFPP Public Draft	2/	Page 2-26	It is likely that the Protect High Risk Communities Approach would also provide ancillary benefits to rural agricultural flood risk reduction. In many cases there is no hydraulic boundary between urban and non-urban areas.	
272-52	USACE	USACE		2012 CVFPP Public Draft	2/	Page 2-27	Notes significant increases to stage but figures show max 1.2 feet increase. In comparison to the total flood depth along the levee, 1.2 feet does not as significant. Recommend also providing the depth of water to use as a relative comparison.	
272-53	USACE	USACE		2012 CVFPP Public Draft	2/	Page 2-29	There is no minimum level of flood protection (100-yr flood) required for participation in the NFIP.	
272-54	USACE						Comment Removed per request of Commentor	
272-55	USACE	USACE		2012 CVFPP Public Draft	3/	Figure 3-1	Figure shows Feather River Bypass diverting out of Thermalito Afterbay. Flows would be limited to 17,000cfs by the Thermailito power canal. How would 32,000cfs be diverted?	
272-56	USACE	USACE		2012 CVFPP Public Draft	3/	page 3-4	Versions 1.2.4 and 1.2.5 of HEC-FDA are the Corps certified Flood Risk Management Planning Center of Expertise models.	Specify which version of HEC-FDA was used.
272-57	USACE	USACE		2012 CVFPP Public Draft	3/	page 3-4	Explain how levee fragility was accounted for in HEC-FDA analysis.	Revise text per comment.
272-58	USACE	USACE		2012 CVFPP Public Draft	3/		The CVFPP lacks clarity as to real estate requirements for purposes of implementation. There are cases where there is no title or any easement for the flood protection structure and operation and maintenance or any improvement of these existing structures is impossible due to lack of a minimum easement. The plan should include achievement of an easement for the footprint of the levee plus some additional area along the levee toes for proper inspection, operation and maintenance of these flood control structures.	
272-59	USACE	USACE		2012 CVFPP Public Draft	3/3.2		Interior drainage is not addressed in the CVFPP. However, interior drainage is required to be addressed for FEMA certification. Also interior drainage structures may have a negative impact on the flood control structure.	
272-60	USACE	USACE		2012 CVFPP Public Draft	3/		One of the major issues and weaknesses of the existing flood protection is the encroachments and control of the existing encroachments. Some encroachments are not authorized and some of them are reducing the levee integrity. The plan does not indicate how will be this issue addressed.	
272-61	USACE	USACE		2012 CVFPP Public Draft	3/3.3	pages 3-9 thru 3-10	It is not clear how small communities and rural areas will receive increase flood protection through improvements focused on adjacent urban areas. As an example, it is not clear how the RD1001, on the north side of the Natomas Cross Canal and the 3 rural levees on the west side of the Sacramento River will benefit from the improvement made on Natomas levees (on the south side of the Natomas Cross Canal and east side of the Sacramento River) which include raising the levees to 200 year of protection. These rural levees will remain weaker than before the Natomas Basin and susceptible to overtopping due to increase in elevation of the Natomas Basin levees.	
272-62	USACE	USACE		2012 CVFPP Public Draft	3/	page 3-15	Specify what tool/program was used to estimate building costs per square foot by structure type.	Revise text per comment.
272-63	USACE	USACE		2012 CVFPP Public Draft	3/	page 3-16	It is standard USACE practice to use guidance specified in IWR Report 95-R-9 (April 1995) for the purposes of estimating depreciation.n The CVFPP should include a rationale for utilizing the M&S method.	Provide rationale for utilizing M&S method for the CVFPP analysis.
272-64	USACE	USACE		2012 CVFPP Public Draft	3/3.5	pages 3-12 thru 3-18	The system wide improvement consisting of widening the existing bypasses and construction of new bypasses does not solve the biggest issues of the Central Valley Flood Control System which are the weakness of the existing flood control features either due to inadequate construction methods and materials; to foundation issues; to existing encroachments and penetrations; and due to woody vegetation on levee slopes.	
272-65	USACE	USACE		2012 CVFPP Public Draft	3/3.5.7	page 3-18	Suggest including levee height increases as potential method to mitigate for flood stage increases. Given the physical constraints, there may be locations where this is the only feasible method. In addition, there may be locations where this would promote higher geomorphic stability than other methods.	
272-66	USACE	USACE		2012 CVFPP Public Draft	3/3.7	page 3-21	Thirty samples may not be adequate to provide a statistically significant result, especially when you are using sample sizes greater than 30 for structure characteristics.	Step 6-7: Suggest conducting sensitivity using greater than 30 sampled parcels for empty parcels.
272-67	USACE	USACE		2012 CVFPP Public Draft	3/3.10	pages 3-25 thru 3-29	The leading paragraph of section 3.10 states "The following provides context for the USACE policy and the State's resultant levee vegetation management strategy described in Section 4." USACE does not agree that sections 3.10/3.10.1 accurately provide context for the USACE policy.	Section 3.10 should be completely rewritten to summarize ETL 1110-2-571, the draft policy guidance letter for vegetation variances which outlines proposed policy for regional variances as required by WRDA 1996, Section 202(g), and the 1949 deviation to the Sacramento River Flood Control Project Standard O&M manual.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-68								
272-69	USACE	USACE		2012 CVFPP Public Draft	3/3.10.2	page 3-29	The intent of paragraph 3.10.2 is unclear.	The section should be completely rewritten to summarize the State's intent for vegetation compliance within rural-agricultural areas. To provide a complete picture, the revised section should not only address whether the State intends to comply with PL 84-99 inspection standards, but also if the State intends to comply with the requirements of the O&M manuals for these areas. If the State's intent is not to comply with the O&M manuals, the State should be clear what options may be pursued to meet the commitments of the original assurances provided for the authorized project (eg. Deauthorization, regional vegetation variance, etc.)
272-70	USACE	USACE		2012 CVFPP Public Draft	3/3.11	page 3-30	It is not clear whether the cost estimates for the three approaches discussed in Section 4 include costs for residual risk management. The last sentence of Section 3.11 of the draft CVFPP states: "investments in residual risk management must continue." That implies that costs for residual risk management have been included. Revisions for clarity are needed.	
272-71	USACE	USACE		2012 CVFPP Public Draft	3/3.13.2	page 3-36	Section 3.13.3 states, "Table 3-7 summarizes contributions of the SSIA to the five CVFPP Goals, compared with No Project." It is not clear where the five goals fit in the referenced table, which includes three major headings and eight subheadings, none of which are clearly identified as the five goals in question. Further, there are contradictions between the text and table, for example, the text states that SSIA woudl reduce economic damages by 75%, while the table identifies a 67% reduction.	
272-72	USACE	USACE		2012 CVFPP Public Draft	3/3.14	page 3-38	For the Federal government to share in the cost of a project, the Corps would typically identify the National Economic Development Plan (NED). The NED Plan is the basis for Federal cost share. Business production losses are not included in the computation of NED. Modeling should include a scenario that excludes business production losses.	
272-73	USACE	USACE		2012 CVFPP Public Draft	3/3.14.1	page 3-39	Provide specific project information for the "Final Economic Reevaluation Report (2008)" that is referenced in text.	Revise text per comment.
272-74	USACE	USACE		2012 CVFPP Public Draft	3/3.14.4	page 3-41	First Bullet, Text specifies that Expanded floodways would create space for river meandering, sediment erosion and deposition. River meandering does not appear to be applicable to setbacks along the bypsss reaches. During development of the improvement approaches, were levee setbacks evaluated along the Sacramento river where river meandering is applicable?	
272-75	USACE	USACE		2012 CVFPP Public Draft	3/	page 3-42	Need to clarify that not all crops would sustain losses based on the 5 day trigger point. Generally, field crops, alfalfa and other legumes, truck crops, and other basic crops can be evaluated using the 5 day trigger point. Orchards and vineyards, due to their deep root zones have a larger tolerance for flooding on average.	Consider an adjustment to the mortality rates on orchards and vines
272-76	USACE	USACE		2012 CVFPP Public Draft	4/4.1.1	Page 4-2	Section 4.1.1. does not thoroughly address the need to and strategy for informing the public during floods. Successful emergency response programs hinge on communication with the public. Please consider adding additional details to this section.	
272-77	USACE	USACE		2012 CVFPP Public Draft	4/4.1	page 4-2 to 4-10	The "Three Amigos" project is a non-structural alteration to the existing project. While a portion of the levees would be removed through breaching, the area behind the levees will become part of the Federal flood control project as a floodway. So there is still a Federal flood control feature at that location and the State of California will have to maintain this feature (i.e., floodway) in accordance with the revised O&M Manual that will be provided following completion of the project. The Three Amigos project is not a deauthorization of any portion of the flood control project, it is simply a change to it. The last sentence of the first paragraph is factually incorrect. The USACE has procedures in place for breaching the levees at Three Amigos but before this can occur, compliance with NEPA must be updated due to the lapse in time since the project started. Additionally, USACE and the USFWS will conduct outreach to landowners who will be affected again due to the amount of time that has passed since outreach was originally conducted. Once these steps are accomplished, the levee can be breached and the project completed.	
272-78	USACE	USACE		2012 CVFPP Public Draft	4/4.1	page 4-2	The FY11 Federal Discount rate was 4.125% and the FY12 Federal Discount rate is 4%.	Explain why discount rate of 7.625% was used.
272-79	USACE	USACE		2012 CVFPP Public Draft	4/4.1	Page 4-2	Suggest that the state also coordinate and maintain archive of post processed quality controlled flow and hydrologic data for use in engineering studies. Current CDEC real-time data are not quality controlled, have missing data when communication links are broken, etc. This limits the usefulness for engineering studies.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-80	USACE	USACE		2012 CVFPP Public Draft	4/4.1.2		The Operation and Maintenance program should address flood protection structures within a basin which are not part of the program such as non-program non-urban or urban levees, highways and railroad embankment. These levees and embankment are part of the flood protection system but are not maintained or operated by the CVFPB. Some of these structures are not designed and constructed for flood reduction purposes (i.e. highway and railroad embankments), there is no access for inspection or flood fighting and their poor maintenance may lead to flooding of the	
272-81	USACE	USACE		2012 CVFPP Public Draft	4/4.1.4	Page 4-7	The USACE now identifies our projects as flood risk management projects. Although modification of a Federal flood risk management project does require approval by the USACE, the USACE will not necessarily participate in any projects that receive that approval. With regard to feasibility studies that the Corps is conducting in the Central Valley, the USACE cannot anticipate or guarantee that any particular study will lead to either Congressional authorization or appropriation.	
272-82	USACE	USACE		2012 CVFPP Public Draft	4/4.1.5	Page 4-12	Recommend refining approach based on potential for system impacts. This may not be related to the size of project. For example, modification of flood control diagrams may impact water supply storage and would need to be evaluated as a system.	
272-83	USACE	USACE		2012 CVFPP Public Draft	4/4.2	page 4-14	The first two bullets appear to be the same. Please clarify or consolidate	
272-84	USACE	USACE		2012 CVFPP Public Draft	4/4.2	page 4-14	3rd bullet: How is this final bullet going to be achieved given the real estate challenges DWR has revealed regarding planting. A discussion should be included regarding updating easements to reflect current language if this is a goal	
272-85	USACE	USACE		2012 CVFPP Public Draft	4/4.2	page 4-15	2nd bullet: Recommend deleting the second sentence of this bullet because it doesn't relate to the issue raised in the first sentence of this bullet. Furthermore, USACE is not in agreement with the second sentence. Finally, the second sentence seems to conflict with the life cycle management approach as described elsewhere in the CVFPP.	
272-86	USACE	USACE		2012 CVFPP Public Draft	4/4.2	page 4-15	3rd bullet: The first sentence is unclear. What is the accepted engineering practice or how will it be developed?	
272-87	USACE	USACE		2012 CVFPP Public Draft	4/4.2		Through inspections, both DWR and USACE have identified many areas where landscaping does not meet the visibility and accessibility standard. A discussion on how this will be handled should be included	A discussion on how this will be handled should be included
272-88	USACE	USACE		2012 CVFPP Public Draft	4/4.2	4-13 thru 4-16	There is no reference to the updating of California Code of Regulations, Title 23, Waters technical sections to be consistent with the CVFPP	Add a section suggestion that CCR Title 23, Waters technical sections be update to reflect the CVFPP, as adopted
272-89	USACE	USACE		2012 CVFPP Public Draft	4/4.2	Section Wide	Note: The last sentence of this comment isn't very clear. It suggests addressing vegetation under the Framework, but my understanding of the Framework is that is sets out interim actions pending completion of the CVFPP which would address more long term solutions. This comment seems to suggest continuing the interim actions...which is at odds with the comment at line 9 above.	
272-90	USACE	USACE		2012 CVFPP Public Draft	4/4.2.1	page 4-16	Change the word “indefinitely” to “while working on higher priority risks” as that seems to better reflect DWR’s described intent	
272-91	USACE	USACE		2012 CVFPP Public Draft	4/4.4	page 4-18	“These feasibility studies will be prepared in coordination with the USACE and in conjunction with its CVIFMS.” CVIFMS is a cost-shared study being led by USACE, DWR, and the Central Valley Flood Protection Board.	
272-92	USACE	USACE		2012 CVFPP Public Draft	4/4.5	Section Wide	Note: Adding a specific reference to the relevant section of the Framework Agreement would help to clarify this comment.	
272-93	USACE	USACE		2012 CVFPP Public Draft	4/4.6		The cost of implementation of the Framework requirements should be included.	
272-94	USACE	USACE		2012 CVFPP Public Draft	4/4.7.1	Page 4-38	Figure 4-7 appears to assume a Federal contribution of 46% to the total CVFPP costs. It is premature to assume any Federal contribution that has not already been appropriated. Because federal interest has not yet been established in many elements of the CVFPP, the USACE is not in a position to determine whether this conjecture, or any other assumption regarding future federal participation, is reasonable. Further, because Operation and Maintenance costs are always 100% the responsibility of the local sponsors of federal projects, no federal participation in the long-term cost of the project should be assumed.	
272-95	USACE	USACE		2012 CVFPP Public Draft	4/4.7.1	page 4-38	The description of financing in the draft CVFPP appears to rely on several assumptions regarding Federal participation and cost-sharing. Those assumptions should be identified and explained. Because federal interest has not yet been established in many elements of the CVFPP, the USACE is not in a position to determine whether this conjecture, or any other assumption regarding future federal participation, is reasonable.	Add text regarding assumptions for Federal cost share.

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-96	USACE	USACE		2012 CVFPP Public Draft	4/4.9	page 4-42	With regard to the list of federal program policies and permitting identified on Page 4-42: This is clearly not an exhaustive list of the federal programs, policies, and permit requirements. Recommend removing this entire sub-section. Rather, recommend summarizing in one bullet that there are many federal, state and local programs, policies and permits that will be required to achieve the goals of the CVFPP. In some instances these programs may be in conflict and a lot of	
272-97	USACE	USACE		Attachment 7 Plan Formulation	General	N/A	Suggest noting the date or version of any design criteria utilized (for example levee design criteria). The various criteria are evolving and reference needs to be clear.	
272-98	USACE	USACE		Attachment 7 Plan Formulation	General	N/A	Suggest describing the no project conditions in the no project conditions section (section 7.2) Most of the technical detail describing the no-project condition is distributed throughout each project approach (sections 7.3 and 7.4). Terms and metrics used in earlier sections are not explained until later sections.	
272-99	USACE	USACE		Attachment 7 Plan Formulation	General	N/A	Each table or figure should describe the condition (no project, or the project approach).	
272-100	USACE	USACE		Attachment 7 Plan Formulation	General	N/A	Comparisons of stage are presented for a 1% Annual Chance Exceedance Flood. However, stage may show more sensitivity at other frequencies. A flood stage comparison for a 5% ACE flood might be contained by the levee and increase by 5 feet. However, the 1% flood might exceed the levee capacity and only increase 0.5 feet.	
272-101	USACE	USACE		Attachment 7 Plan Formulation	General	N/A	Recommend providing maps that describe the improvements for each approach.	
272-102	USACE	USACE		Attachment 7 Plan Formulation	2/	Page 2-13	Frazier Creek/Strathmore Creek and White River/Deer Creek are located in the Tulare Basin, which is outside the CVFPP study area.	
272-103	USACE	USACE		Attachment 7 Plan Formulation	3/	Page 3-8	Recommend including description of Butte Basin Overflow area. Similar to reservoirs, the approximately 1 million acre feet of transitory storage within this area is extremely important to the operation of SPFC facilities.	
272-104	USACE	USACE		Attachment 7 Plan Formulation	3/	Page 3-17	Recommend describing how current flood protection requirements specified in the California Code of Regulations would affect population growth and development.	
272-105	USACE	USACE		Attachment 7 Plan Formulation	5/	Page 5-9	Description of section 9616 of the California water code includes the wording "eliminating" the levee threat factors. The term "Elimination" does not convey the concept of residual risk.	
272-106	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-2	Suggest changing the word "room" to "capacity" in the sentence - "This approach combines most of the features of the above two approaches and provides more room within flood conveyance channels. "	
272-107	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-6	Generally, business losses should not be added to Structure/Content/Agriculture losses as they are in different categories (Regional vs. National).	Revise text per comment.
272-108	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-7	3rd bullet. Suggest clarifying this sentence. These fragility curves are for existing levees. Not new levees.	
272-109	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-10	Was the Feather River Star Bend setback levee included?	
272-110	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-12	Last Paragraph, If applicable, suggest noting that remedial actions would be based on the latest design criteria.	
272-111	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-14	Last sentence No changes in reservoir operations rules or in the way is unclear. Suggest rewording the sentence.	
272-112	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-15	Recommend providing more technical details on the ULE and NULE since this forms basis for each plan approach. For example, how were the ULE and NULE reaches identified? How does Low, Moderate, High relate to the levee design criteria.	
272-113	USACE	USACE		Attachment 7 Plan Formulation	7/	7-15	USACE does not believe that business losses of $101 million is a correct estimate. That number should be verified and supporting information should be provided in the CVFPP.	Confirm that totals are correct.
272-114	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-30	Figure 7-14 and 7-15 and other similar maps. Are the reduction in damages color coded by basin or is this the amount for all areas of that color? The amount of benefits within the Butte Basin(largely agricultural) is shown to have a similar benefits as the Sacramento urban area. Recommend verifying those numbers.	
272-115	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-34	Suggest moving the discussion of threats earlier in the document where it is first discussed.	
272-116	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-54	Costs associated with F-CO/F-BO are included but description of alternative on page 7-47 specifies that F-CO/F-BO are not included in the alternative.	
272-117	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-55	Would the plan also include increased levee elevations in some areas?	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-118	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-61	For the proposed Feather River Bypass, recommend describing the flood frequency these flows would be bypassed.	
272-119	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-62	Figure 7-25 shows Feather river bypass from Thermalito afterbay. Is this correct?	
272-120	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-63	Suggest clarifying that transitory storage is not comparable with reservoir storage. Attenuation of flood waves attributable to levee setback transitory storage is likely to be very minor relative to the same storage provided as flood space.	
272-121	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-64	Figures 7-26 and 7-27. Note at top of graphic specifies increased flood storage at Lake Oroville/New Bullards Bar. Is the storage being increased or is this the "equivalent flood storage" mentioned in the text. Recommend not using the term "equivalent flood storage". Describe the actual component, for example reoperation. Figure uses the term "attenuate flood peak". Is flood wave attenuation the primary reason for the stage decrease or is it the result of increased conveyance	
272-122	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-68	Figure 7-30. The project diverts 32,000cfs from the Feather River into the Butte Basin. However, damages are shown to be reduced. Is this correct?	
272-123	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-72	Recommend that similar levels of forecasting and notification be included in all three approaches.	
272-124	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-73	The following sentence "LOP is defined as the amount of flood protection able to withstand flooding for AEP" is not clear. Recommend revising sentence.	
272-125	USACE	USACE		Attachment 7 Plan Formulation	7/	Page 7-75	Figures 7-32 and 7-33 What are the numbers at the top of each bar chart? It appears they are the total for the bar but there are more numbers than bars.	
272-126	USACE	USACE		Attachment 7 Plan Formulation	8/	Page 8-28	The 1997 event delta stages would have been greater under a sea level rise scenario. The 1997 flood event stages may serve as a sea level rise surrogate for smaller flood simulations (less than 1997 event), but would be the opposite for large flood events(greater than 1997 flood)	
272-127	USACE	USACE		Attachment 7A Regional and Local Project Summaries	1/	Page 1-145	David VanRijn is no longer with USACE.	Replace with Brandon Muncy.
272-128	USACE	USACE		Attachment 7A Regional and Local Project Summaries	1/	Page 1-148	William Edgar is no longer with the Sutter Butte Flood Control Agency.	Insert name of his replacement.
272-129	USACE	USACE		Attachment 7A Regional and Local Project Summaries	1/	Page 1-154	The USACE understands that the Project proponent of the West Stanislaus, Orestimba Creek project is the City of Newman, not the City of Woodland. The document should be corrected.	Revise text per comment.
272-130	USACE	USACE		Attachment 7A Regional and Local Project Summaries	1/	Page 1-156	An EA/IS is being developed for the West Stanislaus, Orestimba Creek project; no EIs/EIR is being developed. The proposed segment with adverse effects has been removed from the study. The bullet point regarding Adverse Environmental Effects should be removed from the draft CVFPP	Revise text per comment.
272-131	USACE	USACE		Attachment 7A Regional and Local Project Summaries	1/	Page 1-156	Redirected Hydraulic Impact - language should be changed to read: "localized increased in the depth of flooding up to half a foot may occur in areas outside of the chevron levee".	Revise text per comment.
272-132	USACE	USACE		Attachement 8A Hydrology	1/	Page 1-1	The lack of major flooding in the last 10-yrs is not a reasonable rationale to forego re-evaluation of the hydrologic frequency analysis. A more appropriate rationale would be that extension of the hydrologic record length to include recent data would not substantially increase the record length and computed statistics.	
272-133	USACE	USACE		Attachement 8A Hydrology	1/	Page 1-2	Text and figure 1-1 indicate that the points shown are the storm centers. These are not the "centers" These locations are the hydrologic index points for which a storm centered upstream produces the critical flow (or stage) at that location.	
272-134	USACE	USACE		Attachement 8A Hydrology	2/	Page 2-6	Suggest replacing the term "maximum allowable flow" rather than the term "maximum regulated flow."	
272-135	USACE	USACE		Attachment 7A	General	General	Water Resource studies and projects conducted by the USACE are always joint Federal-non-Federal efforts. USACE serves as the lead Federal agency. The non-Federal study or project partner is the lead non-Federal agency.	
272-136	USACE	USACE		Attachment 7A	General	General	The Delta Islands and Levees Feasibility Study is an active USACE-DWR feasibility study/ The study area is the legal Delta and adjacent floodplains. The authorized study purposes are ecosystem restoration, flood risk management and other related water resources purposes. The USACE POC is the Project Manger, Dennis Clark.	
272-137	USACE	USACE		Conservation Framework	1	1-2	"This Conservation Framework…will complement the federal Central Valley Integrated Flood Management Study (CVIFMS)." The CVIFMS is being conducted as part of a Federal-State partnership: USACE is the Federal partner; DWR and CVFPB are the non-Federal partners	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-138	USACE	USACE		Conservation Framework	General	General	The relationship between the CVFPP and the Conservation Framework and Strategy is not clear. Since the EIR is not yet available, it is also unclear if the Conservation Framework will be addressed in the EIR.	
272-139	USACE	USACE		Conservation Framework	5	5-32	Recommend this section include a discussion of how the new lead scientist and the CVFPP science and adaptive management programs would interface/integrate with other existing or planned monitoring, science, and adaptive management programs and their lead scientists . Key examples include: Delta Science Program and Lead Scientist, Interagency Ecological Program and Lead Scientist, State and Federal Water Contractors Lead Scientist, BDCP adaptive management plan and governance	
272-140	USACE	USACE		Conservation Framework	5.7 & 7	5-28, 7-2	"Improving environmental scientific and technical basis for informing flood management decisions." How will this effort interface with the Interagency Ecological Program?	
272-141	USACE	USACE		Conservation Framework	7	7-2	Bullet 3 - Recommend including "synthesis" in the following sentence: "Improvements are made through inventory, analysis and modeling, monitoring, management oriented-research, and information management and access. Recommend also including "synthesis" in Section 5.7 (page 5-28).	
272-142	USACE	USACE		Conservation Framework	7	7-2	Bullet 3 -Consider encouraging timely information transfer through conference presentations, and through publication in credible peer-reviewed publications. Recommend also considering this for inclusion in Section 5.7.	
272-143	USACE	USACE		Conservation Framework	General	General	While the Conservation Framework provides support for the CVFPP's goals by identifying environmental guidelines for flood project planning and previewing the long term conservation strategy to be completed in 2017, the strategy for vegetation management on levees does not sufficiently describe the plan for achieving consistency with Corps standards for control of wild growth on levees, including identifying areas where variances may be requested. The Conservation Framework also fails to recognize the State's responsibility for fulfilling the assurance agreements for operation and maintenance of the local flood protection projects that have been legislated into the Federal system or transferred in the traditional manner after a cost shared project has been constructed and conveyed to the State. The term "Levees with Preexisting Legacy Levee Vegetation" and the definition of this term will require further discussion with the Corps before being incorporated in the Conservation Strategy because this term is not used in the Corps' ETL 1110-2-571 or draft variance guidance. The vegetation maintenance strategy should focus on reducing risk to public safety. The life cycle management strategy can be an acceptable approach to reducing risk and complying with environmental values. Continuing to collaborate with the Corps	
272-144	USACE	USACE		VOL IV Attachement 8F	3	3-46	It is understood that the period of inundation of flood waters will affect the motality of the crops in question. The mortality is expected to vary depending on the season of the year and the crop type. Annual crops are very vulnerable to flooding and be killed with as little as 3 days of flooding or less. Orchards and vine crops are typically more resilient and can to subjected to floods in excess of 30 days during certain times of the year without noticable effects. The analysis presented makes a sweeping statement to all crops which is too general in nature; especially when one considers that the re-establishment of the orchards and vine constitute a significant part of the damages estimated in the analysis.	
272-145	USACE	USACE		VOL IV Attachement 8F	3	3-48	To accommodate the variability in prices received and prices paid, one could use an @Risk software program. This program could provide for uncertainty in the prices as well as the variability in seasonal plantings. This is easiliy accomplished and will handle the uncertainty issues around the prices and seasonal variability.	

Index	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
272-146	USACE	USACE		VOL IV Attachement 8F	3	3-53	The section "Business loss per flood event" addresses the affect of interrupted business to the brick and mortar businesses easily identified in the micro- economic arena. It is my contention that these losses also will also be felt by industries in the area. Specifically, impacts to hydropower generation and gas powered generation facilities could be impacted by floodwaters through restriction of access to manage these industrial plants. Additionally, the pumps that pump water from the Delta may be affected by floods, either from the direct impact of flooding to the facilities or by the necessity of the pumps to re-operate based on the impacts that floods cause to salt water intrusion, to name just one effect. Loss to recreation and tourism is another area that would be impacted. The industrial impacts, either directly or indirectly, can create a significant burden on the economy and should, at a minimum, be noted in the report.	
273	Jennifer Montgomery	Placer County Board of Supervisors	broberts@placer.ca.gov	CVFPP/ULDC			See Letter	
274	Joseph Grindstaff	Delta Stewardship Council		CVFPP			See Letter	
275	Jeffery Flynn	NA	jeff@flynnmail.net	NA			The proposed bypass expansion is a huge waste of tax payer money, violation of long standing property owner rights, destructive to legacy communities and completely unwarranted. This appears to be an environmental habitat expansion that is not essential to the core mission of flood protection. A state grab of over 40,000 acres (over sixty square miles) smacks of a gross over reach that adversely impacts state tax revenues as this is some of the most productive farming in the state. Many of the levee's in these areas have been recently renovated and their removal is a huge waste of money. This multi-billion dollar component of this plan should be eliminated.	Eliminate the following bypass expansion proposals: Feather River Bypass Sutter Bypass Yolo Bypass Sacramento Bypass Lower San Joaquin River Bypass
276	James D. Beck	Agriculture Stakeholder		CVFPP			See Letter	
277	Ken Anderson	Louis M. Anderson Enterprises		CVFPP			See Letter	
278	Evelyn Lund	Agriculture Stakeholder		CVFPP			See Letter	
279	Evelyn Lund	Indian HillLand Co		CVFPP			See Letter	
280	Ed Hulbert	Butte Creek Farms		CVFPP			See Comment Card	
281	Jackie and Jack Wisler	Agriculture Stakeholder		CVFPP/DPEIR			See Comment Card	
282	Ryan J. Coker	Agriculture Stakeholder		CVFPP			See Letter	
283	Charles Sheppard	CP Sheppard Farms		CVFPP			See Letter	
284	Dennis Lindberg	CD Farms		CVFPP			See Letter	
285	Larry Montna, Stanley Cleveland, Larry Munger, Jim Whiteaker, James Gallagher	Sutter County Board of Supervisors		CVFPP/DPEIR			See Letter	
286	Marco Bragoli	Anderson Bragoli Farms		CVFPP			See Letter	
287	Duplication of Index No. 213							
288	Brandon Flynn	Sacramento Valley Landowners Association		CVFPP			See Letter	
289	David Okita	Solano County Water Agency		CVFPP			See Letter	
290	Robert L. Frith	City of Biggs		CVFPP/DPEIR			See Letter	
291	Fritz Durst	Agriculture Stakeholder		CVFPP			See Letter	
292	Ken Grehm	Placer County Flood Control and Water Conservation District		CVFPP/DPEIR			See Letter	
293	Fred A. Freitas	Butte County Rice Growers Association		CVFPP			See Letter	
294	Herman Von Borstel			CVFPP			See Letter	
295	Mary Jane Griego	Three Rivers Levee Improvement Authority/Yuba County Water Agency		CVFPP/DPEIR			See Letter	
296	Robert Thomas	Reclamation District 2035		CVFPP			See Letter	
297	Marianne Fitzgerald	Agriculture Stakeholder		CVFPP			See Letter	
298	Rhon Hemdon	City of Roseville		CVFPP/DPEIR			See Letter	
299	Jerry Fichter	City of Gridley - Mayor		CVFPP			See Letter	

Index No. 001

Mail address:
Snug Harbor Resorts, LLC
1155 Trancas St.
Napa, CA 94558
e-mail:
sunshine@snugharbor.net

Resort location:
Snug Harbor Resorts, LLC
3356 Snug Harbor Drive
(On Ryer Island)
Walnut Grove, CA 95690
Phone: (916)775-1455

Snug Harbor Resorts, LLC
Web site:
http://SnugHarbor.net

December 27, 2011

Benjamin Carter, President, Board of Directors, Central Valley Flood Protection Board lpendleb@water.ca.gov
Jay Punia, Executive Officer, CVFPB jpunia@water.ca.gov
Len Marino, Chief Engineer, CVFPBlmarino@water.ca.gov
David Williams, Sr. Engineer, Flood System Improvements Section davidw@water.ca.gov

Printed copy mailed to

Board of Directors, Central Valley Flood Protection Board
3310 El Camino AvenueRoom 151
Sacramento, CA 95821

Central Valley Flood Management Planning (CVFMP)
Kere,uArrocj. Chief, Merritt Rice, Project Manager
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

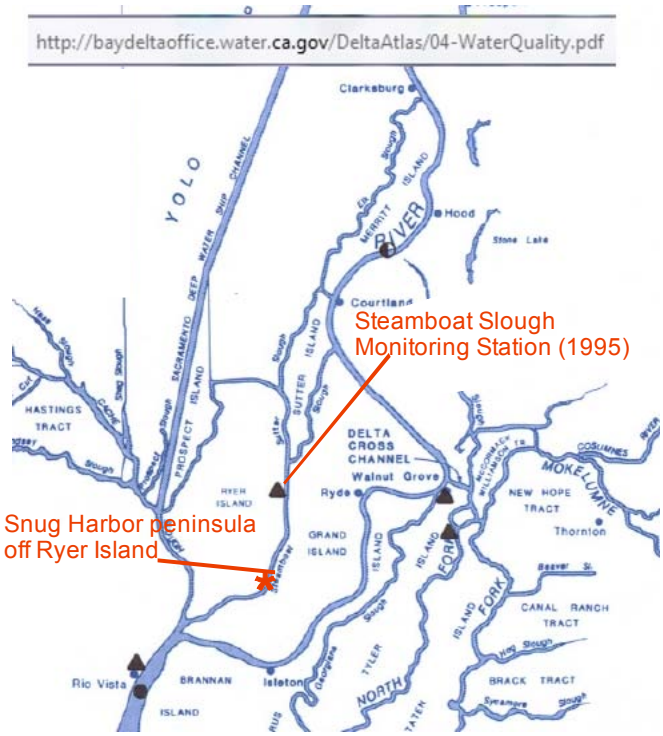
Melinda Terry, Executive Director, Central Valley Flood Control Association and NDWAMelinda@northdw.com

&Gary Kienlen, MBK Engineers kienlen@mbkengineers.com

Dear CVFPBoard:

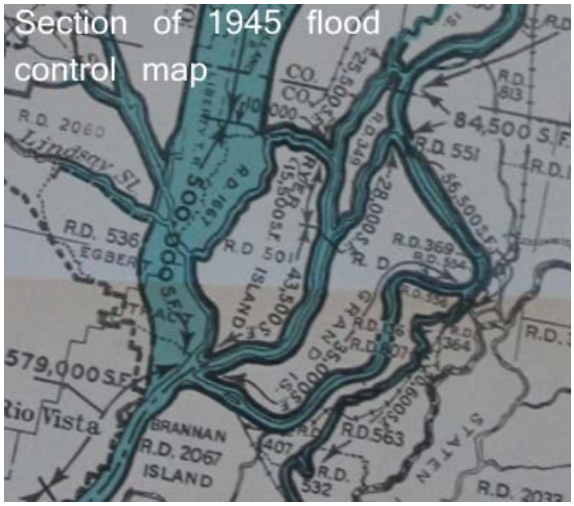
This letter is written to request review and revision of the proposed flood control plan for select locations within the Delta region, with a focus on the proposed flood flow capabilities for Steamboat Slough, between river miles 15 to 26, as shown on the CVFMP map, from the State Plan for Flood Control[1].“Public safety is the top priority for the CVFPB” according to your website, so you appear to be the ones to address a potential public safety issue due to the proposed flood flow design capability of Steamboat Slough, Sutter Slough and the Main Stem of the Sacramento River, as shown in current documents online. Below is a map of the area of the Delta that is the topic of my concern, which is flow on Steamboat Slough and the effect of that flow on the landowners of Snug Harbor.

[1]http://www.water.ca.gov/cvfmp/docs/SPFCDescriptiveDocumentNov2010.pdf



Location of Snug Harbor on Steamboat Slough

Snug Harbor is a peninsula off Ryer Island, on Steamboat Slough about river mile 17.5. (Solano Counry 1961 survey map refers to the land as Martin's Island)[2].The SPFC indicates 43,500 cfs flood capacity flow for Steamboat Slough, the same flow as proposed in the 1945 Sacramento River Flood Control Project. However, the 1945 plan assumed Steamboat Slough would be maintained at a much deeper depth than it is today; no dredging of the silt has been done since 1977 according to local records. **Based on observation and experience over 14 years of ownership of property on Steamboat Slough, I believe the flood flow capacity of Steamboat Slough is more in the range of 15,000 cfs to 20,000 cfs total.**



Note how the section of the 2011 draft flow map (left) matches the 1945 Sacramento River Flood Control Project map of the same area. (right)

[2] http://snugharbor.net/historic_steamboat_slough.htm

Steamboat Slough – Sac River to Sutter Slough	10	7	28,000	28,000	28,000
Steamboat Slough – Sutter Slough to Sac River	7	0	43,500	43,500	43,500

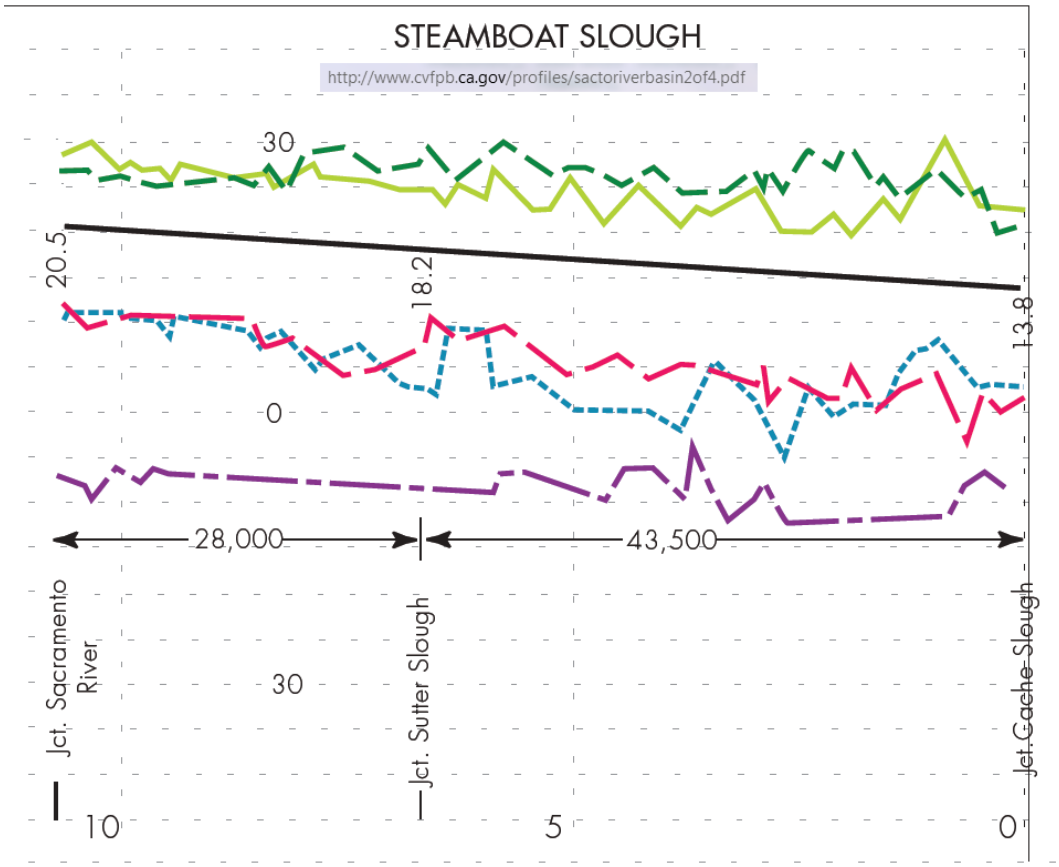
http://www.water.ca.gov/cvfmp/docs/SPFCDescriptiveDocumentNov2010.pdf (44 of 154)

Is the existence of Snug Harbor land owners and others along Steamboat Slough considered in the SPFC flood flow capacity assessment? Does the state realize it causes high water events on the properties of Steamboat Slough, at Snug Harbor, when flow is not even at 20,000 cfs and other factors are present? The SPFCD does not appear to account for impact to Snug Harbor landowners or business.

In addition, even when flows are lower on Steamboat Slough, high water flow on Cache Slough can back up into Steamboat Slough, then into Snug Cove area, and cause flooding on the peninsula even when no other are of the Delta is flooding. I believe the Sacramento River (approximately River miles 15 to 35) is both wider and deeper, yet the SPFCmap below limits proposed flood flow to 35,000 cfs on the Sacramento River. Why does SPFC propose higher flow on Steamboat Slough, which has less physical capacity than the main stem of the Sacramento River? I added red arrows to the photograph of the Snug Harbor peninsula to show how flood flows and the back up of flood flows reaches Snug Cove on the east side on the peninsula.

Perhaps in the past when Steamboat Slough was regularly dredged, it had the extra flow capacity. However, since 1976 or 1977, the last time it was dredged, Steamboat Slough has been filling in with silt at specific areas, which reduces the flow capacity. Noted silt or growning sandbar areas can be seen at approximate river miles 15, 17,18 19, and 23 to 26 at the north end of Steamboat Slough. I believe the slough bed has changed since the last dredging and the last depth survey also. (survey screen print on the next page).

Based on conversations with land owners along the northern portion of Steamboat Slough, they have seen a stark increase in silting in that area *in just the last two years*.By summer 2011 sandbars infested with non-native egeria densahave been seen on both sides of Steamboat Slough at all normal tide levels.



This graphic shows an estimated profile for Steamboat Slough that does not appear to account for current channel margin changes observed summer 2011.

In addition, the riparian restoration project off Grand Island south of Snug Harbor, combined with the levee toe & restoration project on the opposite side of Steamboat Slough, along Ryer Island, at about river mile 16.5, are creating a “bottle neck” effect that further causes back up of water flow onto Snug Harbor. If you consider flood water exiting Steamboat Slough as an important flood control “structure” then the importance of the continued water flow restriction in this area becomes more clear, as it is a known fact that sedimentation upstream from flood control structures obstructs flow and reduces capacity. The turbidity or particles in the water settle to the

bottom if the velocity of flow is slowed, thereby causing more silting in or raising of the slough bed, further reducing flood flow capacity.

In addition, the *reduction* of flow during summer and fall appears to have created an environment where the invasive aquatic plant species like egeria densa has flourished greatly along both sides or banks of Steamboat Slough for the entire length of the slough. Both the egeria densa infestation and the expansion of the tules on the growning sandbars will create further water flow hindrance, which further reduces flood capacity on Steamboat Slough. Basically, Steamboat Slough is receiving to much flow during high water times, and not enough fresh water flow during the summer and fall months.

Another problem has been the extreme ebb and flood tides on Steamboat Slough during the "fish studies" of the last few years. The "pulse flows" on Steamboat Slough from January through May, particularly in 2011, have been washing away the banks of Snug Harbor, especially the area at the north end of the peninsula, which is the sole access road for the 28 private home parcels and resort property which comprise Snug Harbor. (see photo on page 3 to locate north end of road) I do not know why the pulse flows of 2011 would cause so much erosion damage to the Snug Harbor banks, but they did.

For example, February through May 2011 we noticed sections of north bank along Snug Harbor Drive were washing away during the times when the extreme ebb and flood tides were present. I contacted Solano County public works and the representative for Reclamation District 501, Ryer Island. Several times we had to place sandbags along the banks. By April 2011, the road bank at the north end of Snug Harbor Drive had eroded to the edge of the pavement, and in one area had eroded as much as three feet under the pavement. We had to add substantially more sandbags, and I again contacted Solano County and Reclamation District 501 office, since if our road completely washed away, it could threaten the levee in that area as well. I also contacted the California Flood Control representative, as advised by 501 representative and Solano County office of Emergency services. By early May 2011, the road pavement was cracking and it looked like we could lose at least a quarter of the width of our one-lane road, which could cause risk to persons using the road, especially large emergency vehicles and large recreational vehicles. I contacted Solano County, Fish & Game and RD 501, but no one could provide assistance. In order to make sure the road

would not continue to erode (which might cause a risk hazard), I had “riprap” rock placed along the bank of the road, at low tides, over a two day period. A crane with a long arm was used to place the rock carefully so as to minimize water disturbance. I was not able to recapture the full width of the washed out bank, but the riprap did stop road erosion. I also had riprap placed on the inside curve of the road, as the excess flows on Steamboat Slough had been backing into Snug Cove and eroding the road bank on the inside curve as well. Costs to protect from road bank erosion exceeded $54,000 in spring 2011.

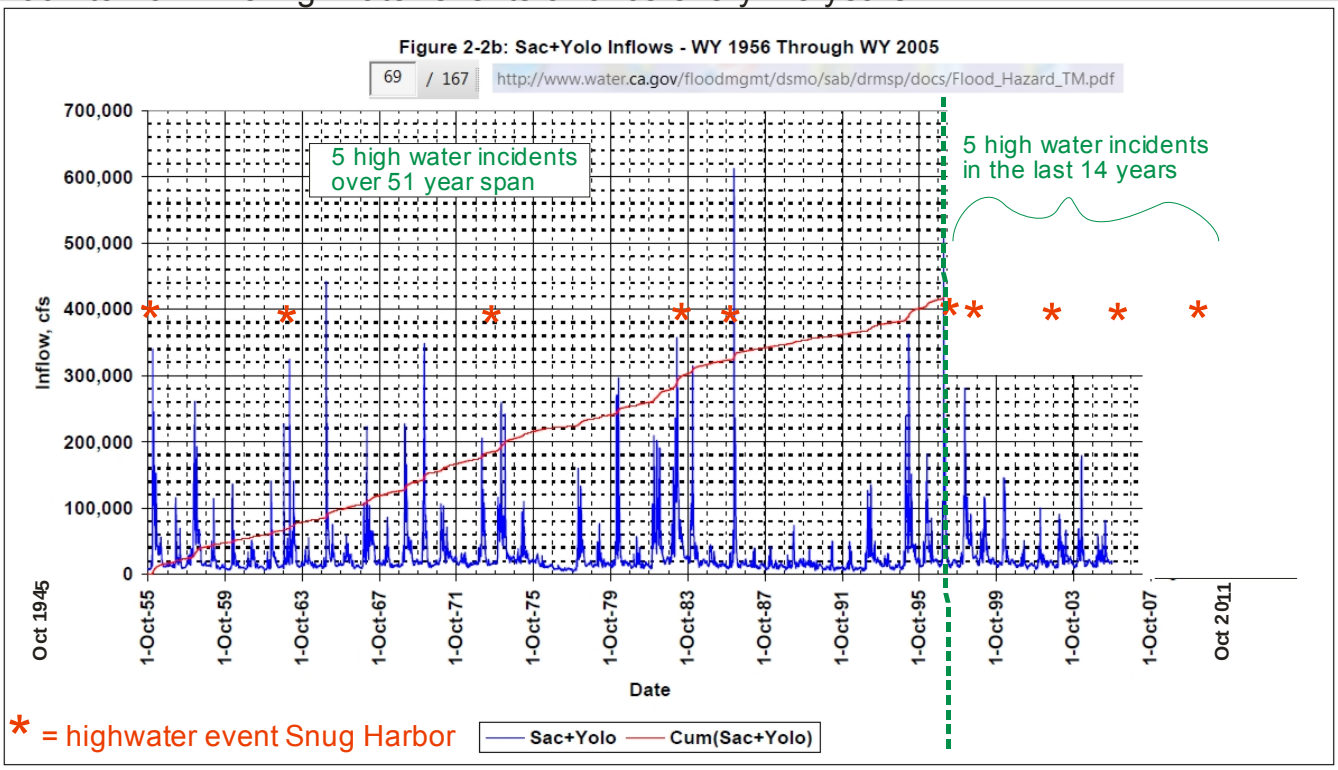
In addition, several sections of our bank within the park grounds experienced substantial erosion and we lost some very tall and healthy trees that fell into the water due to bank erosion during the extreme ebb and flood flows that seemed to coincide with DCC closure and fish “pulse flows”. The cost of cutting up and hauling out the trees was in excess of $1500 each.

In addition, I have been collecting the historical records of “high water” events at Snug Harbor (Martin’s Island) since the property was developed into a marina, RV park and private home parcels starting in the early1940’s when it was reconfigured into a peninsula under written agreement with state & federal authorities at that time, as recorded with resort parcel. (The island was purchased from the state in a land patent recorded 1878) Many of the original home owners along Snug Harbor Drive still have the properties in the same family, and some of seasonal visitors to the resort have been coming here since the 1950’s. Written records show that from 1945 to 1996 the only incidents of flooding any portion of the lands of Snug Harbor coincided with major floods Delta-wide: 1955/56, 1962, 1973, and 1986 were the years where flood waters came onto portions of Snug Harbor Drive, at least 6 inches deep, for at least 1 tide cycle. Five “high water” events over a 56 year span, each of which coincided with area-wide high water flow, indicates an average of once per every ten years the park should plan for flood clean up expenses.

However, from 1997 to spring of 2011, a span of 14 years, we have experienced high water events at Snug Harbor in 1997, 1998, 2002/2003, 2006 and spring 2011. **That is a new average of high water events every 2.8 years over a span of just 14 years**! Some of the high water incidents of the last 14 years have NOT coincided with high flow and precipitation levels on the Sacramento watershed system. Since other areas of the Delta have not had a similar increase in high water incidents, there must be a reason the state is sending excess flows onto Steamboat Slough at specific intervals, even during “dry” or low precipitation winters. The chart below was made by

combining DWR Sacramento River + Yolo Bypass inflows for 1956 through 2005[3] with the local Snug Harbor documented incidents of high water on Snug Harbor Drive, 1956 through spring 2011, to graphically show the substantial increase in high water incidents over the last 14 years, which did not necessarily correlate to system-wide excess water flow.

1945 to 1996 = 5 highwater events or once every 10 years
1997 to 2011 = 5 highwater events or once every 2.8 years



Note: Steamboat Slough/Snug Harbor highwater events added to DWR chart of historic flows

Note that I've been onsite for most of the high water events of the last 14 years. Photos to the left are from the 2006 high water event, where we had up to 12" of water onsite, and from 2011, where a portion of Snug Harbor Drive was affected. I've observed that it is not fast-flowing water that invades the peninsula land, but instead we see a slow rise of the water, like filling a bath tub, as the flow from Cache Slough backs up into Steamboat Slough, and the water flowing down Steamboat Slough gets trapped by the bottleneck around river mile 17 to 18, or blocked by the flow of Cache Slough.

[3] http://www.water.ca.gov/floodmgmt/dsmo/sab/drmsp/docs/flood_hazard_TM.pdf page 69 or 167.

Clearly, there has been some change in how flow is directed onto Steamboat Slough in the last 14 years. Clearly, flow *capacity* of Steamboat Slough is declining as the slough bed is allowed to continue to silt in and restoration projects create further flow hindrances, all of which increases the average incidents of high water at Snug Harbor during winter or early spring months. It does not appear that the current proposed flood control plan for this area takes into account the above when calculating channel flow flood capacity.

(In addition, I've noted a pattern whereby closure of the Delta Cross Channel gates tends to increase flow on Steamboat Slough, and higher water flow seems to coincide with the "fish studies" regarding salmon and smelt runs, so perhaps when the fish agencies stop doing the studies, the flow issues will also cease?)

Note that the resort infrastructure was upgraded over the last 10 years to make sure we are ready and able to withstand the high water events, but that does not mean we are willing to be intentionally flooded for fish studies, Yolo Bypass annual inundation experiments, or water diversion for other reasons. State flow experiments for fish or export studies should not be allowed to negatively affect private land owner use, even if the properties are able to withstand the more frequent high water incidents. The state does not compensate for the repairs and clean up costs, nor loss of revenue, when all of us on the Snug Harbor peninsula experience high water events due *not* to natural disasters, but due to the state water flow manager's intentional diversion of excess water into Steamboat Slough for studies and other non-natural disaster purposes.

I firmly believe the damage to Snug Harbor road and banks noted above is due to the state's assumption that Steamboat Slough flow capacity is higher than current physical configuration and experience shows, for the above reasons. I have expressed these same concerns to several DWR representatives since 2008, but my concerns have been ignored. I therefore specifically request that the following actions be considered by the CVFPB in conjunction with theSPFC study:

(1) That a new monitoring station for flow, water level and salinity be installed and maintained on the lower end of Steamboat Slough between approximately river mile 16 to 17; all data shall be reported online through the state website[4] and costs for installation, maintenance and monitoring shale be borne by DWR or the state water contractors;
(2) that the stated flood flow capacity of Steamboat Slough be reviewed and reduced to a reasonable, prudent level to protect land owners along the waterway;
(3) that the state consider removal of the restoration project(s) that hinder flood flow capacity of Steamboat Slough;

[4] http://www.water.ca.gov on the "dayflow" page or other page accessible to the general public.

(4) that the entire length of Steamboat Slough be dredged to the 1977 depth if the state plans to continues to allocate so much flood water flow to Steamboat Slough;
(5) that Ryer Island and Grand Island be closely inspected during one of the extreme low tides If its not already done) so that the areas where the soil under the levee rocks are being undermined will be noted, and repaired, (at least 5 areas along Ryer Island levee adjacent to Snug Cove need attention and repair);
(6) that funding be provided to the Department of Boating and Waterways in sufficient amount to eradicate flow-hindering invasive species, including egeria densa, along all banks of Steamboat Slough and the Main Steam of the Sacramento River;
(7) that a fund be set up, paid by the water exporters, administered by NDWA, to compensate Steamboat Slough property owners and other NDWA landowners for damages caused by restoration projects and any "fish studies" made necessary due to ongoing and planned revision of water exports from the Sacramento River system, and that DWR, USBR and state water contractors assume all liability for damages to property and persons caused by the ongoing revisions to flows on Steamboat Slough and any other lands affected with the legal Delta region;
(8) and I also request that if any more "fish studies" or other experiments affecting flood flow are conducted on Steamboat Slough, which result in damage to resort property, that funding be available to cover the cost of all such damage. Damage control funding should be included as part of the budget of the flow-affecting studies.

If you have any questions regarding any of the above, please email me at sunshine@snugharbor.net. For full copies of the maps referenced in this letter, please go to http://snugharbor.net/california_delta_water_wars.html or follow the links starting from http://www.snugharbor.net

Respectfully submitted,

Nicole (Nicky) Suard, Esq. (Submitted by email)

Nicole S. Suard, Esq., Managing Member, Snug Harbor Resorts, LLC

Cc: Robert Powel, Solano County Emergency contact.

Neil Hamilton, President, RD 501 District Office 3554 St. Highway 84, Walnut Grove Ca 95690
(916)775-1411

CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

MELINDA TERRY
MIKE HARDESTY
LEWIS BAIR
KENNETH A. RUZICH

April 27, 2011

Mark Cowin, Acting Director
CA Department of Water Resources
1416 – 9th Street, 11th Floor
Sacramento, CA 95814

Dear Director Cowin:

The California Central Valley Flood Control Association (Association) and its Sacramento Valley Flood Control Action Work Group (SVFCAWG) have been active participants in the development of the Central Valley Flood Protection Plan (CVFPP) that is being undertaken by the Department of Water Resources (DWR).

While we greatly appreciate the collaborative nature in which DWR has engaged the Association and the SVFCAWG to develop the CVFPP, we are growing concerned that our issues may not be fully addressed in the final plan. We are specifically concerned with how the CVFPP will address the needs of the agricultural and rural communities, address compliance with the USACE's vegetation policy, and what future funding mechanisms will be developed to implement the CVFPP.

With the CVFPP scheduled to be completed at the end of 2011, it is not clear that the critical issues we have raised will be reasonably addressed. Through recent meetings and coordination, we have compiled these concerns and issues into a concise list of questions (enclosed).

We would appreciate a written response to the attached questions as well as an opportunity to meet with DWR to discuss these concerns at your earliest possible convenience.

Sincerely,

Melinda Terry, Executive Director

Cc: Gary Bardini, DWR
Jeremy Arrich, DWR
Jay Punia, CVFPB
Senator Lois Wolk

910 K STREET, SUITE 310, SACRAMENTO, CA 95814 | TEL. (916) 446-0197 | FAX. (916) 446-2404 | WWW.CVFLOOD.ORG

CCVFCA questions to CVFPP/DWR
April 27, 2011

Funding:

1. How much money in Prop 1E and /or Prop 84 has been spent on the CVFPP process and development, how much money remains in Prop 1E and Prop 84 that could be used for flood protection purposes in the Delta, and how much of that money in Prop 1E and Prop 84 will be reserved for construction of flood control projects to implement the CVFPP?
2. DWR has made clear that the existing Prop 1E and 84 bond funds will be insufficient to implement the CVFPP. While local governments will provide a portion of the funding, what revenue streams is the State exploring to make up the remaining funding shortfall?
3. In the event that the State, or the voters reject future bond funds, what other sources of funding are being explored to reduce the risk of loss of life and liability to the State of California?

CVFPP Process and Schedule:

4. Is the CVFPP process on schedule and will it define a plan that will meet the objectives of the State and local communities?
5. Why is so much time being spent on process rather than developing the elements of a plan, including recommended system improvements to protect public safety?
6. Phase 3 of the CVFPP Planning Process (CVFPP Interim Progress Summary No. 2, December 1, 2010) stipulates that regional "solution sets" will be formulated and refined. Will the "solution sets" identify and prioritize actual construction projects for implementation?
7. How will the USACE's "Central Valley Integrated Flood Management Study" be jointly implemented with the CVFPP?
8. How will the CVFPP ensure that the BDCP addresses flood management issues in a way that does not compromise public safety?

Specific Agricultural and Rural Community Issues:

9. The emphasis to date has been on the urban areas, but as we move towards a system-wide approach, how will rural areas be considered and incorporated into the plan?
10. At an appropriate point in the project, we would like DWR to meet with the communities to explain DWR's thoughts on the process to accomplish this?
11. We understand that the CVFPP document to be published in 2012 will be a high-level planning document and will likely not contain detailed actions and solutions. If this is correct, we are concerned that this has enormous implications to the agricultural community and economy due to these areas being mapped into the FEMA floodplain with no provisions to address the long term sustainability of agriculture in the floodplain.
12. How does the plan address the loss of agricultural areas as a result of the plan or ecosystem enhancement?
13. Will the plan be able to reduce the flood risk for the rural communities in a way that promotes their long term economic sustainability?

Coordination with USACE:

14. USACE Feasibility Studies will determine what is needed to reach the State-required 200-year level of protection. These Studies should be the basis of the CVFPP, but they are hardly mentioned in the plan. How does DWR intend to integrate ongoing Feasibility Studies into the CVFPP?
15. Will the CVFPP discuss the future processes (i.e. Feasibility Studies, 408 permits, etc.) that will be necessary to implement any flood control system improvements recommended in the Plan?
16. The California Levees Roundtable developed a California Central Valley Flood System Improvement Framework, which includes interim criteria for vegetation management, that allows California to maintain PL 84-99 eligibility until a system-wide strategic plan for flood risk reduction in the Central Valley (Central Valley Flood Protection Plan) is completed and adopted by the State by July 2012. The Framework is clear that the USACE expects levee erosion, channel capacity, seepage, encroachments, vegetation maintenance, structural instability, seismic loadings, and environmental concerns are all important factors that the CVFPP is supposed to address in order to improve system reliability and will evaluate PL 84-99 eligibility based on the contents of the CVFPP. Can you tell us if the CVFPP is on track to meet the specific requirements of the Framework to allow Central Valley levees to maintain their PL 84-99 eligibility?
17. If the CVFPP will not be able to meet the 2012 deadline of addressing the Framework eligibility issues, then how does the Plan and DWR intend to deal with the loss of eligibility for almost all of the State Plan of Flood Control levees?

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
Julie Wolford	NOAA's National Marine Fisheries Service (NMFS)	Julie.Wolford@noaa.gov	2012 Public Draft CVFPP	4.2	4-14	The Life Cycle Management (LCM) strategy helps to protect large woody vegetation on levee systems only for the near future. In the distant future this strategy will result in a loss of riparian habitat on Central Valley levee systems. The LCM strategy will ultimately result in a huge reduction of shaded riverine aquatic habitat (SRA) as the major source of recruitment will be removed and will also result in a disruption of the food web productivity and result in a decrease of invertebrates available for listed fish.
				4.3	4-16	It is stated, "As the SSIA is implemented, some features of the SPFC may prove to be obsolete and slated for removal, while other features may be added".
				4.4.5	4-26	It is stated, one of the programs actions will be to isolate, stabilize or remove mercury and other heavy metals, polychlorinated biphenyles, and other long-lasting ecosystem contaminants.
				4.4.6	4-27	It is stated, "The 2017 CVFPP update will be prepared in close coordination with USACE."
				4.5	4-28	There are mentions of an emergency response exercise with environmental resource and regulatory agencies
				4.5.2	4-32	It's stated that continued engagement with partners and stakeholders will occur
				4.6.1	4-33	Table 4-1, summarizes costs to implement various elements of the SSIA
				4.6.1	4-34	Table 4-2, SSIA Cost Estimates by Region
				4.7.2	4-39	Table 4-3, SSIA Range of Investments Over Time
Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	2012 Public Draft CVFPP	1.1		DWR needs to give value to Environmental Safety as it does for human safety. After all, humans can't live without the environment, but the environment can live without humans. There is a lack of seriousness about the necessity of ensuring the continued well-being of this critical human support system. This document treats the environment as an after thought, when it is every bit as valuable as an asset as the people and their properties. More space and thought should be given to developing an economic assessment of the worth of environmental units such as one juvenile salmon or an acre of tule marsh. As long as we ignore the intrinsic worth of the biota and their habitat, we will never measure the real worth of our repairs and restorations.
				1.3		Is there a measure of the buildup of sediment in the Sacramento Basin over time since the gold mining began? What is the present accrual of sediment since these operations have stopped?
				1.4		The sideboard note is vague as a definition. How about an example?
				1.7		This quote needs a citation.
				1.7		Figure 1-6 should be located closer to the text reference in 1.3 line 8.
				1.6.2		Expand the primary goal to include "environmental" safety as in 1 above.
				1.6.3		Typo in par. 1 line 1 "for"
				2.2		On page 2-3 par. 2 line 1, "To effectively evaluate" is a split infinitive. This use is also found in several other places in the text.
				2.6.1		Typo on page 2-16 in par. 1 line 8.

				3.6.1		Close up the end of the sentence in par.1 on page 3-19 line 8.
				4.2		The last par. On page 4-15 needs clarification for riparian forest corridors. What are these?
				4.4.1		Where are the FPZ items on page 4-21?
				4.5		Typo on page 4-28 under "Floodplain Management" lines 3,4
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Attachement 2: Conservation Framework	1.2	1-7	It is stated, "environmental stewardship can reduce flood project regulatory delays, lower long-term operation and repair costs, provide greater public benefits, and strengthen public support."
				2.2.3	2-12	In the second paragraph, changes to aquatic habitat are discussed.
				2.2.3	2-15	Table 2-3: Representative Sensitive Wildlife Species of Riverine, Wildland….
				2.4.4	2-23	More should be added to the discussion of impacts from invasive species.
Kenneth Cumming	NMFS	Kenneth.Cumming@noaa.gov	Attachement 2: Conservation Framework			General Comments
						There is a need for framing the various agency authorities, jurisdictions, and an arbitration service to settle agency concerns as they arise.
						Mitigation Banks need more explanation in the text.
						There doesn't seem to be a discussion of enforcement actions and their operation.
						A number of the topics are incompletely described and should have concept teams assigned to explore the topic development.
						The protocol for setting up partnerships and valuing their productivity should be explored.
						With the sequential development of higher levels of permits (site, reach, corridor, region etc.), there is a need to examine how they will be enforced.
						There is a need for a schematic of agency relationships, especially as they deal with different levels of authority and decision making (IWG, Collaborative, Advisory Commission).
						With the proliferation of documents, there is a need for a centralized repository and method of access.
						There should be more discussion on the role and control of encroachments (agriculture, treated water, housing, invasive plants and animals).
						Possibly there ought to be a guideline for engagement civility.
						Specific Comments
					4-14	Add fish screens on diversion structures.
					5-11	Develop and present pallet information suitable plants and trees for the lower waterside slope.
					5-19	Discuss how research on Best Management Practices would be carried out.
					5-28	Include fish species in the list.

RIVER ISLANDS

AT LATHROP

February 8, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RECEIVED
FEB 14 2012

Subject: Comments on Draft State Plan of Flood Control

Dear Ms. Moricz:

We previously provided comments regarding the Draft State Plan of Flood Control Descriptive Document in May 2010. Our understanding is that Descriptive Document was meant to be an inventory and description of the existing flood control works, lands, programs, plans, conditions, and mode of operations and maintenance (O&M) for the State-Federal flood protection system in the Central Valley. The Descriptive Document was to be used as a basis for the State Plan of Flood Control. Our comments on the Descriptive Document were specific to Paradise Cut and its role as a flood bypass in the southern San Joaquin Delta. A copy of this correspondence is provided as an attachment to this letter (Attachment 1).

We now wish to provide additional comments regarding the recently issued Draft State Plan of Flood Control. We have specific comments that adversely affect our property rights and that we believe our contrary to existing State plans and policies.

As indicated in our May 2010 correspondence, we are the master developers of the 4,800 acres River Islands master planned community within the City of Lathrop California. The site is located on the Stewart Tract within the southern portion of legal Delta; please see Attachment 2. As the sole property owners of the site, we also sit as the board of directors for Reclamation District 2062, which is the local levee management agency for the Stewart Tract. Adjacent to the Stewart Tract is Paradise Cut, a State designated flood bypass that includes Paradise Weir at the head of Paradise Cut and the San Joaquin River. We also own all lands within Paradise Cut north of the Union Pacific Railroad. Paradise Cut serves as a bypass to divert flood waters away from urban areas downstream of the Paradise Weir.

It is important to note that the River Islands project site is wholly located within the Secondary Zone of the Delta, where urban development is allowed under the Delta Protection Act of 1992. The site is also unique to other sites within the Delta due to its location, elevation, soils conditions and extensive entitlements:

THE CAMBAY GROUP, INC.

73 West Stewart Road, Lathrop CA 95330 * Tel 209.879.7900 * Fax 209.879.7928

- Flood Zone Designation: 900 acres of Phase 1 of the project site is already protected by 300 foot wide "superlevees" and is protected against 200 year flooding event (as designated by DWR) and is designated as an "X" zone by FEMA (outside the 100 year flood plain). Please see Attachment 3 for greater detail of this area. The balance of the project has an approved by a Conditional Letter of Map Revision (CLOMR) by FEMA to provide a minimum of 100 year protection for the balance of the project. River Islands intends to extend its superlevee system for the balance of the project, meeting a minimum 200 year level of protection as mandated by the State. These improvements will be completed prior to any development in the affected area.

- Soil and Drainage Characteristics: the project site underlying soils that are characteristic of areas outside the interior Delta (sandy/loam/clay) and not organic peat soils. As a result, it is not subject to subsidence like many interior Delta islands and the soils drain well. Also, the site is 8 to 12 feet above sea level on average and the current levee system is not impacted by normal river levels like many interior levee systems.

- Habitat Quality: River Islands is proposing extensive eco-restoration of the 900 acre Paradise Cut, including preservation, restoration and creation of habitat for the federally listed Riparian Brush Rabbit; one of few such areas identified in the State. The project also seeks to provide extensive waterside levee vegetation for the creation and preservation of Shaded Riverine Aquatic Habitat (SRAH) along the levee slopes on the San Joaquin River and Old River.

- Development Potential and Economic Viability: the project already has extensive entitlements for development and is considered an economic boon to the City of Lathrop and the region at large. The project is multi-faceted, in that it will provide much more than just housing. The project will offer extensive office and retail opportunities, including up to 17,000 new jobs with over 4.5 million square feet of space. The entire Town Center (a mixed-use "downtown" area) and approximately two-thirds of the proposed Employment Center are located within Phase 1 of the project area and is already flood protected. Along with available infrastructure, these sites can be readily available for development in a short period of time once market conditions improve.

- Availability of Infrastructure: the project site has already completed numerous off-site and on-site infrastructure facilities, including water and sewer capacity, pipelines, recycled water storage and disposal facilities, electrical facilities and initial access to the site. The first two internal lakes (approximately 30 acres), along with initial grading, flood protection and an 8 acre bio-retention area for storm drainage has already been constructed for Phase 1.

- Land Use and Zoning Designations: The project site is covered by the Lathrop General Plan and the adopted West Lathrop Specific Plan, which provides the land use

designations and zoning respectively. All necessary urban land uses for the property have already been designated by these documents.

In particular, we are concerned about the bypass identified in Figure 3-2 on page 3-6. This figure indicates that all of Stewart Tract and Paradise Cut are suggested to be included in an expanded flood bypass (shown in yellow on Figure 3-2). This is inconsistent with other State policies and plans, including the current Draft Delta Plan of the Delta Stewardship Council. As indicated above, all areas north of Paradise Cut on the Stewart Tract are already fully entitled for urban development and have significant new infrastructure in place for that development. Figure 3-2 should be modified as shown in Attachment 4 provided in this letter, which would propose existing Paradise Cut and areas to the south of Paradise Cut be designated for further bypass improvements, but exclude the already approved developable areas of the Stewart Tract from these improvements.

Should you have any questions regarding this letter, please do not hesitate to call me at (209) 879-7900 or email me at sdellosso@cambaygroup.com.

Sincerely,

Susan Dell'Osso
Project Director
River Islands at Lathrop

Enclosed: *Attachment 1: March 1, 2010 Correspondence*
Attachment 2: River Islands/Stewart Tract Locational Map
Attachment 3: 200 Year Flood Protected Area
Attachment 4: Revised Figure 3-2

Copy to: Scott Woodland, State of Department of Water Resources
Kathleen A. Dadey, U.S. Army Corps of Engineers, Sacramento District
Ben Carter, President, Central Valley Flood Protection Board
Jay Punia, Executive Officer, Central Valley Flood Protection Board
Ric Reinhardt, MBK Engineers
Monty Schmitt, Natural Resources Defense Council
John Cain, American Rivers
Alicia C. Guerra, Briscoe Ivester & Bazel LLP
Cary Keaten, City Manager, City of Lathrop
Glenn Gebhardt, Director of Community Development, City of Lathrop
Lisa Freilicher, General Counsel

RIVER ISLANDS

AT LATHROP

March 1, 2010

Central Valley Flood Planning Office
Attn: Roger Lee
P.O. Box 942836
Sacramento, CA 94236

Subject: Draft State Plan of Flood Control Descriptive Document

Dear Mr. Lee:

We are providing you the following comments regarding the Draft State Plan of Flood Control Descriptive Document ("Document"). Our understanding is that the document is meant to be an inventory and description of the existing flood control works, lands, programs, plans, conditions, and mode of operations and maintenance (O&M) for the State-Federal flood protection system in the Central Valley.

We are the master developers of the River Islands project; a 4,800 acre master planned community within the City of Lathrop, California in which I am the project director. River Islands is surrounded by 12 miles of project levees on the Stewart Tract located within the southern portion of legal Delta; please see Exhibit 1 (attached). As the sole property owners of the site, we also sit as the board of directors for Reclamation District 2062, which is the local levee management agency for the Stewart Tract. Adjacent to the Stewart Tract is Paradise Cut, a State designated flood bypass that includes Paradise Weir at the head of Paradise Cut and the San Joaquin River. We also own all lands within Paradise Cut north of the Union Pacific Railroad. Paradise Cut was constructed under U.S. Army Corps authorization in the 1950's to divert flood waters away from urban areas downstream of the Paradise Weir.

The draft Document refers to Paradise Cut as a "distributary" of the San Joaquin River. While this is technically true (Paradise Cut receives flows from the San Joaquin River and does not rejoin it), Paradise Cut should be described and listed a flood by-pass (facility) under the draft Document. The language below is excerpted from the draft Document:

> **Paradise Cut**
>
> SPFC facilities along Paradise Cut include levees on both sides of the channel from the San Joaquin River to the confluence with the Old River. The design channel capacity is 15,000 cfs based on the O&M manuals. The right-bank levee (see O&M Manual SJR9) is 5.9 miles long. This levee protects Stewart Tract and

THE CAMBAY GROUP, INC.

73 West Stewart Road, Lathrop CA 95330 * Tel 209.879.7900 * Fax 209.879.7928

Index No. 004

the developing area of Lathrop. The left-bank levee (see O&M Manual SJR10) is 6.2 miles long. The levees are maintained by RD 2058 and RD 2062."

We suggest that the language on page 3-71 of the draft Document be modified to reflect the fact that Paradise Cut is also a flood bypass facility and to acknowledge the Paradise Weir:

Paradise Cut

"SPFC facilities along Paradise Cut include levees on both sides of the channel from the San Joaquin River to the confluence with the Old River, along with the Paradise Weir at head of Paradise Cut and the San Joaquin River. Paradise Weir is an existing rock weir that separates Paradise Cut from the San Joaquin River. The weir allows low flows to remain in the San Joaquin River and high flows to be diverted into Paradise Cut. Flood waters flow through Paradise Cut into Grant Line Canal which joins with Clifton Court Forebay. In conjunction with Paradise Weir, Paradise Cut is considered a flood-bypass for the San Joaquin River. The original design channel capacity is 15,000 cfs based on the O&M manuals. The right-bank levee (see O&M Manual SJR9) is 5.9 miles long. This levee protects Stewart Tract and the developing area of the City of Lathrop from a 50-year (1-in-50 Annual Exceedance Probability). The left-bank levee (see O&M Manual SJR10) is 6.2 miles long. The left-bank levee is maintained by RD 2058 and the right-bank levee by RD 2062."

Additionally, Detail 7 (figure in Attachment A - State Plan of Flood Control Index and Location Maps) should be updated to reflect the location of Paradise Cut and Paradise Weir as SPFC facilities. Should you have any questions regarding this letter, please do not hesitate to call me at (209) 879-7900 or email me at sdellosso@cambaygroup.com.

Sincerely,

Susan Dell'Osso
Project Director
River Islands at Lathrop

Enclosed: *Exhibit 1: River Islands Locational Map*

Copy to: Scott Woodland, State of Department of Water Resources
Kathleen A. Dadey, U.S. Army Corps of Engineers, Sacramento District
Ben Carter, President, Central Valley Flood Protection Board
Jay Punia, Executive Officer, Central Valley Flood Protection Board

Ric Reinhardt, MBK Engineers
Monty Schmitt, Natural Resources Defense Council
Richard Roos-Collins, Natural Heritage Institute
Alicia C. Guerra, Briscoe Ivester & Bazel LLP
Mark Connelly, San Joaquin County Public Works
Cary Keaten, City Manager, City of Lathrop

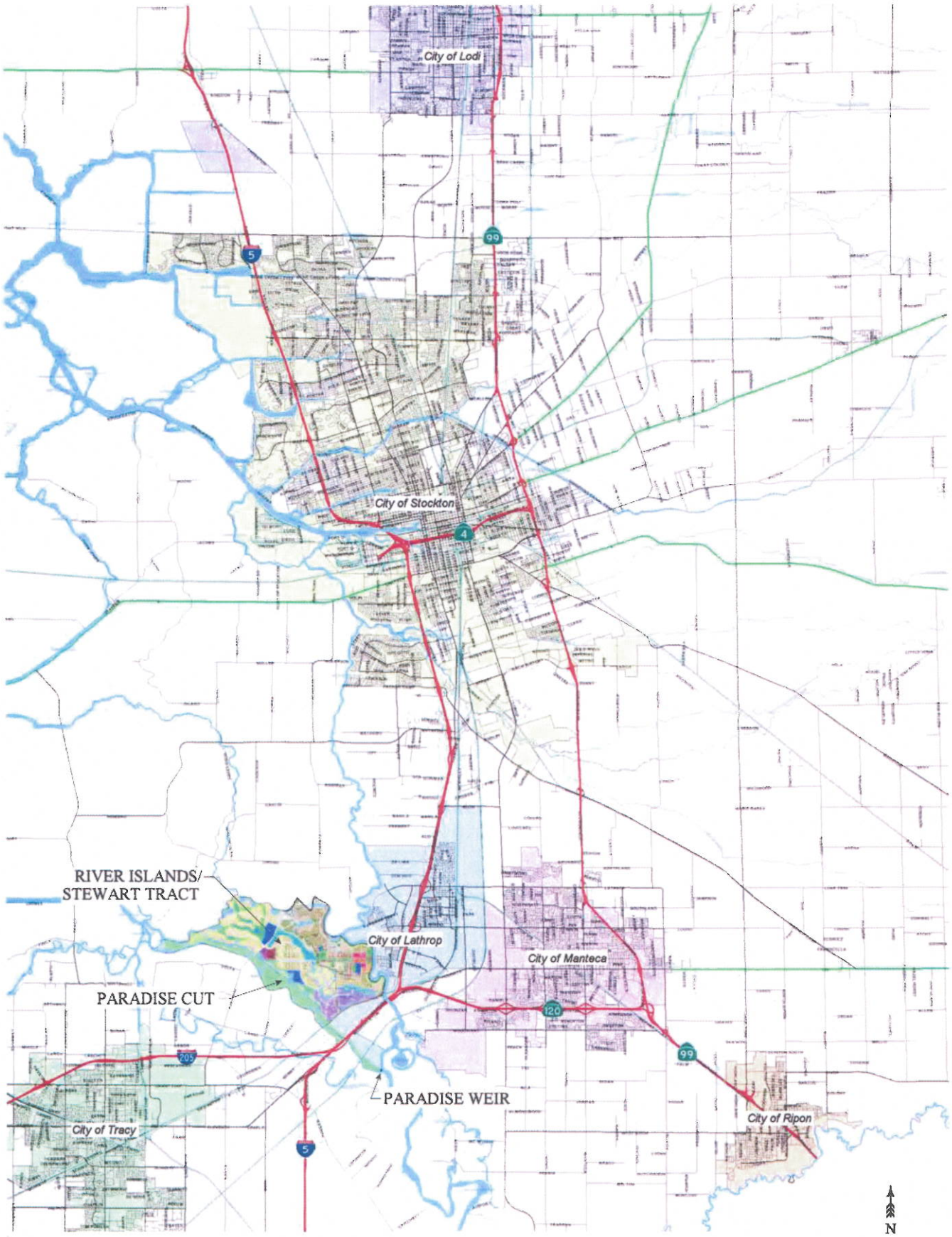
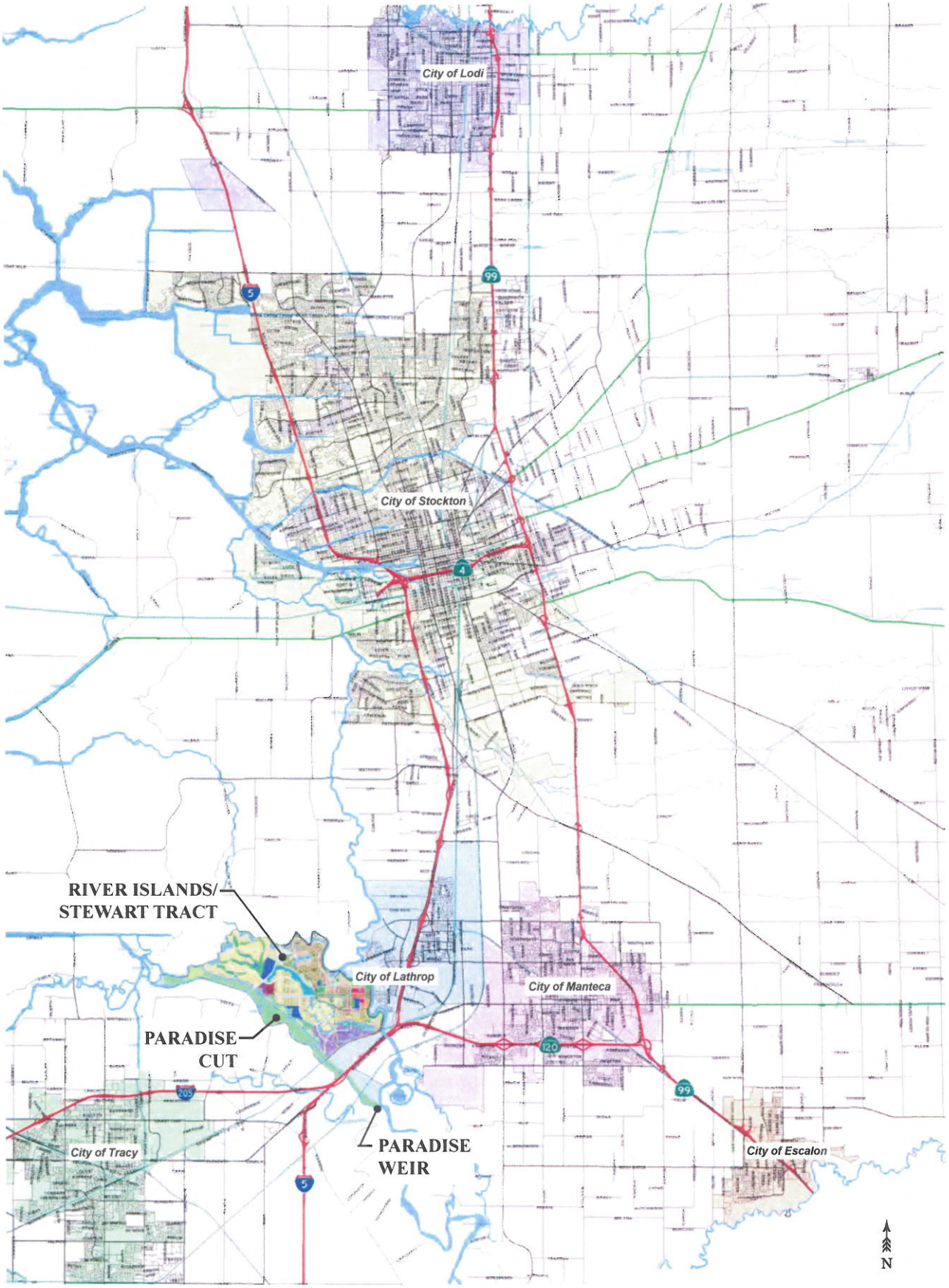


EXHIBIT 1 - RIVER ISLANDS/STEWART TRACT LOCATIONAL MAP

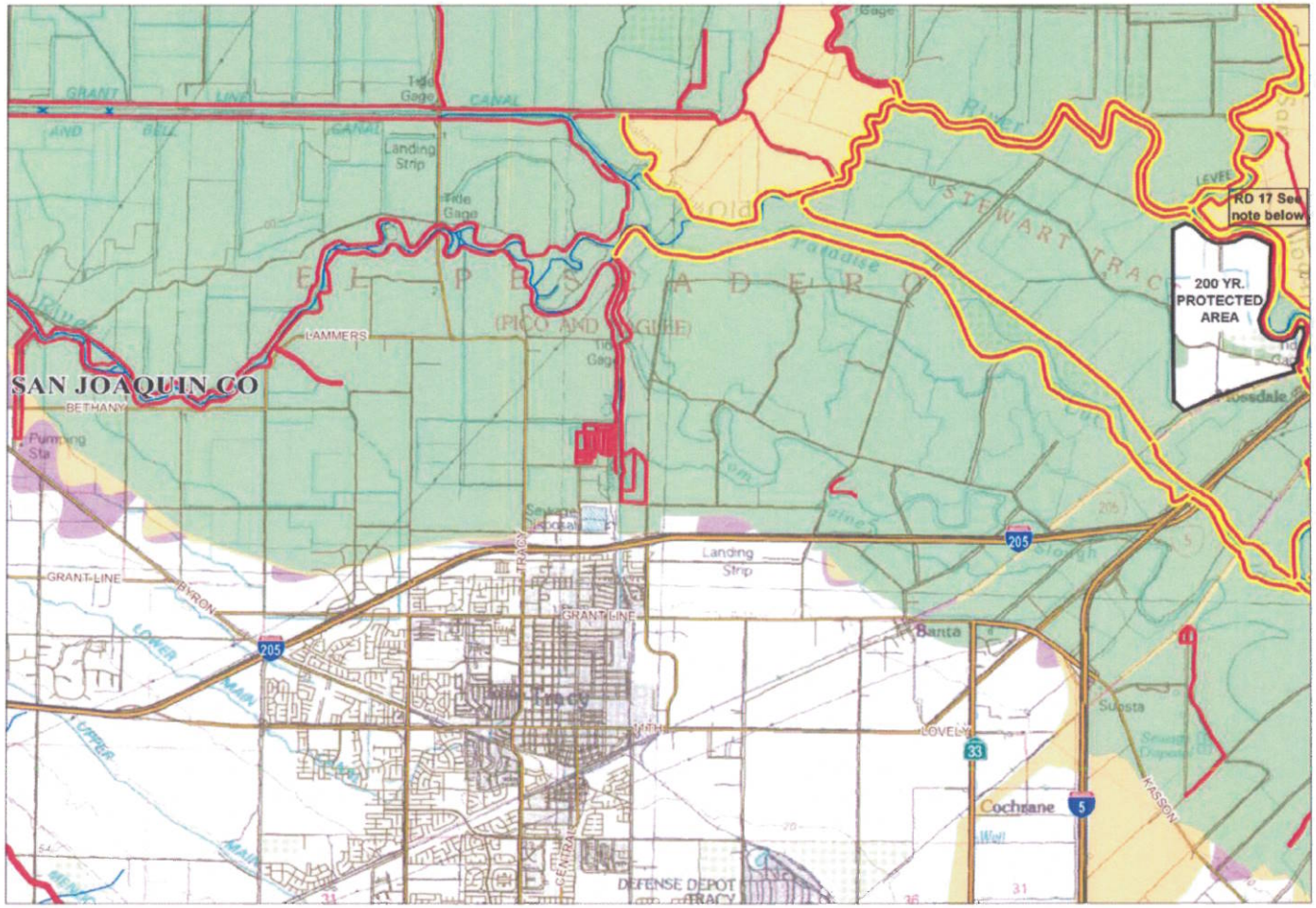
RIVER ISLANDS
AT LATHROP



ATTACHMENT 2 - RIVER ISLANDS/STEWART TRACT LOCATIONAL MAP

RIVER ISLANDS
AT LATHROP

Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data



LEGEND

- Project Levee Centerline
- Non-Project Levee Centerline
- River / Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary

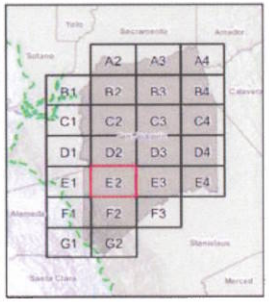
100-Year Composite Floodplains

- FEMA Effective Floodplains
- Other Available Floodplain Data

200-Year Composite Floodplains

- Available Floodplain Data

In every case, the 200-Year Composite Floodplains incorporate the areas of the 100-Year Composite Floodplains



State of California
Department of Water Resources

October 15, 2008

PBSJ

PAGE: E2

SAN JOAQUIN COUNTY

N W E S

0 1 Mile

PLEASE REFER TO THE INTRODUCTION PAGES OF THIS MAP SET FOR LEGEND DEFINITIONS AND LIMITATIONS ON THE USE OF THE FLOODPLAIN INFORMATION SHOWN.

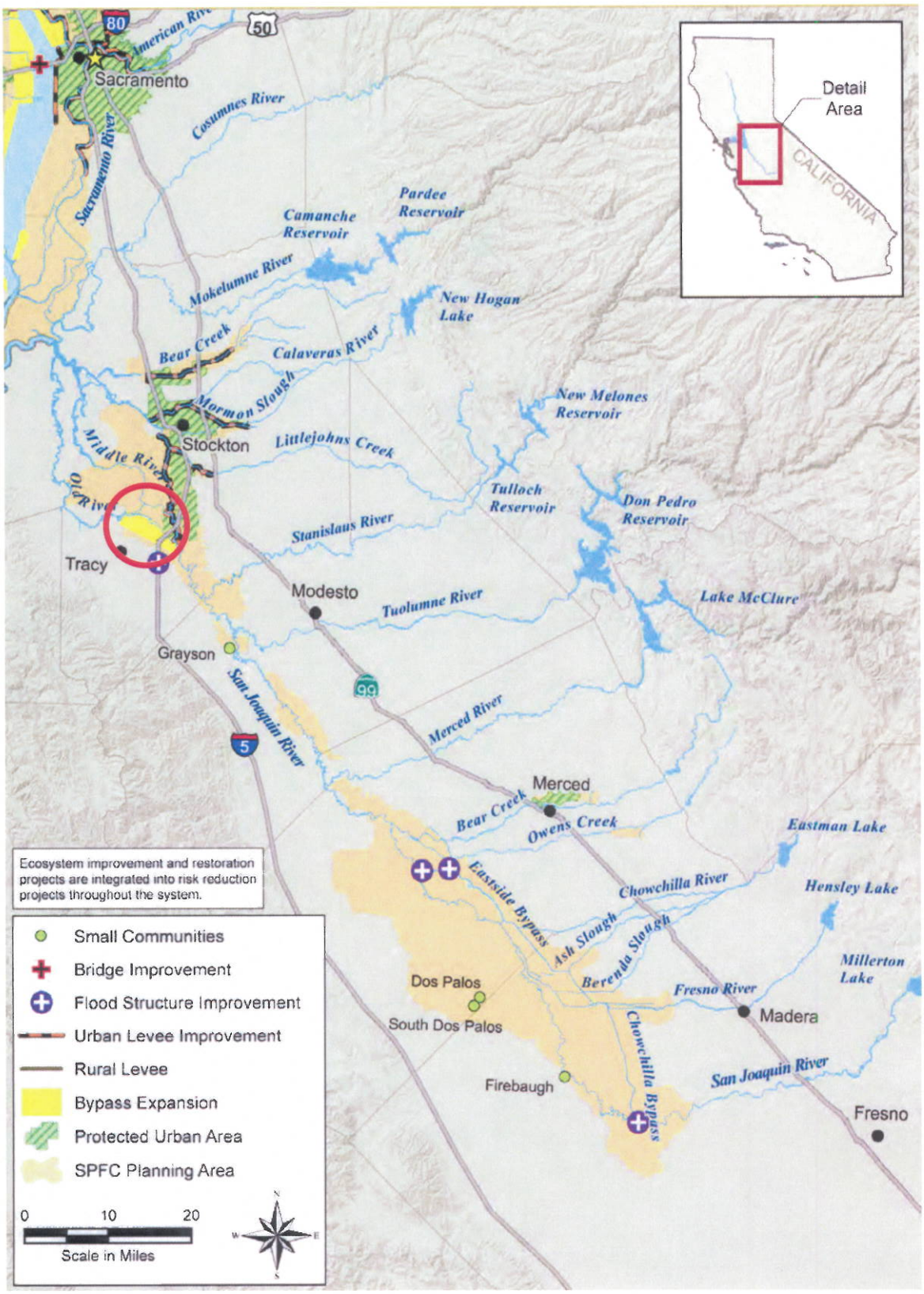
River Islands at Lathrop

200 Year Flood Protected Area

ATTACHMENT 3

Index No. 004

ATTACHMENT 4



Key: SPFC = State Plan of Flood Control

Figure 3-2. State Systemwide Investment Approach – San Joaquin River Basin Major Capital Improvements

American Rivers
Rivers Connect Us

CALIFORNIA TROUT
KEEPER OF THE STREAMS

The Nature Conservancy
Protecting nature. Preserving life.™

TROUT UNLIMITED

Conservation Community Letter

to the

Central Valley Flood Protection Board

regarding the

Central Valley Flood Protection Plan

FRIENDS OF THE RIVER

NATIONAL WILDLIFE FEDERATION

CALIFORNIA WATERFOWL

DEFENDERS OF WILDLIFE

prbo
PRBO Conservation Science

NRDC
THE EARTH'S BEST DEFENSE

EDF
ENVIRONMENTAL DEFENSE FUND™
Finding the ways that work

Tuolumne River Trust

RIVER PARTNERS

The Bay Institute

PLANNING AND CONSERVATION LEAGUE

sacramento river preservation trust

American Rivers ♦ California Trout ♦ National Wildlife Federation

California Waterfowl Association ♦ River Partners ♦ Environmental Defense Fund

Natural Resources Defense Council ♦ Sacramento River Preservation Trust

The Nature Conservancy ♦ Friends of the River ♦ Planning and Conservation League

The Bay Institute ♦ Trout Unlimited ♦ Tuolumne River Trust ♦ PRBO Conservation Science ♦ Defenders of Wildlife

February 15, 2012

Benjamin Carter
President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear President Carter:

Thank you for the opportunity to provide comments on how and where the Central Valley Flood Protection Board (Board) should focus their efforts in the five months ahead.

The 2012 Central Valley Flood Protection Plan is an historic opportunity to chart a safer, healthier course for communities and rivers of the Central Valley. Four years of discussion, data, collection, and planning have gotten us to this point, and the staff from the Department of Water Resources has done a commendable job developing a draft plan. Now it is the Board's responsibility to ensure that the plan will truly serve the people of California.

We believe the plan lacks a systemwide vision and specific objectives for how California will safely manage floods in the 21st Century. The Flood Board must act to develop and implement this vision now, and not wait five years until the plan update. Too much is at stake to delay. Several of our organizations submitted comments on the preliminary draft of the plan in a November 17, 2011 letter to the Department of Water Resources, which is attached for your review. These comments are summarized below.

<u>Conservation Group Comments on Preliminary Draft</u>

1. Maximize the use of cost-effective and multi-benefit flood management tools such as flood bypasses, setback levees, and transitory storage on floodplains.
2. Specify an overarching strategy with measurable objectives for incorporating ecosystem function.
3. Clearly state how the flood plan will be integrated with related state and federal restoration efforts within the state flood control planning area.

4. Develop a more explicit climate change adaptation strategy to minimize projected impacts on flood risk, ecosystems, and water supply reliability.
5. Explicitly integrate and balance flood management and water supply objectives.
6. Provide specific guidance to enable local planning.

Although revisions to the preliminary draft plan have been made, the plan is still deficient in these six areas. We urge the Board to address these deficiencies and *articulate a clear and compelling vision for the future of the Central Valley Flood Management System.*

Need for a Vision and Specific Objectives for Central Valley Flood Management

The legislature intended that the 2012 flood plan be a blueprint for reshaping the flood system over the next few decades to better serve the people of California. The flood plan was never intended to be a "plan to get us to the next plan" or a general document that would quickly be superseded by regionally-focused plans or project funding criteria developed without properly assessing the needs of the entire system. Unfortunately, there is considerable risk that this draft plan will quickly become irrelevant unless the Board provides a more specific vision for the future.

The draft plan is a big step in the right direction, but it falls far short of what is necessary to articulate a compelling vision or specific direction for how and where to expedite effective implementation. In order to better serve the taxpayers of California and the residents of the Central Valley, the Board must now sharpen and clarify the draft into a document that:

- Defines specific, measurable, and time bound objectives for a system-wide plan for flood risk reduction and other state interests delineated in the authorizing legislation.
- Provides specific guidance on how the plan will incorporate the cost-effective measures, environmental stewardship, water supply reliability and other elements outlined in the six points listed above.
- Clearly and succinctly describes the key physical changes and policy initiatives that will be necessary to achieve the systemwide objectives.
- More clearly prioritizes where and how the state will prioritize future investments and expenditures.
- Provides clear guidance to local land-use jurisdictions to minimize conflicts with state flood risk reduction objectives.
- Concisely and persuasively articulates the rationale for the decisions listed above and explains why they are essential to protect Central Valley communities from flooding.

The draft plan falls short of making some of these tough choices and instead defers them to future planning processes as part of nine regional plans or the 2017 plan revision. While subsequent regional planning is necessary and beneficial, it will be impossible to develop regional plans that advance a systemwide solution without first identifying system-wide objectives. Furthermore, moving forward on regional plans without prioritizing which regions

need to be addressed first will not be a cost effective way to expeditiously reduce flood risk in the Central Valley.

If the Board does not take action to address these tough issues, the status quo will prevail, dampening any enthusiasm for marshaling additional resources that will ultimately be needed to make Central Valley communities safer and rivers healthier. We urge the board to act swiftly in order to avert this outcome and strengthen the plan.

John Cain
American Rivers Trust

Curtis Knight
California Trout

Eric Ginney
Sacramento River Preservation

Brian J. Johnson
Trout Unlimited

John Carlon
River Partners

Steve Malloch
National Wildlife Federation

Susan Tatayon
The Nature Conservancy

Gary Bobker
The Bay Institute

Monty Schmitt
Natural Resources Defense Council

Kim Delfino
Defenders of Wildlife

Ron Stork
Friends of the River

Jonas Minton
Planning and Conservation League

Patrick Koepele
Tuolumne River Trust

Ann Hayden
Environmental Defense Fund

Ellie Cohen
PRBO Conservation Science

John Carlson, Jr.
California Waterfowl Association

Conservation Community Letter

to the

California Department of Water Resources

regarding the

Central Valley Flood Protection Plan

American Rivers ♦ California Trout ♦ National Wildlife Federation

California Waterfowl Association ♦ River Partners ♦ Environmental Defense Fund

Natural Resources Defense Council ♦ Sacramento River Preservation Trust

The Nature Conservancy ♦ Friends of the River ♦ Planning and Conservation League

The Bay Institute ♦ Trout Unlimited ♦ Ducks Unlimited

Tuolumne River Trust ♦ PRBO Conservation Science ♦ Defenders of Wildlife

November 17, 2011

Jeremy Arrich,
Chief, Central Valley Flood Planning Office
Department of Water Resources
3464 El Camino Ave, Suite 150
Sacramento, CA 95821

Dear Mr. Arrich:

Thanks for the opportunity to comment on the draft of the Central Valley Flood Protection Plan (CVFPP). We appreciate all of the efforts that you and your staff have made to complete this plan on schedule. The plan provides an unprecedented opportunity to not only reduce flood risk for communities in the Central Valley but also to restore healthy river ecosystems and support the recovery of a wide variety of fish and wildlife species. The CVFPP is also an important opportunity to plan for a changing climate so that California can better provide future generations with dependable flood protection and healthy rivers, along with water for farms and communities. In 2007, many of our organizations helped to develop the legislation mandating flood management reforms and the development of the CVFPP and since then have worked to support the creation of this plan. As such, we are committed to working with your staff over the months ahead to improve upon the working draft so that we can collectively support a flood management plan that will succeed in achieving the objectives of the authorizing legislation (see attached).

In the spirit of collaboration we request the following improvements to create a successful and supportable plan.

1. Maximize the use of cost-effective and multi-benefit flood management tools such as flood bypasses, setback levees, and transitory storage on floodplains.
2. Specify an overarching strategy with measurable objectives for incorporating ecosystem function.
3. Clearly state how it will be integrated with related state and federal restoration efforts within the state flood control planning area.
4. Develop a more explicit climate change adaptation strategy to minimize projected impacts on flood risk, ecosystems, and water supply reliability.
5. Explicitly integrate and balance flood management and water supply objectives.
6. Provide specific guidance to enable local planning.

1. Maximize the use of cost-effective and multi-benefit flood management tools such as flood bypasses, setback levees, and transitory storage on floodplains.

   These tools will not only reduce flood risk for farms and cities, but will also provide other long-term benefits including reducing conflicts between levee maintenance and habitat, increasing flexibility to optimize operations of upstream reservoirs for water supply and hydropower generation, providing habitat for migratory birds and a host of other native species facilitating recovery of endangered species, and creating recreational opportunities and associated economic benefits. Specifically, the CVFPP should expedite expansion of bypasses and levee setbacks**.** We applaud provisions in the working draft to create and expand four flood bypasses but question DWR's plan to delay implementation until phase 3, the final phase of implementation. Expanded flood bypasses in the downstream reaches of the flood system will both reduce flood risk for urban communities and, if designed properly, substantially improve ecosystem function fish, waterfowl, and other wildlife.

2. The plan must specify an overarching strategy with measurable objectives for incorporating ecosystem function.

   We request adding a new section that incorporates the following five elements:
   - A commitment to ensure that the plan will support the CVPIA salmon doubling goal by, among other things, determining the amount of floodplain habitat area that will be incorporated into the upper and lower reaches of the Sacramento and San Joaquin Rivers.
   - A commitment in the plan to support of the goals and objectives of the Central Valley Joint Venture Implementation Plan, which includes the restoration of seasonal wetlands, semi-permanent wetlands and riparian habitat.
   - Development of specific, measurable, achievable, relevant, and time-bound (SMART) habitat objectives such as those identified in the Central Valley Joint Venture Implementation Plan (http://www.centralvalleyjointventure.org/science).
   - A commitment to design self-mitigating improvements to the flood management system wherever possible to reduce the time and costs associated with obtaining permits under the Clean Water Act, the Endangered Species Act, and other state and federal laws.
   - A comprehensive plan for mitigating flood project improvements whenever it is not possible to develop improvements that are entirely self-mitigating. A comprehensive mitigation strategy consistent with the state's Regional Advanced Mitigation Planning proposal will increase effectiveness and reduce costs.

3. The plan needs to state clearly how it will be integrated with related state and federal restoration efforts within the state flood control planning area**.**

   State and federal governments have committed significant resources to major restoration efforts in the planning area, but the CVFPP does not appear to meaningfully coordinate and integrate these efforts. For example, the state and federal governments have committed over $100 million for restoration of the San Joaquin River upstream of the Merced River. Properly integrating major restoration efforts into the CVFPP, channel improvements and levee setbacks along this reach of the San Joaquin would both reduce flood risk and provide ecological benefits. Failure to better integrate with on-going projects will not only result in

missed opportunities for cost sharing and maximizing mutual benefits, but will also increase the potential for wasted resources and costly conflicts. We request the CVFPP provide an assessment of all the major state and federal projects underway in the flood control planning area and identify specific opportunities for integrating these efforts into the CVFPP. To better satisfy the requirements of water code 9616, the CVFPP should prioritize specific projects to advance ecosystem function for early implementation or, in partnership with others, to demonstrate on-the-ground progress toward implementing flood management projects.

4. The plan must develop a more explicit climate change adaptation strategy to minimize projected impacts on flood risk, ecosystems, and water supply reliability.

   Despite numerous state policies on climate change planning and clear direction from the legislature regarding incorporation of climate change projections in the CVFPP, the plan does not offer a clear climate change adaptation strategy or any discussion of sea level rise. Specifically, we request that the plan document the projected impacts of climate change on flood management and describe the constraints associated with maintaining or restoring the existing design conveyance footprint in the face of climate change. Finally, the plan should present a strategy for accommodating projected floods and sea level increases through a combination of expanded floodways, transitory floodplain storage, floodplain management, and reservoir reoperation. Sea level rise has implications for floodplain management in low-lying areas between Sacramento and Stockton, something that the State and this plan must address. As part of this expanded CVFPP effort, ecological benefits and the interactions of the water supply and floodwater management systems should be interpreted in the context of climate change. An honest assessment of projected climate impacts and a clear adaptation strategy will provide the economic certainty that Central Valley agricultural and urban communities need in order to prosper in the 21st Century.

5. The plan needs to more explicitly integrate and balance flood management and water supply objectives.

   Reliable water supply is essential to fish and wildlife, the California economy and, ultimately, the ability of the state to finance improvements to the state flood management system. Section 9616(a)(3) requires the plan to "link the flood protection system with the water supply system" wherever feasible. For example, previous studies by the Army Corps of Engineers and others have demonstrated that reservoir reoperation can improve both flood protection and water supply. Expanding floodways and preventing urbanization of vulnerable floodplains increases flexibility to operate upstream reservoirs for water supply. Conversely, failing to address the interrelationship between flood management and water supply could create unnecessary water supply impacts. Therefore, DWR must proactively lead the effort to better optimize water supply and flood management objectives.

6. The plan should provide specific guidance to enable local planning**.**

   The draft flood plan does not provide sufficient specificity to guide amendments to local plans nor development of local projects. Specifically, the plan needs to identify future potential floodway zones, basins, and other naturally floodprone areas that are needed to

meet the objectives of this and future flood plans or, where that is not possible, identify criteria that would similarly direct local governments as to where to restrict future development. The CVFPP should also identify planning criteria for local flood management projects including potential changes in design flows, levees that are likely to be moved or reconstructed, and regional goals for floodplain habitat that local projects must contribute to in order to ensure meeting salmon doubling goals for their area.

We recognize that the development of the CVFPP has been a large and complex undertaking that has sought to incorporate concerns from a broad array of stakeholders. We appreciate your hard work and are committed to working with you to finalize and implement a plan that will improve public safety while also supporting agriculture, healthy rivers ecosystems, and the abundant fish and wildlife that depend upon them. Thank you for considering our comments.

John Cain
American Rivers

Curtis Knight
California Trout

Eric Ginney
Sacramento River Preservation Trust

Brian J. Johnson
Trout Unlimited

John Carlon
River Partners

Steve Malloch
National Wildlife Federation

Susan Tatayon
The Nature Conservancy

Gary Bobker
The Bay Institute

Monty Schmitt
Natural Resources Defense Council

Kim Delfino
Defenders of Wildlife

Ron Stork
Friends of the River

Jonas Minton
Planning and Conservation League

Mark Biddlecomb
Ducks Unlimited

Patrick Koepele
Tuolumne River Trust

Ann Hayden
Environmental Defense Fund

Ellie Cohen
PRBO Conservation Science

John Carlson, Jr.
California Waterfowl Association

Attachment

CALIFORNIA WATER CODE § 9616

(a)The plan shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the State Plan of Flood Control, and, wherever feasible, meet multiple objectives, including each of the following:

(1)Reduce the risk to human life, health, and safety from flooding, including protection of public safety infrastructure.

(2)Expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to either reduce floodflows or convey floodwaters away from urban areas.

(3)Link the flood protection system with the water supply system.

(4)Reduce flood risks in currently non-urbanized areas.

(5)Increase the engagement of local agencies willing to participate in improving flood protection, ensuring a better connection between state flood protection decisions and local land use decisions.

(6)Improve flood protection for urban areas to the urban level of flood protection.

(7)Promote natural dynamic hydrologic and geomorphic processes.

(8)Reduce damage from flooding.

(9)Increase and improve the quantity, diversity, and connectivity of riparian, wetland, flood plain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.

(10)Minimize the flood management system operation and maintenance requirements.

(11)Promote the recovery and stability of native species populations and overall biotic community diversity.

(12)Identify opportunities and incentives for expanding or increasing use of floodway corridors.

(13)Provide a feasible, comprehensive, and long-term financing plan for implementing the plan.

(14)Identify opportunities for reservoir reoperation in conjunction with groundwater flood storage.

(b)The plan *shall* include a prioritized list of recommended actions to reduce flood risks and meet the objectives described in subdivision (a).

Moricz, Nancy

From: tara@tarabrocker.com
Sent: Thursday, February 16, 2012 6:46 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Tara Brocker
Owner
TK Farms
4321 Powerline Road
Nicolaus, CA 95659-9762

February 16, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Tara Brocker
916-655-3266
Owner
TK Farms

Moricz, Nancy

From: gsack@cfbf.com
Sent: Thursday, February 16, 2012 8:36 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Gary Sack
North Central Region Field Representative California Farm Bureau Federation
3148 Shelter Cove Lane
Elk Grove, CA 95758-4654

February 16, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan. The local communities and affected landowners have little understanding or knowledge of this Plan.

California's economy is dependent on a viable agricultural industry, particularly the rural areas within the Central Valley. The Valley's rural landowners and businesses are very concerned about the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As an agricultural stakeholder in the Central Valley, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of mainly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the future.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would disrupt farming operations and businesses currently on those lands.

Property rights are at stake. Lands or interests in lands would have to be acquired from willing sellers—if there are no willing sellers, it could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses. Furthermore there is no clear or adequate transition plan.

While representatives from the California Department of Water Resources suggest that more extensive outreach to local agencies, farmers, and landowners will occur in later phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests.

Currently, most affected local interests; including farmers and landowners remain uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I ask the State of California to reach out to local governments, rural communities and farmers to ensure local issues and concerns are understood and addressed.

Sincerely,

Gary Sack
North Central Region Field Representative California Farm Bureau Federation

Moricz, Nancy

From: glenncfb@att.net
Sent: Friday, February 17, 2012 8:36 AM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Glenn County Farm Bureau
831 5th Street
Orland, CA 95963-1743

February 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Glenn County Farm Bureau

Moricz, Nancy

From: dtoneygcfb@att.net
Sent: Friday, February 17, 2012 9:16 AM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

David Toney
925 East St.
95963, CA 95963-1815

February 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

David Toney

Moricz, Nancy

From: jsgarner@frontiernet.net
Sent: Friday, February 17, 2012 2:21 PM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

John Garner
Farmer
Grow food
PO box 832
Colusa, CA 95932-0832

February 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed. We live in this area that it looks like you are going to sacrifice. We have invested millions of dollars in our homes, our shops and our land. To blow us off is unacceptable.We understand the high value of the urban areas, but we deserve to be recognized as a valuable industry that supports this State, and we should recieve equal treatment. Thank you for the opportunity to comment.

Sincerely,

John Garner
916 747 1228
Farmer
Grow food

Moricz, Nancy

From: valeri@strachanbees.com
Sent: Friday, February 17, 2012 4:01 PM
To: Cvfpp_Comments
Subject: Flood Protection Plan Comments

Valeri Severson
Strachan Apiaries, Inc.
2522 Tierra Buena Rd.
Yuba City, CA 95993-9654

February 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Valeri Severson
Strachan Apiaries, Inc.

Moricz, Nancy

From: mvereschagin@sbcglobal.net
Sent: Friday, February 17, 2012 7:11 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Mike Vereschagin
President
Veresachagin Farms Inc
3548 County Road P
Orland, CA 95963-9802

February 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Mike Vereschagin
President
Veresachagin Farms Inc

Moricz, Nancy

From: sosa-sons@sbcglobal.net
Sent: Saturday, February 18, 2012 12:31 AM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Gurbinder Atwal
Part Owner
SOHAN S ATWAL AND SONS FARMING INC
2366 Galvin Way
Woodland, CA 95776-5344

February 18, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

First compare the cost of improving the structure we already have that will improve Flood Protection. Then specify what area will be affected with this flood protection plan. Will it directly or indirectly benefit all people in the area? Is the Federal Government helping with the funding, since it will decrease future flood disasters? We cannot continue to raise county taxes for funds, for plans that help the nations economy, which helps all the nations people. If the answers to above questions is yes, then all affected people should be given 20% above the market value for their loss.

Thank you for the opportunity to comment.

Sincerely,

Gurbinder Atwal
5306627791
Part Owner
SOHAN S ATWAL AND SONS FARMING INC

Moricz, Nancy

From: dadofranki@yahoo.com
Sent: Saturday, February 18, 2012 6:36 AM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Chris Torres
owner
Chris Torres Farming and equipment
p.o. box 349
princeton, CA 95970-0349

February 18, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

Our flood control problems in the northstate are a off-shoot of the sale of the majority of the "inside the levy" property. This property has be turned back to natural habitat. That is not what the levy system was for. This natural habitat, with its dense vegitation, clogs the system, and prevents the free flow of water to the south. I know all of the engineers modles say it doesnot matter, I find that popycock! You plug a canal with debris the water backs up and flows slower, I am a farmer and see it all the time!

Please address this issue within the plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Chris Torres
5307012462
owner
Chris Torres Farming and equipment

Moricz, Nancy

From: Y [fecoats@msn.com]
Sent: Saturday, February 18, 2012 9:13 AM
To: Cvfpp_Comments
Subject: CVFPP PLAN and public rights to river use, navigable servitude, dedicated easements, access

Please acknowledge in the documents the existence of the navigable servitude granting the public the right to use the rivers and the banks of the rivers for recreational purposes. Also please recognize the significance of routes of access to the rivers as necessary to permit the use of the rivers and their banks.
These rights are property rights as deserving of respect as any other.
Many of the routes of access are unrecorded dedicated routes. In your work you should take steps to identify, not obstruct, and hopefully preserve these routes.
Modern experience indicates that individual levee districts and reclamation districts, being landowner dominated, are adverse to these rights and as a matter of course obstruct access to the rivers.
Francis Coats 3392 Caminito Avenue Yuba City CA 95991 (530) 701-6116 FECOATS@men.com

Sent from my Kindle Fire

Moricz, Nancy

From: david.burroughs@rabobank.com
Sent: Saturday, February 18, 2012 1:16 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

David Burroughs
12729 Honcut Road
Yuba City, CA 95901-9122

February 18, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

David J. Burroughs
530-713-3225

Moricz, Nancy

From: brucefry@mohrfry.com
Sent: Monday, February 20, 2012 10:16 AM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Bruce Fry
Vice President of Operations
Mohr-Fry Ranches
12609 N. West Lane
Lodi, CA 95240-9424

February 20, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Bruce Fry
2093343808
Vice President of Operations
Mohr-Fry Ranches

Thomas W. Ellis
P.O. Box 6
Grimes, California 95950
February 20, 2012

Mr. Benjamin Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear President Carter,

I am writing on behalf of my wife and I as very concerned farmers and landowners in the Colusa Basin area of southern Colusa and northern Yolo Counties. We are aware of the development of the Central Valley Flood Protection Plan and have participated in all of the Upper Sacramento Region meetings, all the Agricultural Stewardship subcommittee and three of the Management Action Workshops that have been held during the past two years.

My first concern is the two-tiered level of flood protection that was mandated by SB5 requiring a 200-year level of flood protection for urban and urbanizing areas, 100 year level for rural communities and I'm not certain what level for rural agricultural areas. When the Sacramento River Flood Control Project was built, it is my understanding there was no such distinction made. Later, a memorandum of understanding was executed assuring rural areas of the protection provided by the "57 Profile." As a result of SB 5, rural areas have been put in an untenable position, uncertain of their future flood protection. The Sacramento River Flood Control Project has kept us relatively free from significant flooding since its completion and we have become accustomed to that level of protection.

Also, it appears to me that the new Flood Plan is more of an ecosystem restoration plan than a flood protection plan, which brings to the forefront the need for "landowner assurances" so we in production agriculture have some recourse when we find ourselves neighboring a restoration project. I think conflicts are inevitable in such a situation and believe we should have a grievance procedure and a "good neighbor fund" in place to address these conflicts. Discussion of this issue was squelched in the Ag Stewardship Committee by the Plan leadership because they maintained the Plan is definitely a flood protection plan – not an ecosystem plan.

Another area of concern with the Plan involves the development of the 90 plus Management Actions under consideration for inclusion in the 2012 Plan. These actions were divided into 11 category based workshops. I attended three of these workshops where we discussed about 10 or 12 action items in 2 hours – about 10 to 12 minutes per item which is not much time for "transitory storage." Facilitators hustled us along to meet the time limits with the explanation that we would go into more detailed discussion in Phase 3 and 4 of the Planning Process. Phase 3 and 4 were then cancelled. We never had the opportunity for these in depth discussions. Then, when I got the final Plan, these management actions appear as attachment 7, Section 6. I'm sure anyone reading the Plan

will assume all of these suggested Management Actions were fully discussed by the attendees and this was NOT the case! Also, the Finance and Revenue Workshop included MA082 – Compensate rural areas for accepting lesser flood protection than urban areas – this was deleted in the final Plan. Of course, this is a huge issue for us as we believe flood risk is being shifted to the rural areas and we firmly believe we should be made whole!

On pages 2-12 of the Plan, a new bypass along the alignment of the Cherokee Canal into the Butte Basin is discussed. I attended all the Upper Sacramento Region meetings and never heard this mentioned. I have checked with people who attended the Lower Sacramento Region meetings and they never heard it discussed either. I think it should have been discussed with local people before it appeared in the Plan as the idea presents significant problems for those of us who live in the area.

Another issue is, I don't see a history document in the Plan. A draft was developed dated May 15, 2009 which I felt was lacking some important information. Several of us in the Upper Sacramento Regional Group felt very strongly about the need for such a document to accompany the Plan.

In conclusion, I cannot support the Plan as I feel the Plan and the Planning Team had a deaf ear when it came to addressing the concerns of rural/agricultural areas. It is unfair to expect these areas to absorb the risk of major flood events without being made whole.

Thomas W. Ellis

Good morning, Mr. Zumalt, welcome.

MR. ZUMALT: Good morning. What we can agree on is the need for a project for improving the flood control in the area, and that houses don't belong in low-lying areas, subdivisions. But I think my biggest problem with this, where my facilities are located, the barn, is about a mile above the mouth of the Feather River where it goes into the Sacramento.

You're planning its current implementation would pretty much eliminate my operation and my house. That house has been there since 1860, 1870. I realize the need for urban protection, but what's been happening in the

rural areas with this Board's action, the Army Corps of Engineers' actions and FEMA's actions reducing all floodplains to a 50-year floodplain has had a very detrimental effect to agriculture in general.

Agriculture requires more than just open land to be functional and economic. If it's not economic, it ceases to exist, and I don't feel that your report has adequately addressed the impacts to the agricultural areas.

Agriculture seems to be whipping boy when anybody wants habitat, when the urban area wants land for new housing, or they need water. If we use what's happening in Reclamation District 100 as an example of how some of the farms are being treated, we're going to be non-existent in the area.

And I think that farms are needed in those areas as a holding pattern for that property. It's the highest and best use of that land. And if the farming concerns aren't properly addressed, you're going to eliminate farming in those areas, even if the land is there.

The other thing there's a misconception and some misinformation in your report. If you go to Map 2.1 on your listed levees of high concern, Reclamation District 1000 areas have been improved and not been taken off the map. If you look at the cross canal, and the levee on the

east side of the river on the Sacramento River down to approximately Powerline Road, I think that SAFCA has improved all of those levees, and your map doesn't reflect that current information.

And the other misconception that was put in the report is that residents don't seem to have any understanding of the flood issues in the area. I can't speak to the urban counterparts, but I can assure you that the rural people know good and well what the problems are, very specific, because they live with it.

Thank you.

PRESIDENT CARTER: Thank you, Mr. Zumalt.

And for the record, Mr. Zumalt, could you please introduce yourself.

MR. ZUMALT: Steven Zumalt.

PRESIDENT CARTER: Thank you.

MR. TATAYON: Good morning. I won't take my full three minutes. I just wanted to stand up and say that --

PRESIDENT CARTER: Could you please introduce yourself for the record.

MR. TATAYON: Susan Tatayon with The Nature Conservancy. I'll start by saying that -- and I don't want to steal the Department of Water Resources thunder, but I have to say that the process for developing the Central Valley Flood Protection Plan was an amazing process with a very well organized public outreach component.

They had several regional and topic work groups. Those work groups were given very specific deliverables. A number of us were on several of those work groups, and it was really heartening to see conservation organizations, reclamation districts, Army Corps of Engineers, the Department of Water Resources all discussing issues in a manner that led to some very useful deliverables, I think.

So I hope you consult the deliverables from those working groups as you review the plan. And keep in mind that there are many of us who believe, actually think that the plan reflects much of what was discussed in those work groups, addresses the concepts, climate change, multi-benefit projects.

And I would just ask that the Board keep that in mind as you review this very well done comprehensive report.

Thank you.

DR. HENERY: Hi. I'm Rene Henery Henry. I'm California Science Director for Trout Unlimited. And our organization and the diverse constituency that we represent are deeply concerned with the nexus between flood safety and also the health of our rivers and fisheries.

Our perspective is that the most effective way to provide flood safety, minimize long-term costs, and support those rivers and fisheries is by allowing rivers room to expand during high flow events. And with that in mind, we think that the best way to provide public safety -- provide for public safety during this flood-prone time, and also support those critical resources of our rivers and fisheries is through the expansion of new and existing bypasses and the acquisition of flood easements.

I think that's pretty much the message that we'd like to communicate. We really look forward to working with the Board and the DWR as the -- you do what it takes to ensure that this plan succeeds at providing all the services we believe it was created to provide.

So in summary, we support viable solutions that give rivers room in order to minimize long-term costs,

1 protect public safety, and support fisheries and aquatic
2 ecosystems.
3 Thank you.
4 PRESIDENT CARTER: Thank you, Mr. Henery.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CAIN: Thank you. My name is John Cain. I am the Conservation Director for Central Valley and Bay-Delta flood management for American Rivers. American Rivers is a national nonprofit organization dedicated to protecting and restoring rivers for fish, wildlife, and people.

And flood management is one of our top three priorities. At American Rivers, we believe that protecting communities from flooding is and must be the highest priority in flood management.

But we are also confident that there are many -- that the best strategies for protecting communities from flooding is to give rivers more room. And one of the best examples, of course, is the Yolo Bypass. And not only does it protect public safety for tens of thousands of people in Sacramento, but it also provides enormous habitat and river ecosystem benefits and recreation benefits.

We're very optimistic about the plan. We think it's a great step in the right direction. We're

1 particularly interested in the proposal to expand the
2 bypasses. As some of you know, I've worked very hard with
3 several constituents in the South Delta on expanding the
4 South Delta flood bypass, near Paradise Cut. And I want
5 to work with all of you, our organization wants to work
6 with all of you to improve and refine the plan over time,
7 and look forward to actually implementing it.
8 Thank you very much
9 PRESIDENT CARTER: Thank you Mr. Cain.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DR. SEAVY: Dr. Nat Seavy, the Central Valley Research Director PRBO Conservation Science, a nonprofit that's based out of Petaluma, California.

PRBO Conservation Science has a long history of working in the Central Valley with multiple public and private landowners, and resource managers to develop win-win conservation solutions to make the best use of every dollar invested.

The completion of the Central Valley Flood Protection Plan is an exciting benchmark for California. The information in this plan presents an opportunity to protect people and property in the Central Valley, while also improving floodplain habitats for bird populations, other wildlife, and the other benefits that healthy

floodplains provide the people of California.

PRBO Conservation Science looks forward to working with the Department of Water Resources and the Central Valley Flood Protection Board to help ensure the best available science guides and enhances the plan's implementation to benefit both people and their environment in California.

Thank you.

PRESIDENT CARTER: Thank you, Dr. Seavy.

MR. SCHMITT: Monty Schmitt with the Natural Resources Defense Council. I'm a senior scientist and project manager on the San Joaquin River Restoration Program for NRDC.

I'd just like to start off by saying that we really appreciate the hard work that has gone into creating this draft plan. I've worked on flood management issues now for over a decade, and I can remember a lot of folks who were here who worked on the comprehensive study and other previous efforts.

And I think this is really an important plan. The State of California needs a better flood management program to address public safety issues. But as you can kind of tell from I think the number of things that are

covered in the flood plan and the people who are here today, that the flood plan is going to encompass other issues that are more than just public safety.

The interconnection between land use and our environment and water supply are critical connectors to a flood plan. And so the way in which the flood plan addresses those issues, I think, will be really critical in actually developing a successful plan that's implemented in the future.

Specifically though to the environment, the number of conservation groups who are here, I think reflects the fact that we see the incredible importance between making sure that we have a flood management system that not only protects people, but also protects our riverine ecosystems and provides for the recovery of our listed species.

And it's not a -- it's something that we don't see as a one or the other. We think that it's something that can happen together. And frankly, it is more achievable when we do it together.

And so we look forward to working with the Board in the coming months to revise and adopt a plan that can be really implemented and provides multiple benefits to the people in California.

Thank you.

MR. BUCK: Good morning. I'm Byron Buck. I'm the executive director for the State and Federal Contractors Water Agency. We're a joint powers authority that comprise the export water contractors of California, serving two-thirds of our population and over three million acres of agriculture.

And just a brief statement to tell you. We're pleased to be here. We plan to engage on this plan. We plan to work with folks in the NGO community and other stakeholders to coordinate our input, as we see a lot of integration possibilities between flood management, water supply, and ecosystem restoration, and in particular great potential ties to the Bay-Delta Conservation Plan, which has very similar objectives.

Thank you.

PRESIDENT CARTER: Thank you, Mr. Buck.

MR. McCAMMAN: Good afternoon, Chair and members. Thank you very much. I am here on behalf of -- John McCamman on behalf of the California Waterfowl Association.

And we've engaged in this acknowledging public

safety is the primary goal and obligation of this plan. But looking for the opportunities that may be there for managed wetlands and other resources for waterfowl.

I think you'll see from the participation here from environmental NGOs and conservation groups that we all see opportunities going forward to meet more than just the public safety interests. So we want to join with you in engaging over the next six months to develop that plan.

Thank you very much and look forward to working with you.

PRESIDENT CARTER: Thank you, Mr. McCamman.

MR. BELL: Thank you. My name is Rex Bell. I'm the manager of Environmental Policy at Pacific Gas and Electric Company. PG&E has significant gas and electric structure -- or infrastructure located on or near levees. And we just hope that as the plan is implemented, it takes reliability and safety for those utilities into account.

We're particularly interested in the adoption of the Tier 2, title 23 regulations, and would like to work with the Board as those regulations are adopted to ensure that we can maintain safety and reliability. And I'm particularly interested in knowing what the adoption schedule and public comment is for those regulations.

Thank you very much.

1
2
3 MR. FREDRICKSON: Yes. My name is Justin
4 Fredrickson. I'm an environmental policy analyst with the
5 California Farm Bureau.
6 And as near as we can tell, based on reading the
7 plan, it looks like the footprint of the setback levees
8 and the bypasses expansion is somewhere on the order of
9 40,000 acres. Most of that land is currently in
10 agriculture.
11 The plan also describes the concept of taking
12 roughly a quarter of that 10,000 acres and restoring it
13 permanently to habitat. We feel that because of the way
14 this system has been managed or mismanaged over the last
15 several decades, that our existing system has lost quite a
16 bit of capacity.
17 And that there's a risk -- we're concerned about
18 the farm land loss. We're concerned about the
19 compatibility of things that may be put in the floodway
20 and not maintained in the future.
21 And I also respectfully differ with the opinion
22 expressed that the communication on this plan has been
23 adequate to date. I don't believe it has. Yes, there's
24 been a very elaborate outreach effort. Lots of
25 facilitated meetings in Sacramento with consultants, with

NGOs, professional meeting attenders like myself, but not many landowners on the ground.

And so I feel -- I've talked to people. And generally, most of the people who would be impacted by this have no knowledge of it. And as the gentleman who came up here and spoke a moment ago was -- provided an excellent example of this. People at the local levee behind -- behind levees farming in rural areas are very aware of the issues in their areas.

I think, in many cases, more aware than engineers sitting in Sacramento or politicians sitting in Sacramento. I don't believe there has been a real conversation with those folks, and we've waited until the last minute.

So now we are six months before adoption of a final plan. I'm very hopeful that there will be some effort made to initiate some of those real conversations with people who will really be affected by this plan.

Thank you.

PRESIDENT CARTER: Thank you, Mr. Fredrickson.

MS. TERRY: Yes. Melinda Terry, Executive Director of Central Valley Flood Control Association.

Sorry, I didn't do it. I'm used to going to Delta meetings. And all of the public agencies that do Delta stuff do it the opposite of you. We hear presentations and then we always -- we're not allowed to comment till after the presentations. So I apologize. I'm just not as familiar with your process.

I think I will -- I think the February 24th meeting is really the appropriate place. We've submitted some earlier comments to the Department, nine areas that we'd like to work on, but those are much more appropriate for February. But we do commend them for the draft that is before you. We do think there's some more to be done and we look forward to that conversation.

The one thing though that I will say, and after listening to Jay's last process in particular is I constantly remind people nobody goes to jail if you miss a legislative deadline. Although, the Legislature appreciates that if you miss -- if you make -- you know, meet the deadline, rather.

But when I looked at this schedule and I -- and April I think really strikes me the most as problematic,

because you're looking at then having these meetings of the actual changes that you're going to propose in early April, and then adopting the changes by the end of the month sort of is the way I read that.

So if that's not true, but I guess my point is if you can provide a little bit more time and if that becomes necessary, then the real trick is you just really need to make sure to go over to the Legislature, meet with the leadership of the Legislature to advise them if you need more time, why you need more time, and be sure to give them a new date that really you think you can meet, if you're not going to be able to make that. But that was one concern that I saw looking at that.

Thank you.

PRESIDENT CARTER: Thank you.

MR. LEE: Hi, President Carter. Chris Lee with the Yolo County Administrator's Office, here on behalf of the Yolo County Board of Supervisors.

Yolo County had significant staff following the development of the Central Valley Flood Protection Plan with great interest, not to mention representatives of local reclamation districts and others. So the Board and

1 County staff were caught off guard by the inclusion of
2 projects that have significant impacts on, not only the
3 livelihoods but the homes of many of our constituents.
4 While we did receive some notice that measures
5 including the setback of the Yolo Bypass levees and
6 widening of the Fremont Weir would be included in the
7 administrative draft, there's very limited engagement of
8 Yolo county political representatives, community members,
9 and staff prior to these, you know, massive projects being
10 included in a public document.
11 Without extensive outreach and engagement of Yolo
12 county elected officials and community members, the Board
13 is positioned to oppose the widening of the Fremont Weir
14 and setbacks to the Yolo Bypass levees. And we hope that
15 your Board, especially in light of the rapid five-month
16 period proposed to adopt this plan, will commit to
17 extensive engagement and outreach with us to discuss these
18 proposals that will have a profound impact on the
19 constituents of Yolo county.
20 Thanks.
21 PRESIDENT CARTER: Thank you, Mr. Lee.
22
23
24
25

Moricz, Nancy

From: g_overton31@yahoo.com
Sent: Wednesday, February 22, 2012 11:06 AM
To: Cvfpp_Comments
Subject: Flood Protection Plan Comments

Greg Overton
President
Glenn County Farm Bureau
7081 County Road 31
Orland, CA 95963-9701

February 22, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Greg Overton
5305703829
President
Glenn County Farm Bureau

HERSHEY LAND CO. ROW CROP. LLC

1619 Farnham Ave.
Woodland, CA 95776
Phone (530) 662-4777
Fax (530) 662-4464
E-Mail: hersheyland@sbcglobal.net

COMMERCIAL CATTTLE
GENERAL FARMING
LAND MANAGEMENT

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley are, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder that appears to be located within an area due for expansion of the Yolo Bypass. I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose one of our properties, now located behind the levees to flooding. The current plan "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, our farm is located on lands that have been historically protected from flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on our lands. No amount of compensation will restore our operation to our current standards. We can trace our families' ownership in these farms back to the 1860's. Part of the ranch was taken for the existing Yolo Bypass. I am at a complete loss as to moving the existing west bypass levee. The cost verses benefit does not make sense.

Private property rights are at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for those of us who are Central Valley agricultural stakeholders. Major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan. To try to read through all of the information regarding the proposed plan, and interpret how it affects their operation, is impossible. Please don't try to sell this to the public as a flood control issue when over 25% of the costs and lands being taken, are for the express purpose of "habitat improvement".

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Roger Dorris, Manager

Hershey Land Company Row Crop, LLC

Moricz, Nancy

From: ysfb@ysfarmbureau.com
Sent: Wednesday, February 22, 2012 3:21 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Samuel Nevis
President
Yuba-Sutter Farm Bureau
475 N. Palora Ave
Yuba City, CA 95991-4731

February 22, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

Sutter County Farmers will be tremendously impacted by the proposed CVFPP in its current draft form. Extending the bypass with setback levees will cause a hardship for a host of growers in our community.

Growers who raise crops historically protected from flooding by the levees, now face the prospect of their ground being periodically inundated. Commodities such as wheat, tomatoes, peaches, prunes, and walnuts, all major crops in our area, cannot withstand flooding. And the growers of rice, who farm the top commodity in Sutter County, will also be negatively impacted by the proposed levee setbacks. Rice is one of the most prevalent commodities grown in the path of the setbacks, and contrary to a common misperception that all flooding is good for rice, uncontrolled flooding can cause fields to be lost in their entirety. Shifting lands from behind levees into the floodplain would be very disruptive to all affected growers and businesses currently on those lands.

The Yuba-Sutter Farm Bureau is also deeply concerned that there have not been maps released for the public detailed enough to allow individual growers and homeowners to determine if their property will be affected by the proposed levee setbacks. If the CVFP Board plans to allow the periodic inundation of some 40,000 acres of predominantly agricultural lands now located behind the levees in the Central Valley, growers in those areas have a right to detailed, specific information regarding the footprint of the proposed setback levees.

Private property rights are also at stake. In recent years we saw the state impose imminent domain upon growers in Yuba County to allow for the setbacks of levees there. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, sacrifices thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end. This is too large a price to pay in terms of our food supply, and local economy.
Agriculture is the number one economic contributor in Yuba and Sutter counties, with over $716,471,000 of gross production value in 2010 alone.
With unemployment in our bi-county area over 20%, we cannot jeopardize one of the few industries that remain profitable in this recession.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

With the CVFPP presenting such an immense impact to farmers in Sutter County in particular, the lack of outreach by DWR to our agricultural community is a grave disappointment to the Yuba-Sutter Farm Bureau. Come June of 2012, many of the growers who will undoubtedly lose productive acres to the levee footprint, or subsequently own land in the proposed new bypass area, are unaware of the changes that will have a lasting effect on their livelihood.

The Yuba-Sutter Farm Bureau is calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Samuel W. Nevis
530-673-6550
President
Yuba-Sutter Farm Bureau

Moricz, Nancy

From: jonbill@digitalpath.net
Sent: Wednesday, February 22, 2012 9:21 PM
To: Cvfpp_Comments
Subject: Flood Protection Plan Comments

jon Bill
owner/operator
Rancho Alberta
3226 Larkin Rd.
Biggs, CA 95917-9728

February 23, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

jon Bill
530-868-5949
owner/operator
Rancho Alberta

Moricz, Nancy

From: Moricz, Nancy
Sent: Thursday, February 23, 2012 9:20 AM
To: Cvfpp_Comments
Subject: FW: CVFPP-proposed feather River Bypass
Attachments: CVFPB-Proposed new Feather River Bypass.pdf

Sincerely,

Nancy C. Moricz, P.E. - Engineer, WR
Flood System Improvement Section
nmoricz@water.ca.gov

From: Marino, Len
Sent: Wednesday, February 22, 2012 4:39 PM
To: Butler, Eric R.
Cc: Moricz, Nancy; Porbaha, Mohammad (Ali)
Subject: FW: CVFPP-proposed feather River Bypass

Here's a CVFPP comment item to handle.

Len Marino, P.E.
Chief Engineer
Central Valley Flood Protection Board
Office: (916) 574-0608
Mobile: (916) 203-4432
lmarino@water.ca.gov
http://cvfpb.ca.gov/

From: Crump, Mike [mailto:MCrump@buttecounty.net]
Sent: Wednesday, February 22, 2012 2:39 PM
To: Marino, Len
Subject: CVFPP-proposed feather River Bypass

Hi Len;
I saw your name in the CVPPP Rollout Presentation (overview group) and hope you can help me. I would like to find someone who can come up to Butte County and meet with the farmers/landowners along the Cherokee Canal who have learned and are concerned (alarmed?) to find out about the proposed new Feather River Bypass (attached).

County Supervisor Lambert would like to try and get ahead of this and have a meeting to explain exactly what the proposal is and the process for the public to provide comments etc.

Can you help us with this request? If not who might be the best person to ask?

Thanks

Mike Crump, Director
Butte County, Dept of Public Works
7 County Center Drive Oroville CA 95965

COUNTY OF BUTTE E-MAIL DISCLAIMER: This e-mail and any attachment thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this e-mail (or any attachments thereto) by other than the County of Butte or the intended recipient is strictly prohibited. If you are NOT the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this e-mail and any attachments thereto.

Yolo Bypass Expansion

Future studies to refine specific project elements related to bypass expansion should consider the following:

- Lengthening and/or lowering the Fremont Weir and incorporating features to facilitate fish passage through the upper bypass and at the weir.
- Increasing capacity in the upper portion of the Yolo Bypass (upstream from the Sacramento Bypass) by setting back levees and/or purchasing easements.
- As described under Urban Flood Protection above, evaluate the Cache Creek Settling Basin to identify a long-term program for managing sediment and mercury to sustain the flood conveyance capacity of the Yolo Bypass.
- Expanding the lower end of the Yolo Bypass upstream from Rio Vista by setting back levees.

About 42 miles of new levee could potentially be required to expand the Yolo Bypass.

Sacramento Bypass Expansion

As part of urban elements to reduce flood risks to the Sacramento/West Sacramento metropolitan area, future studies to refine specific project elements related to bypass expansion (also mentioned under Urban Flood Improvements) will consider the following:

- Widening the Sacramento Weir
- Automating the weir or eliminating gates
- Widening the Sacramento Bypass by constructing about two miles of new levee
- Making operational changes to the Sacramento Weir and Bypass, as necessary

8.5.2 New Bypasses

Two new bypasses are included in the SSIA. While they primarily provide benefits to the urban areas of Yuba City/Marysville and Stockton, they are described here with other system improvements because of their complexity and long lead time for construction.

Feather River Bypass

Evaluate the feasibility of constructing a new bypass from the Feather River to the Butte Basin to further contribute to improving overall urban, small community, and rural-agricultural flood protection in the planning area. The new bypass would require construction of about 16 miles of new levee on one side of the Cherokee Canal. A new bypass would have the potential to reduce flood stages by as much as one foot at Yuba City and Marysville during a 100-year (1 percent annual chance) flood. A new bypass would also provide greater system resiliency in accommodating future hydrologic changes in the planning area, including those due to climate change, and would be a relief path when Feather River flows are greater than 200-year (0.5 percent annual chance). The State will consider findings of ongoing studies by local entities when evaluating the potential system benefits of the bypass.

Lower San Joaquin Bypass

Evaluate the construction of a new bypass in the south Delta (expansion of Paradise Cut and/or other south Delta waterways), primarily for the purpose of reducing peak flood stages in the Stockton area. A south Delta bypass will include habitat components. A gate structure or weir at Paradise Cut will be considered as part of the project. The new bypass would require construction of about eight miles of new levee. In combination with the bypass, the State will consider purchasing easements in the south Delta from willing sellers to provide floodwater storage and reduce peak flood stages along the San Joaquin River.

8.5.3 Flood System Structures

Several flood system structures will require rehabilitation, rebuilding, or modifications. These structures are primarily associated with the bypass expansions and new bypasses described above. Structures include the following:

- Intake structure for the new Feather River Bypass
- Butte Basin small weir structures
- Upgrade and modification of Colusa and Tisdale weirs
- Modifications to bridges to reduce or eliminate flow constrictions
- Sacramento Weir widening and either automation or elimination of gates
- Gate structures and/or weir for new Lower San Joaquin Bypass.

WILLIAM B. FIEDLER
RECLAMATION DISTRICT NO. 833
P.O. BOX 415
BIGGS, CA 95917

(530) 846-0158
fiedler@manznet.com

January 31, 2012

Nancy N. McDonough
California Farm Bureau Federation
2300 River Plaza Dr.
Sacramento, CA 95833-9922

Re: Draft Central Valley Flood Management Plan – Cherokee Canal Diversion

Dear Ms. McDonough:

Thank you for the opportunity to respond to the proposed "Draft Flood Plan". I am responding specifically to the Butte County Cherokee Canal Diversion both as President of Reclamation District No. 833 (RD 833) and as an affected property owner.

RD 833 has been intimately involved with the Cherokee Canal since the district's inception in 1922. The district's Lateral A runs parallel to Cherokee Canal within the Cherokee levees from Afton Rd. west of Biggs to a point just north of the Gridley Colusa Hwy. At this point, the Cherokee Canal flows into RD 833's Lateral A to continue south into the Butte Sink wetlands. This portion is incorrectly labeled Cherokee Canal on the USDA Geological Survey maps. There are a series of complex agreements from around 1926 involving a number of water, drainage and reclamation districts with landowners and duck clubs governing the flows and water levels in the sink. RD 833 owns 720 acres at the south end of the sink, which was purchased to store excess drainage water and prevent crop damage downstream. This was the result of a settlement of a lawsuit brought by downstream landowners against farmers upstream on Butte Creek drainage. The Colusa Weir discharges Sacramento River overflow into the south end of the Butte Sink and there is an agreement limiting the height of water levels within the sink. In fact, when the sink is full to the maximum allowed water levels, flood water runs backwards in RD 833 ditches to the western outskirts of Gridley at Nugent Rd. If the Butte Slough Outfall Gates are closed, all out flow from the Butte Sink enters the Sutter Bypass.

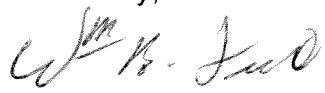
The Cherokee levees were constructed to divert "slickens" from the Cherokee hydraulic gold mines on Table Mountain north of Oroville off of the farmlands downstream. Around 1956 (?), the Department of Water Resources proposed

another bypass on the Sacramento River to be called the Chico Bypass with the Cherokee as its southern levee. After extensive lobbying by local interest, this project was abandoned. In the meantime, DWR had gained control of the Cherokee levees, improved the levees to state standards and formed a maintenance district to service the system. The Cherokee Levee Maintenance District is an admitted mistake by DWR, as there are not enough acres in the benefit area for support without undue burden upon the landowners. In my 25 years as an elected trustee on the RD 833 Board of Trustees, the district has approached DWR on three occasions requesting that the Cherokee Levee Maintenance District be turned over to RD 833. Each time DWR officials have approved the request only to have it defeated by the state workers' labor union. This maintenance district continues to this day as an onerous financial burden on the adjacent landowners, who are given no input into its yearly budget.

I have witnessed the flash flows within the Cherokee levees reach to the top in intense local storms. Evidently, the proposal must include moving the levees, which I believe would be opposed by every local landowner. Currently, the lands inside the levees are maintained by the Army Corp of Engineers. Because of objections by environmentalists, the floodway has become overgrown with trees and vines resulting in high water flows that imperil the town of Richvale. Moving Feather River water down the Cherokee system would deposit it into the Sutter Bypass via the Butte Sink. This system already reaches its maximum level in large storm events and impacts drainage from the City of Gridley. Although it would add some protection to the Marysville/Yuba City area, these flows would increase the impact upon the Sacramento area by decreasing the capacity of the Butte Sink/Sutter Bypass to hold Sacramento River floodwaters.

The seemingly simple proposal to divert Feather River water down the Cherokee to the Sutter Bypass would infringe upon a complex system operated under a series of contracts and court settlements. I would suggest that this would be the beginning of a new, great, Northern California water war pitting farmers, duck club owners and environmentalists along with city, county, state and federal government agencies against each other.

Yours truly,



William B. Fiedler
President

Moricz, Nancy

From: Hotz Pam [photz@CFBF.com]
Sent: Thursday, February 23, 2012 9:39 AM
To: Cvfpp_Comments
Cc: Fredrickson Justin
Subject: Comments on the Draft Central Valley Flood Management Plan
Attachments: comment letter from William Fiedler RD 833.pdf

The attached letter was sent to our office in error. We have contacted Reclamation District No. 833 and we are informed that Mr. Fiedler is out of the country at this time. The Reclamation District asked that we forward Mr. Fiedler's letter to become part of the public record for the Central Valley Flood Protection Plan. Thank you.

Justin Fredrickson
Environmental Policy Analyst

Submitted by
Pamela Hotz
Legal Secretary
Legal Services Division
California Farm Bureau Federation
2300 River Plaza Dr.
Sacramento, CA 95833
(916) 561-5654
photz@cfbf.com

Moricz, Nancy

From: latte114@gmail.com
Sent: Thursday, February 23, 2012 11:56 AM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Terry Lattemore
Homeowner
1151Butte City Hwy
Richvale, CA 95974-0339

February 23, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

As a homeowner who resides within 80 feet of the East Levee of the Cherokee Canal just south of Hwy 162, I can tell you I am very much interested in the issue of flood control and the proposed changes being considered by the "Flood Protection Plan."

I realize this process is lengthy and may not see any results for years to come, but I would urge your project team to contact all homeowners who may be potentially affected by this project. Homeowers have different needs than agricultural land owners. We have relocation issues and other considerations which cannot be quantified. For example, the Lattemore Family has been on our property here in Richvale since 1914. My great grandfather built the house my family and I are living in. To consider having to move and to see our almost 100 year old home be destroyed for a flood control project would be heartbreaking.

Our home may be situated closer to the levees containing the channel of the Cherokee Canal than any other. We have seen high water and have, on one occasion been prepared to evacuate with the prospect of a levee breach. But in 100 years, it hasn't happened here at our location.

Please keep my contact information and take the time to make sure you keep me in the information loop. I understand the importance of flood control, but I would ask that you consider the impact of homeowners as well as ag-land owners when looking at the changes necessary to satisfy flood control needs.

Thank you for the opportunity to comment.

Sincerely,

Terry Lattemore
530 990-1642
Homeowner

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
David Okita	Solano County Water Agency	dokita@scwa2.com	CVFPP	several	several	All CVFPP documents do not show the Mellin Levee that is part of Unit 106, West Levee Yolo Bypass near Rio Vista. The hook shape part of Unit 106 does show, but not Mellin Levee part. I have attached documentation.	Include Mellin Levee as a Project Levee on all maps and descriptions

C
O
P
Y

THE RECLAMATION BOARD
STATE OF CALIFORNIA

C
O
P
Y

December 9, 1971

District Engineer
Corps of Engineers
U. S. Army
650 Capitol Mall
Sacramento, California 95814

Refer to: 4130.70.100

Dear Sir:

Reference is made to your letter of November 10, 1971, regarding the transfer to the State of California for maintenance and operation the extension of the Yolo Bypass west levee, constructed in the vicinity of Rio Vista being a portion of the Sacramento River Flood Control Project.

The work was constructed in conformance with Specification No. 4117, Contract No. DACW05-72-C-0006 and Drawing No. 50-4-4707.

The Reclamation Board at its regular meeting of December 3, 1971, formally accepted the extension of the Yolo Bypass west levee for operation and maintenance.

Sincerely yours,

/s/ A. E. McCollam
A. E. McCOLLAM
Chief Engineer and
General Manager

EXHIBIT F

SUPPLEMENT TO STANDARD
OPERATION AND MAINTENANCE MANUAL
SACRAMENTO RIVER FLOOD CONTROL PROJECT

UNIT NO. 106

SOUTH LEVEE OF LINDSEY SLOUGH AND
WEST LEVEE OF YOLO BYPASS FROM
LINDSEY SLOUGH TO WATSON HOLLOW AND
NORTH LEVEE OF WATSON HOLLOW DRAIN

REVISIONS AND ADDITIONS

REVISIONS		DATE
Paragraph 1-05 (June 1965 addition)	Changed to 1-05b	December 1971
EXHIBIT A1	Add levee extension to W. Levee Yolo Bypass	December 1971

ADDITIONS		DATE
*Paragraph 1-05c	Add Contract No. 71-8-0095	December 1971
EXHIBIT B	Add Drawing No. 50-4-4707	December 1971
EXHIBIT F	Add letter of acceptance dated 9 December 1971	December 1971

*This work was performed at the request and under the authority of the California State Reclamation Board. The design criteria used and funds allocated were as stated in the Reclamation Board letter dated 17 February 1971, File 4170.70.206

SECTION I

1-05 Contractor

c. The work involving extension of the Yolo Bypass levee of Unit 106 to adopted grade and section was performed under Contract No. DACW05-72-C-0006 by Wayne L. Grist during the period from 31 July 1971 to 13 October 1971. Specification No. 4118, Drawing No. 50-4-4707.

EXHIBIT B

FILE NO.	TITLE
50-4-4707	Levee Construction, West Levee Yolo Bypass at Rio Vista (for the State of California)

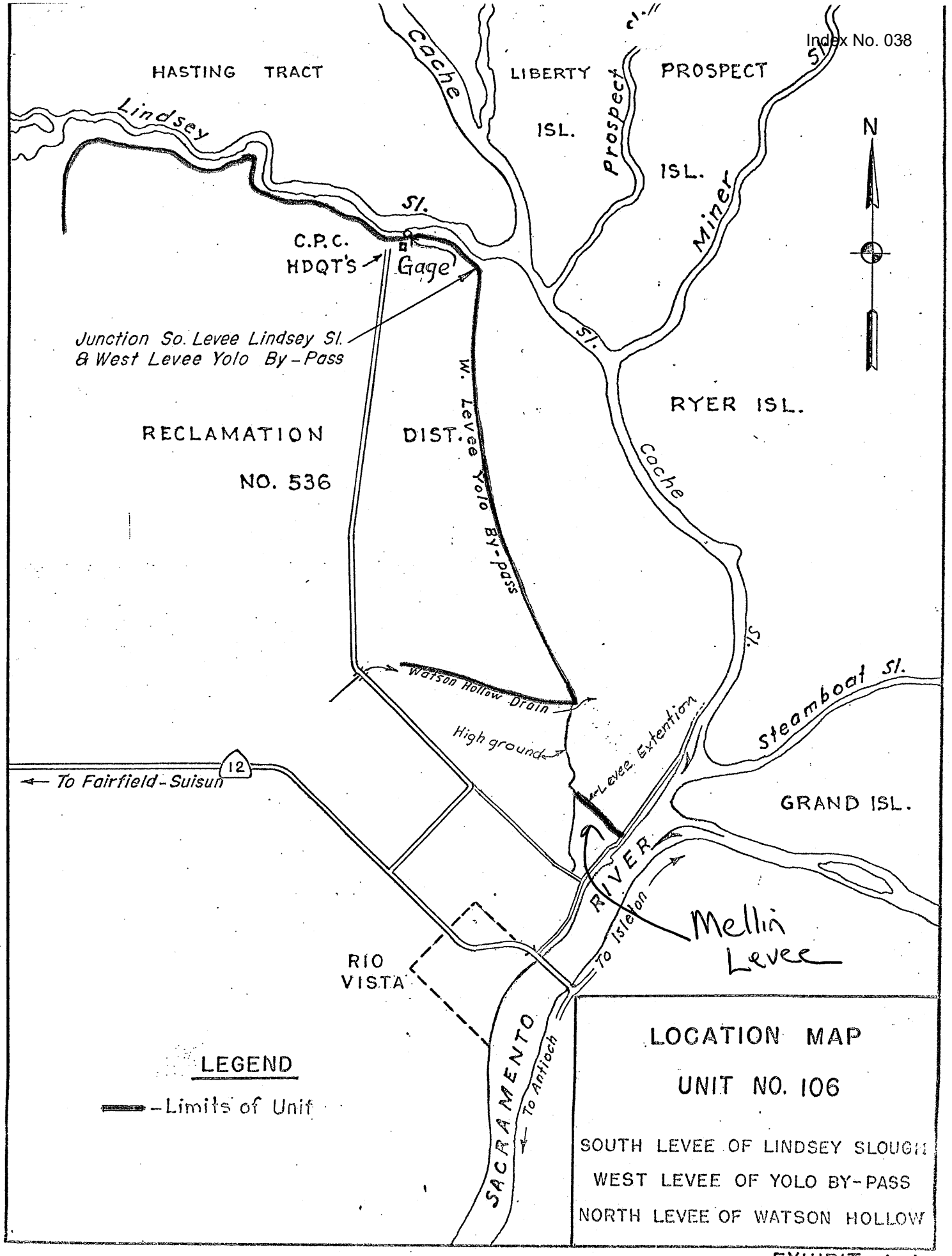

HASTING TRACT
Lindsey
Cache
LIBERTY
ISL.
Prospect
PROSPECT
ISL.
Sl.
Miner
N
Sl.
C.P.C.
HDQT'S
Gage
Junction So. Levee Lindsey Sl.
& West Levee Yolo By-Pass
W. Levee Yolo By-pass
RYER ISL.
RECLAMATION
DIST.
NO. 536
Cache
Sl.
Watson Hollow Drain
High ground
Levee Extention
Steamboat Sl.
12
To Fairfield-Suisun
GRAND ISL.
RIVER
To Isleton
Mellin
Levee
RIO
VISTA
SACRAMENTO
To Antioch
LEGEND
-Limits of Unit
LOCATION MAP
UNIT NO. 106
SOUTH LEVEE OF LINDSEY SLOUGH
WEST LEVEE OF YOLO BY-PASS
NORTH LEVEE OF WATSON HOLLOW

EXHIBIT A-1

SJAFCA
San Joaquin Area FLOOD CONTROL Agency

February 24, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

PUBLIC DRAFT 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN – FOCUS TOPICS

SJAFCA wants to acknowledge DWR's efforts in the completion of the public draft of the Central Valley Flood Protection Plan (Plan). We appreciate the opportunity to provide recommendations to focus discussions at upcoming public outreach meetings, and to provide suggestions on where the Board should concentrate its review.

We commend DWR staff for adding 65 miles of non-SPFC levees in our area to the Plan to make it in fact a true "Systemwide Approach" to protect people and property.

We have reviewed this document with emphasis on the Lower San Joaquin River basin. The following are our suggestions to focus the discussions:

1. **The highest priority should be flood protection**
   Our concern is that limited funding may be exhausted on non-life safety improvements leaving significant populations at risk. The Plan should prioritize flood protection and once this is accomplished, implementation of the remainder of the State Systemwide Investment Approach (SSIA) should be pursued.

2. **Lacks information for SB5 compliance**
   Lack of project specifics makes it very difficult for cities and counties to determine what improvements are needed to achieve 200-year level of protection.

   On December 13, 2011, we specifically requested cost estimates and proposed improvements included in the three alternatives and the State Systemwide Investment Approach. In addition, from the information stated in the Plan, page 1-28, second and fourth paragraphs:

   Paragraph 2:
   Computer models were used to evaluate the hydrologic and hydraulic performance of the flood management system, comparing the existing system to preliminary approaches with various combinations of levee improvements, expanded bypasses, and additional reservoir storage. These models simulated storm precipitation, runoff, reservoir operations, and flows moving downstream through the system to the Delta. The models took into account levee heights and fragility, weir spills, levee failures, and other dynamic processes that can occur during major floods. The output from these hydrologic and hydraulic models was used

> *in additional models to estimate flood damages in the protected floodplains.*
>
> Paragraph 4:
> *Costs of capital improvements and programs were also evaluated on a reconnaissance level for the purpose of comparing preliminary approaches. Cost estimates used in this report were based on 2011 dollars.*

On January 11, 2012, we requested the above information for the Stockton area. However, we have not received it to date.

In addition, the Plan should provide detailed information on sea level and climate change impacts to the 200-year protection, and should include any re-operations/modifications/coordination to upstream reservoirs that could lower the 200-year flood flows.

3. **Sacramento River vs. San Joaquin River**
   The Board may not be as familiar with the San Joaquin River system compared to the Sacramento River System. The Board should ensure that both basins are treated equitably and receive the same levels of protection.

   Large urbanizing areas in the Sacramento River system (i.e. Natomas, West Sacramento, Plumas Lake) have been included in the Plan, whereas some Stockton urbanizing areas appear to be excluded.

   Paradise Cut Bypass should be treated like the bypasses in the Sacramento River system. This is a critical bypass built by the USACE that have not been maintained. Improvement to this bypass could provide significant flood stage reduction to the San Joaquin River benefiting the communities of Stockton, Manteca and Lathrop.

   We understand that the statutory basis for DWR's role and obligations for erosion are different on the Sacramento and the San Joaquin Rivers, but it is essential that DWR play a role on the San Joaquin in order for the Plan to function as a "systemwide" risk reduction plan for the Central Valley.

4. **Completion of the Lower San Joaquin River Feasibility Study (LSJRFS)**
   The LSJRFS started three years ago and is jointly cost-shared by the USACE, the State, and SJAFCA. SJAFCA's share is jointly cost-shared with 11 reclamation districts, San Joaquin County, Stockton, Lathrop, Manteca, and Lodi.

   The LSJRFS uses CVFPP's hydraulic and hydrologic models, and geotechnical data. The LSJRFS and the Plan should be consistent. Completion of the LSJRFS is important for the communities of Lathrop, Manteca and Stockton to achieve 200-year protection. The Plan should prioritize the completion of the LSJRFS.

We appreciate the opportunity to give our input on what the focus should be for upcoming public meetings. We will present detailed comments on the Plan shortly.

JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

JBG:JJN:mb

cc: Melinda Terry, Executive Director, California Central Valley Flood Control Association
John Maguire, Engineering Services Manager, San Joaquin County Flood Control and Water Conservation District

::ODMA\GRPWISE\COS.PW.PW_Library:192257.1

Moricz, Nancy

From: choff@bucra.com
Sent: Thursday, February 23, 2012 5:11 PM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Carl Hoff
President
Butte County Rice Growers Association
PO Box 128
Richvale, CA 95974-0128

February 23, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

February 23, 2012

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

I have just recently become aware of the State's draft plan for flood protection in the Central Valley. As a Central Valley agricultural stakeholder, I am concerned that the proposal plans to expose an additional 40,000 acres of prime agricultural land to periodic flooding by widening levees. This plan does not address the existing system by ensuring proper maintenance of the floodways that we currently have.

Speaking specifically to our region in South Butte County, there is currently a plan to create a NEW bypass, called the Feather River Bypass.
This plan would be to widen the Cherokee Canal by building additional levees to handle up to 32,000 cfs of flows. This proposal has not had input by any of the local stakeholders, which include water districts, landowners, the Rice Experiment Station, and other businesses such as ourself, which has a fertilizer plant within a mile of the Canal.

Speaking specifically of the Cherokee Canal, it was originally built for flood control. However, over the years, due to inadequate maintenance and sediment buildup, this "flood channel" has become overgrown with trees, bushes and weeds. Now it has been deemed to be riparian habitat, which further restricts the state agencies on when and how they can maintain the channel. Our concern will be that adding additional capacity through the region by widening the existing canal will only trade a small problem for a larger one.

A viable agricultural industry is essential to the State's economy, particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

Private property rights are also at stake. The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, we are calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Carl Hoff
5308824261
President
Butte County Rice Growers Association

CALIFORNIA STATE ASSOCIATION OF COUNTIES
1100 K Street, Suite 101
Sacramento, CA 95814
916/327-7500

REGIONAL COUNCIL OF RURAL COUNTIES
1215 K Street, Suite 1650
Sacramento, CA 95814
916/447-4806

LEAGUE OF CALIFORNIA CITIES
1400 K Street
Sacramento, CA 95814
916/658-8200

February 24, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
ATTN: Ms. Nancy Moricz
Transmitted via email to: cvfppcom@water.ca.gov

RE: Comments on the Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC) and the League of California Cities (LCC), we appreciate the opportunity to comment on the Central Valley Flood Protection Plan (CVFPP). Collectively, our organizations represent all of California's 483 cities and 58 counties. As representatives of local governments, our organizations are committed to creating healthy, safe and sustainable communities. We request that the following comments be taken under consideration when considering any changes to the CVFPP.

Compliance with SB5 by Central Valley Cities and Counties

Preparation of the CVFPP was a requirement of the SB5 suite of legislation, but the CVFPP lacks an articulate discussion/explanation on how it will facilitate compliance by cities and counties within its mandated time frames. The CVFPP indicates that implementation of the State System-wide Investment Approach (SSIA) will extend well beyond the 2015 deadline required by SB5 for cities and counties to begin implementation of the Plan. However, it does not discuss how cities and counties are to comply with the Plan in the interim, nor the ramifications and impacts on Central Valley communities if they are unable to do so.

For cities and counties to comply with the SB5 provisions regarding 200-Year flood protection findings for new development, they must have access to 200-Year hydrologic, hydraulic and floodplain data well in advance of the mandated timelines. Local agencies expected the CVFPP to provide much if not all of that data. However, the CVFPP does not provide this data. We had expected that CVFPP would have contained, as a minimum, the elements listed below:

- 200-yr. without-project and with-project design hydrographs and water surface profiles along all leveed rivers and streams (both "project" and "non-project" systems);
- 200-yr. without-project and with-project floodplain maps;
- Detailed identification of the Preferred Plan for System-wide Improvements to include major flood protection facilities such as reservoirs, bypasses, and main stem levees which will provide urban and urbanizing areas 200-Year flood protection by 2025.
- A detailed implementation Plan for the System-wide Improvements and local flood protection improvements, including a funding plan which identifies federal, state and local funding allocations, and any "gaps" between estimated costs and available funding sources.

The Board should require that the CVFPP be amended to address these issues.

Reliance on Completion of Major "System Improvements"
Providing 200-year protection for many of the central valley communities will depend on the completion of major "System Improvements" (as identified in the CVFPP) that are under control of the State and/or Federal governments and will likely not be completed for several years following the 2015 mandate of SB 5. These improvements include dam modifications, bypasses, and main stem levees. Cities and counties should not be penalized, nor should they be required to expend limited public funds to construct potential "throw away" improvements to provide 200-year protection in the interim. The Plan should address how cities and counties can comply with the Plan given that many of these major system improvements will not be completed by 2015.

Availability of Funding for Cities and Counties to Comply with SB5
To facilitate local agencies' ability to move forward with the planning efforts to comply with SB 5, grant programs should be created for cities and counties to develop 200-year floodplain maps and improvements. The Plan should specifically address what, if any, grant funding will be made available for these efforts. It should also address how cities and counties are to fund these efforts in the absence of such funding, and the ramifications if they are unable to do so.

Implementation of New Levee Design Standards and Findings Procedures
As required by SB5, the Department of Water Resources has been developing new levee design standards and findings procedures for implementation of the law by cities and counties. City and county officials have been involved in the development of these documents through participation in work groups, workshops and teleconferences. Although these documents are still being developed, several of our members have expressed concerns that many of the requirements contained in these may not be implementable given time and funding constraints. One issue of particular concern is the requirement that the 200-year protection requirement of SB5 apply to interior drainage areas (i.e. areas not protected by levees). The Board should evaluate whether the requirements contained in these documents are, from a practical perspective, implementable by cities and counties. And, in cases where it is a matter of an interpretation of the statute as to whether these requirements should even apply, the Board should evaluate these specific issues as well.

Thank you for your consideration. Should you have any questions regarding our comments please contact Karen Keene at 916-327-7500 ext. 511, Kathy Mannion at 916 447-4806, or Kyra Ross at 916-658-8200.

Sincerely,

Karen Keene
CSAC Senior Legislative Representative

Kathy Mannion
RCRC Legislative Advocate

Kyra Ross
LCC Legislative Representative

CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Sent via E-Mail
cvfppcom@water.ca.gov

February 24, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Public Draft 2012 Central Valley Flood Protection Plan

Dear Ms. Moricz:

The Department of Water Resources' Draft Central Valley Flood Protection Plan is a long and complex document. It is obviously the result of an enormous amount of effort on the part of the Department, and there is much in the plan, particularly in terms of data and technical analysis and integration, that is good. Unfortunately, there are some significant gaps in the Plan, as currently drafted—including, especially, the Plan's treatment of impacted agricultural lands and of the Valley's agricultural economy. To assist the Board in its review of the Plan, here are some important areas in which Farm Bureau suggests the Board might "focus":

- The Flood Plan proposes to impact some 35,000 to 40,000 acres of productive agricultural land throughout implementation of the Plan's bypass expansion and setback levee proposals. What efforts have been made, or will be made to avoid or reduce the loss of these lands—or, at a minimum, to retain them in agricultural production?

- The Plan lacks an adequate description of how the State would obtain lands or interests in lands for implementation of proposed setback and bypass expansions. How, specifically, would lands be obtained? When would they be obtained from willing sellers, and when would they be obtained by eminent domain? Would lands be acquired in fee title, or would the State acquire only an easement? Would lands acquired in fee title be leased back? To whom? To the original owner or tenant, or to someone else? Would the use of such lands be restricted to agriculture in perpetuity (as under as agricultural conservation easement), or would easements or deed restrictions (or a lack thereof) allow lands originally farmed to later transition into habitat, for example, if acquired by the State or an NGO from a willing seller? Similarly, if an NGO, or if the State acquires an agricultural parcel and allows it to

NANCY N. MCDONOUGH, GENERAL COUNSEL
ASSOCIATE COUNSEL:
CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

restore to habitat, would either the NGO or the State at some point become liable for either the direct or cumulative impacts of a failure to maintain the land free from dense vegetation that might adversely impact the performance of the flood system? What legally enforceable mechanisms would prevent such situations from arising?

- What mechanisms will ensure that the 10,000 habitat cap identified in the Plan will be respected—and that the remaining 25,000-30,000 acres that would remain farmable will, in fact, "remain farmable"?

- What mitigation is proposed for the conversion of prime agricultural lands?

- What mechanisms will be put in place to ensure that current and future flood capacity will not be lost to maturing riparian forests in our floodways?

- How will the reestablishment of habitat in our floodways be consistent with existing flood easements requiring lands in the floodways to be maintained free of obstructions?

- What assistance beyond payment of fair market value will be provided impacted farmers to allow them to transition from behind the levees to inside the levees, and to continue their operations if they so desire?

- What, if any, is the relationship between DWR's vegetation management strategy, the proposed 10,000 acres of permanently restored habitat, and DWR's Conservation Strategy and Conservation Framework? Is 10,000 acres the expected total extent of any mitigation requirement, or is it possible that additional mitigation requirements will be imposed, either as a result of DWR's vegetation management plan or otherwise?

- How can the reduction in local revenue generating capabilities, with the loss of thousands of acres of agricultural lands and the imposition of a permanent moratorium on growth in rural areas, be reconciled with the State's finance plan, calling as it does for unprecedented levels of local investment?

- If urban populations or interests are the primary beneficiaries of large setback levees and bypass expansions and less than 100-year rural levee protections, why are these interests not an explicit part of the funding puzzle, separate from the public at large?

- How (in greater detail) would the "Corridor Management Plans," "Flood Corridor Programs," and "Regional Flood Plans" work, and could any or all of these planning tools be used to maintain a proper balance between farming in the bypass, as a 100% flood-compatible and self-sustaining land use, and riparian forest, as a less compatible or ultimately incompatible land use, given the Flood Plan's declared primary objective to protect life and property and convey flood flows?

- How will DWR and/or the Flood Board use "Corridor Management Plans," "Flood Corridor Programs," and "Regional Flood Plans," or any other means at its disposal to foster actual "partnerships" with local interests, as described in the Plan?

- In terms of the prioritization of limited state funding, DWR states in the Plan that it will prefer projects that incorporate habitat elements over straight flood protection projects. How does this square with the Plan's assertion that flood risk reduction and flood protection are its primary concerns? This preference for habitat-would appear to put local management entities at a disadvantage and would seemly tend to undermine the integrity of the flood system overall, over time. Is this intended? If not, how would this be avoided?

- Does DWR feel that the city and county governments that will be charged under the Water Code with soon amending their local zoning and general plans are ready to assume this role? If not, what specifically will DWR do to get them there?

- Environmental mitigation and costly permitting have made traditional flood protection improvements and maintenance cost prohibitive. It is not that it is physically impossible or technically infeasible to repair, improve and maintain our flood system: The problem is excessive regulation. Programmatic streamlining of mitigation requirements and excessive bureaucracy could dramatically reduce the price tag of many elements of the design capacity alternative. A hybrid of the design capacity approach and the statewide investment approach, with aggressive streamlining, could achieve many or all of the same benefits as statewide investment approach, while reducing the need for large levee setbacks, new, and "expanded" bypasses. The Flood Board should direct the DWR consider such a potential hybrid, as a potential variant on the statewide investment approach in implementation, if not sooner.

California Farm Bureau Federation thanks you for the opportunity to comment on the Public Draft 2012 Central Valley Flood Protection Plan.

Yours truly,

Justin E. Fredrickson
Environmental Policy Analyst

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Nova Clemenza, 574-2322	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.4	pg 1-15	3rd paragraph, last sentence requires correction or edit for missing preposition	Change sentence to read: "…with regard to management **of** vegetation on the levees…." or "with regard to vegetation management on the levees…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.6	pg 1-27	1st sentence under Plan Formulation requires correction.	Change to read: "Plan formulation **for** the 2012 CVFPP…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	1.6.4	pg 1-29	See Textbox for Coordination with Other Programs and Projects, under Statewide Flood Management Planning Program. It is stated that the SFMP assesses flood risk; I thought the SFMP *defines* flood risk but *assesses* flood exposure?	Change to read: " The comprehensive Statewide Flood Management Planning Program is assessing flood **exposure** statewide…."?
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	2.6.1	pg 2-16	Last complete sentence on page, under Residual Risk Management, requires typo correction	Change to read: "The scale of risk management actions vary among the **approaches**."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.2	pg 3-5	Figure 3.1, shown appropriate linework for the bypass expansions, it doesn't	re-order drawing layers to show the expanded bypass areas and the associated new boundaries of the bypass expansions. Compare Figure 3.1 and Figure 3.2
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.3	pg 3-10	last paragraph in Section 3.3, correct sentence to show as possessive	Change to read: "Small **communities'** improvements should…" or re-write as "Improvements in small communities should…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.5.6	pg 3-17	2nd paragraph, 3rd sentence, remove unnecessary indefinite article in sentence "a"	Change to read: "…changing reservoir operations, and Congressional approval **for new** dynamic flood control diagrams."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.5.6	pg 3-17	2nd paragraph, 1st sentence, under Weir and Bypass Operational Changes requires further criteria stated.	Add phrase to read: "….Sacramento Weir, which is currently opened when the Sacramento River water surface elevation reaches 27.5 feet at the I Street Bridge **and is forecast to continue rising.** "
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.6.1	pg 3-19	1st paragraph, last sentence. Remove hard return near end of sentence	Remove hard return after "…under other…" and before "…State programs."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.7	pg 3-21	1st paragraph, last sentence. Remove hard return near end of sentence	Remove hard return after "…support for…" and before "…flood projects."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.12	pg 3-30	3rd paragraph, remove duplicate reference to emergency response or combine with reference to ER planning? Or perhaps this way it is written was the way it was intended.	Change to read: "These efforts encompass urban levee improvements, emergency repair projects, physical and operational changes to flood management reservoirs, **flood emergency preparedness and response efforts**, and improvements to operations and maintenance, and floodplain management."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-32	1st paragraph, 3rd sentence, correct as noted	Change to read: " Flood stages in the San Joaquin River Basin do not change much with **respect to current** conditions because…."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-33	Figure 3-4. Remove or consolidate duplicate text above Figure title.	Clarify which statement to keep (various frequencies) then remove other if duplicate (100-yr event)
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.1	pg 3-34	Figure 3-5. Remove or consolidate duplicate text above Figure title.	Clarify which statement to keep (various frequencies) then remove other if duplicate (100-yr event)
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.13.4	pg 3-36	Table 3-7 correct misspelled word	Change to read: $329 million in expected annual **damages**
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	3.14.4	pg 3-41	2nd bullet, 2nd sentence, suggestion to add definite articles	Suggest change to read: "This includes connecting fishery habitat from **the** Delta to **the** Yolo and Sutter bypasses and to the Butte Basin."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.1.1	pg 4-2	3rd paragraph, correct reference to Flood Operations Center	Change to read: "…"the State-Federal Flood **Operations** Center…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.1.1	pg 4-2	4th paragraph, flood fight is two words, see Flood Fighting Methods manual, typical for all refs to "flood fight" and "flood fighting"	Change to read: "… DWR will continue to provide **flood fight** assistance…". Typical for all refs to "flood fight" and "flood fighting"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.3.2	pg 4-18	Correct text from the water code in text box about the CVFPA, remove extraneous "the"	Change to read: "…(c) Upon completion of the Central Valley Flood Protection Plan pursuant to this part, the department may **identify and propose** to the board …"

Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.1	pg 4-20	4th paragraph, last sentence requires correction	Change to read: "…to help **develop the** State basin-wide feasibility studies…" or "… to help **development of the**…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.5	pg 4-25	3rd bullet at bottom of page, confirm reference to NWS -CNRFC and correct as needed, although it can be assumed we are referring to CNRFC there are multiple RFCs nationwide.	Change to read: "…and National Weather Service - California Nevada River Forecast Center…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.4.6	pg 4-26	2nd main level bullet (6th bullet down on page), correct sentence as needed	Change to read: "..reasonable opportunities will be carefully evaluated for **integration of multiple** objectives …" or "…**integrating multiple** objectives…"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	last bullet under Flood System Operations and Maintenance, correct reference to IFMCP, use title case for title.	Change to read: "Initiated and coordinated the **Interagency** Flood Management Collaborative Program"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	1st bullet under Floodplain Management, delete hard return	Delete hard return between 2 and 2.5 in reference to CCR
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.5.1	pg 4-28	3rd bullet under Floodplain Management, correct verb used in sentence, use affected in lieu of effected	Change to read: "Sent flood risk notification leters to 300,000 **affected** property owners in…."
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.9	pg 4-41	1st bullet under Funding availability, insert space between cost numbers in range	Change to read: "An additional **$11 to $14** billion …"
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	4.9	pg 4-42		
Nova Clemenza	DWR/ DFM/ HAFOO	clemenza@water.ca.gov	CVFPP	general	typ all	use consistent terms throughout document, ie - reevaluation vs. re-evaluation	review before finalizing to check to consistency

Reclamation District No. 1004

RECEIVED
FEB 2 1 2012

February 22nd, 2012

Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Central Valley Flood Protection Plan

Dear Mr. Punia:

Reclamation District 1004 (RD 1004) is located in the Colusa Basin and is very interested in working with the Central Valley Flood Protection Board (CVFPB) as you finalize and adopt the Central Valley Flood Protection Plan (CVFPP). Our primary interest is ensuring that our District benefits from implementation of the CVFPP. While we have not had an opportunity to review the draft CVFPP in detail, we are concerned about the proposed new bypass that would redirect flood flows from the Feather River to the Cherokee Canal then into the Butte Basin. While we understand the CVFPP is a framework, and that detailed feasibilities studies will be conducted in the future to identify specific projects for implementation, it is important that the final CVFPP acknowledge that the impacts of diverting flood flows from the Feather River into the Butte Basin will need to be evaluated and mitigated as necessary to ensure our District is not being asked to shoulder an increase in flood risk to benefit other areas in the flood control system.

317 Fourth Street, Colusa, California 95932 • (530) 458-7459 • Fax: (530) 458-4276

We look forward to working with the CVFPB as you adopt a final plan and ask that we be notified of any upcoming efforts to study the proposed Feather River Bypass so that we can ensure that the concerns of our District are addressed.

Sincerely,
Reclamation District No. 1004

Ed Hulbert
Vice Chairman

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4004

California State Senate

SENATOR
DOUG LA MALFA
FOURTH SENATE DISTRICT

February 24, 2012

Board of Directors, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Draft Central Valley Flood Management Plan

To Whom It May Concern:

I am writing to you today in regards to the Draft Central Valley Flood Management Plan (Draft Flood Plan) that is proposed for the north Sacramento Valley. According to the current plans, the Draft Flood Plan proposes to expand and create new habitat in floodways on prime agricultural land. Not only are these lands the best in the nation for farming, the plan also does not include a proper maintenance plan. If approved as is, this plan would jeopardize thousands of acres of existing agricultural lands. Furthermore, the likely eminent domain seizure of productive private agriculture land for conversion to habitat is highly objectionable and takes them out of the property tax base.

The Draft Flood Plan would also displace family homes, farming operations, processing facilities and businesses that have been in place for generations. These private landowners would either willingly sell or be forced out through other circumstances such as eminent domain. How on earth in this budget crisis is the state going to pay each of these private landowners for their property?

The Department of Water Resources and/or the Central Valley Flood Protection Board has done an inadequate job of making residents aware of the Draft Flood Plan, thus most aren't even aware their property may be jeopardized. The Draft Flood Plan purports to achieve 200 years of flood protection for urban areas as well as habitat restoration. Where is the evidence that this plan will actually achieve a flood protection goal and how has that been demonstrated to those whose private property would be affected? Where is the benefit for the farmers and residents of the north Sacramento Valley? It is one thing to build flood control, it is quite another to create special habitat areas in lands designated for flood control conveyance.

In conclusion, I encourage this Board to take the comments of the private landowners very seriously and revise the plan to something that will continue to encourage agriculture while maintaining a viable flood plan for the Sacramento and San Joaquin Valley with clear, easy to understand detail, so the farmers know which of their parcels will be affected. Anything less is a disservice to the hard-working individuals that place food on our tables and pay taxes.

Sincerely,

Doug LaMalfa
Senator, 4th District

Knights Landing Ridge Drainage District
Reclamation District No. 108
Sacramento River West Side Levee District

February 24, 2012

Mr. Benjamin F. Carter, President
Central Valley Flood Protection Board
3310 El Camino Ave, Room 151
Sacramento, CA 95821

RE: Draft 2012 Central Valley Flood Protection Plan (Plan)

The following comments are submitted jointly by Reclamation District No. 108, the Sacramento River West Side Levee District and the Knights Landing Ridge Drainage District. Collectively the three agencies maintain nearly 90 miles of Federal Project Levees in both Colusa and Yolo Counties adjacent to the Sacramento River and the Colusa Basin Drain. These levees provide flood protection to the communities of Colusa, Grimes and Knights Landing as well as more than 100,000 acres of amazing farm ground and rich habitat. I have personally invested considerable time in the development of the Plan, serving on many of the committees and workgroups over the past several years. While the Plan covers many issues, the following observations are solely focused on treatment of the rural areas.

Our fundamental concern is that the Plan delivers no guaranteed flood control improvement for the rural areas. This is an absolute necessity in light of the Plan's implementation of SB5's directive to provide different levels of flood protection for rural and urban areas. By dramatically raising the urban level of protection, the State has created a de-facto transitory storage system that will flood the rural areas providing substantial flood protection benefits to the urban areas. In spite of this reality, the Plan clearly does not make any certain commitments to invest in the rural areas. Instead, all rural investments are conditioned by "if funding available" or "where feasible". If you consider that the State of California only has approximately $2 billion left in funding to implement a $17 billion dollar Plan, I think we can already see that the "if funding available" condition will most likely result in no funding available. The rural areas comprise more than 75% of the miles of levees and yet less than 15% of the Plan investment is even "conditionally" dedicated to the rural areas. **The Plan needs to clearly commit the only funds "in-hand" from Prop 1E and 84 in a balanced manner.**

Our second concern relates to the fundamental paradigm shift which is the underlying foundation of the Plan. This is illustrated in Table 3.2 where the State describes abandoning the Flood Control System's previous approach which was to Target Design Capacity. In both the Urban and Small Communities, this is replaced by a higher level of flood protection as the goal. In the rural-agricultural areas the Plan proposes to provide site-specific rural-agricultural improvements based on levee inspection and other identified critical levee integrity needs. **This program needs definition so that the rural area can understand what is being promised, how it would operate until a new program or standard is developed and what existing funding will be committed for this program.**

The Plan suggests a system-wide approach in a physical sense but falls very short in pointing out the challenges in carrying out this vision. This is highlighted by the fact that the Plan repeatedly relies on substantial federal funding yet it is clear that federal funding is provided on a project by project basis, not a system-wide basis. This is especially problematic for the rural areas as federal investment will naturally prioritize repairs in the urban areas with higher benefit to cost ratios. **Without a transparent approach to this issue, committing a balanced investment to all Plan elements regardless of federal financial interest, the result of the Plan will not be a true System-Wide Investment Approach, but rather an urban flood protection plan.**

A major challenge for the rural areas will be the imposition of the National Flood Insurance Program on the rural areas. **It is appreciated that the Plan touches on this issue, but I would encourage the Central Valley Flood Protection Board to strengthen this commitment to providing leadership on this issue which long term will ensure a vibrant agricultural economy which is less vulnerable to urbanization.**

The Plan refers to several other programs that include emergency preparedness planning, "limited" flood recovery funding and erosion repair programs. **Each of these programs needs to be strengthened by providing certain funding and near term implementation.**

Lastly, the Plan asks the rural area to provide up to 35,000 acres of productive agricultural land without recognizing the impact to the local communities. The Plan needs to recognize this "taking" will create third party impacts that affect landowners, local agencies and counties. In particular, conversion of this land to habitat creates the need to address adjacent landowner impacts. **This needs to include a comprehensive program that would compensate landowners for predation and other production impacts. We would also like to encourage the Plan to leverage local engagement related to habitat development. This approach doesn't displace the local community and minimizes the concerns raised above for third party impacts. Lastly, habitat development should focus on opportunities to integrate with agriculture instead of displacing it.**

It is important to recognize the circumstances under which the final development of the Plan occurred. The Plan was to be developed using a 4-step process, however, Step 3 and 4 never occurred. This resulted in many items either being added or removed without any local input. Clear examples of this are the removal of Management Action #82 which very clearly considered urban areas compensating the rural areas for receiving a lower level of protection; i.e. de-facto transitory storage, and secondly the

inclusion of the expansion of the Cherokee Canal. **Both of these items need to be reconsidered for the final Plan due to their significance and lack of local input.**

In closing, we believe that the next four months are critical to the long-term success of the Plan. If this opportunity is not used to modify the Plan in a way that can be supported by the rural areas, most of the goals of the Plan simply cannot be achieved. We look forward to working with you to create a final Plan that meets this balanced goal.

Sincerely,

Lewis Bair
General Manager

Tim Miramontes Farms

Po Box 607

Woodland CA 95776

Central Valley Flood Protection Board:

I am writing this letter as a concerned Northern California resident, farmer and tax payer. Agriculture is California's #1 industry, essential to the economy of this state and a vital part of this nation's national security by giving people a reliable food source.

The Central Valley of California is dependent upon a reliable levee system that can protect rural communities and agriculture lands. As a farmer with farm ground and buildings next to these existing levees I am very concerned about the proposed moving of levees, widening of bypasses and set back levees.

Our current river levee system has protected us for over 100 years. With continued maintenance and devegetation it could protect us for hundreds more. With proper management plans within our bypass systems, i.e.; trees removed from river levees, bypass floor and farming performed inside the bypasses, these systems could get back to full capacity of flow. Our river levees were built with water flow and flood protection in mind, not habitat and ecosystem restoration. The vegetation that is along the sides of these levees slows down flows and weakens the levees.

As California's population grows, there are places that should be built and places that shouldn't be built. When large developments are put in basins it is a recipe for disaster. There is also a huge concern of water reliability, there has not been a new dam built in this state and the population has grown substantially. A dam could give us a more reliable water source for people, the environment and FLOOD CONTROL.

By adding 40,000 acres into the bypass system, this will dramatically change rural communities, families and land values. Yolo County is already losing more farm ground to habitat restoration than for development of urban areas. The Bay Delta Conservation Plan is looking at making a portion of the Yolo Bypass and north delta into habitat for fish and is asking for 17,000-20,000 acres. When bypasses are used for habitat, it has proven to have devastating effects as we saw in the Meridian basin.

As a farmer in the center of this proposed land conversion, I hope that the board will get more input from the people that are going to be most affected by this project. There were four working groups put together for this forum, Climate Change, Levee Performance, Operation Management and Environmental Stewardship. A fifth group was put together because there was strong protest from the stakeholders (farmers and reclamation districts), so an Agriculture group was added. This group didn't get added until after the other groups had already finished their suggestions and there doesn't seem to be any input from this agriculture working group that was put into the draft plan. There is serious concern when local county governments are also feeling that they have been left in the dark with no input into this plan.

As a farmer, resident and tax payer of the affected area, I am asking that the State of California do more to reach out to the rural communities, local governments and landowners to ensure that their concerns are completely understood, taken into account and addressed. There needs to be protection for our farm ground.

Thank you

Tim Miramontes

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined and considered by affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

We are very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts including impacts to land we personally farm;

* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

* Private property rights;

* Impacts on particular parcels, farming operations, reclamation district areas, etc.

* Impacts on livelihoods and businesses;

* Impacts on property values;

* The potential for eminent domain abuses;

* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

* Assurances associated with potential liabilities under the federal and state endangered species acts;

* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impractical, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Herbert E. Pollock Lynnel Pollock

Herbert E. Pollock Lynnel Pollock

PO Box 468, Yolo, CA 95697

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers**. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline was very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

Kyle Lang

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers**. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline was very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

Kent Lang

American Farm Bureau Federation/California Farm Bureau Federation

YOLO COUNTY FARM BUREAU

69 West Kentucky Avenue • P.O. Box 1556, Woodland, California 95776
530-662-6316 • FAX 530-662-8611 • www.yolofarmbureau.org

PRESIDENT
Chuck Dudley
1ST VICE-PRESIDENT
Joe F. Martinez
2ND VICE-PRESIDENT
Fred Manas
SECRETARY/TREASURER
Denise Sagara

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and betted through affected landowners and farmers**. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Candace Miramontes	Candace Miramontes
Robert Miramontes SR	Robert Miramontes SR
Jim Vann	
Lenore Timko	Lenore Timko

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
DAN BICKEL	D. Bickel
Toni Ann Moss	Toni Ann Moss

From: Yolo County Farm Bureau <denise@yolofarmbureau.org>
To: karowas <karowas@aol.com>
Subject: Central Valley Flood Area To Be Expanded by 40,000 acres
Date: Tue, 21 Feb 2012 5:00 pm

YOLO COUNTY FARM BUREAU

CENTRAL VALLEY FLOOD PROTECTION PLAN

February 21, 2012

IMPORTANT IMPORTANT IMPORTANT IMPORTANT

The State is working on a flood plan called the Central Valley Flood Protection Plan. It increases the flood bypass areas by over 40,000 acres. This draft program has been put together in a very short amount of time, and it's been difficult to get the word out to landowners. The draft was finalized at the end of December. It's a huge document.

Additional information, including links, regular updates, and key documents, is available on CFBF's new Flood Issues webpage at http://www.cfbf.com/issues/water/flood/index.cfm. In addition, you may contact your local county Farm Bureau, or contact Justin Fredrickson, CFBF Environmental Policy Analyst, at 916-561-5673 or jfredrickson@cfbf.com.

Final comments are due this Friday, February 24th.

This is so important that we are contacting you and asking that you either attend the meeting and make comments, or add your signature to this letter and return it to our office by Thursday, the 23rd (two days from now).

If you can attend the meeting please plan to do so and make comments.

If you cannot attend, please sign the letter and either email, fax or bring it back to us before Friday.

Street Address:
Yolo County Farm Bureau
69 W. Kentucky Ave
Woodland CA 95695

Mailing Address:
Yolo County Farm Bureau
PO Box 1556
Woodland CA 95776

Phone: 530-662-6316
Fax: 530-662-8611
E-mail: tara@yolofarmbureau.org

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;
* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive

habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Printed Name	Signature
JAN CHAMBERLIN	Jan Chamberlin
KAROLYN WASSERMAN	Karolyn Wasserman

Click Here for More Information

Farm Team Action Alert - Central Valley Flood Protection Program
Central Valley Flood Protection Board Meeting Agenda

Forward email

SafeUnsubscribe™ Constant Contact

This email was sent to karowas@aol.com by denise@yolofarmbureau.org |
Update Profile/Email Address | Instant removal with SafeUnsubscribe™ | Privacy Policy.

Yolo County Farm Bureau | 69 West Kentucky Avenue | P O Box 1556 | Woodland | CA | 95776

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;
* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Charles A Hewitt — 2-23-12

Printed Name — Signature

Subject: Central Valley Flood Area To Be Expanded by 40,000 acres
From: Yolo County Farm Bureau <denise@yolofarmbureau.org>
Date: Tue, 21 Feb 2012 20:00:18 -0500 (EST)
To: jjkaneko@ucdavis.edu

Yolo County Farm Bureau Logo

Rice Planting

CENTRAL VALLEY FLOOD PROTECTION PLAN

February 21, 2012

IMPORTANT IMPORTANT IMPORTANT IMPORTANT

The State is working on a flood plan called the Central Valley Flood Protection Plan. It increases the flood bypass areas by over 40,000 acres. This draft program has been put together in a very short amount of time, and it's been difficult to get the word out to landowners. The draft was finalized at the end of December. It's a huge document.

Additional information, including links, regular updates, and key documents, is available on CFBF's new Flood Issues webpage at http://www.cfbf.com/issues/water/flood/index.cfm. In addition, you may contact your local county Farm Bureau, or contact Justin Fredrickson, CFBF Environmental Policy Analyst, at 916-561-5673 or jfredrickson@cfbf.com.

Final comments are due this Friday, February 24th.

This is so important that we are contacting you and asking that you either attend the meeting and make comments, or add your signature to this letter and return it to our office by Thursday, the 23rd (two days from now).
If you can attend the meeting please plan to do so and make comments.
If you cannot attend, please sign the letter and either email, fax or bring it back to us before Friday.

Street Address:
Yolo County Farm Bureau
69 W. Kentucky Ave
Woodland CA 95695

Mailing Address:
Yolo County Farm Bureau
PO Box 1556
Woodland CA 95776

Phone: 530-662-6316
Fax: 530-662-8611
E-mail: tara@yolofarmbureau.org

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.
I am very concerned about the proposed plan for the following reasons:
* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;

* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

JERRY KANEKO	Jerry Kaneko
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature

Click Here for More Information

Farm Team Action Alert - Central Valley Flood Protection Program
Central Valley Flood Protection Board Meeting Agenda

YAHOO! MAIL Classic

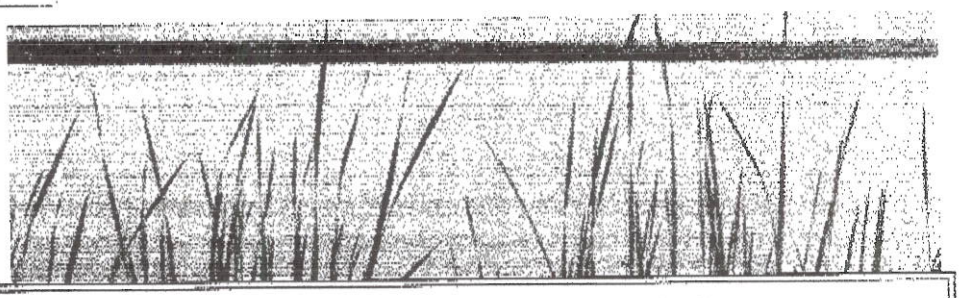
Central Valley Flood Area To Be Expanded by 40,000 acres

From: "Yolo County Farm Bureau" <denise@yolofarmbureau.org>

To: jimpeart@rocketmail.com

Like

YOLO COUNTY FARM BUREAU



CENTRAL VALLEY FLOOD PROTECTION PLAN

February 21, 2012

IMPORTANT IMPORTANT IMPORTANT IMPORTANT

The State is working on a flood plan called the Central Valley Flood Protection Plan. It increases the flood bypass areas by over 40,000 acres. This draft program has been put together in a very short amount of time, and it's been difficult to get the word out to landowners. The draft was finalized at the end of December. It's a huge document.

Additional information, including links, regular updates, and key documents, is available on CFBF's new Flood Issues webpage at http://www.cfbf.com/issues/water/flood/index.cfm. In addition, you may contact your local county Farm Bureau, or contact Justin Fredrickson, CFBF Environmental Policy Analyst, at 916-561-5673 or jfredrickson@cfbf.com.

Final comments are due this Friday, February 24th.

This is so important that we are contacting you and asking that you either attend the meeting and make comments, or add your signature to this letter and return it to our office by Thursday, the 23rd (two days from now).

If you can attend the meeting please plan to do so and make comments.

If you cannot attend, please sign the letter and either email, fax or bring it back to us before Friday.

Street Address:
Yolo County Farm Bureau
69 W. Kentucky Ave
Woodland CA 95695

Mailing Address:
Yolo County Farm Bureau
PO Box 1556
Woodland CA 95776

Phone: 530-662-6316
Fax: 530-662-8611
E-mail: tara@yolofarmbureau.org

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;

* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Printed Name	Signature
Jim Peart	Jim Peart
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature
Printed Name	Signature

Click Here for More Information

Farm Team Action Alert - Central Valley Flood Protection Program
Central Valley Flood Protection Board Meeting Agenda

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.
I am very concerned about the proposed plan for the following reasons:
* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;
* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Jim Eldon
Fiddler's Green Farm, Inc.
18265 County Rd. 70
Brooks, CA 95606

Peabody
engineering
1700 Alhambra Blvd., Suite 102
Sacramento, CA. 95816

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts;

* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

* Private property rights;

* Impacts on particular parcels, farming operations, reclamation district areas, etc.

* Impacts on livelihoods and businesses;

* Impacts on property values;

* The potential for eminent domain abuses;

* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

* Assurances associated with potential liabilities under the federal and state endangered species acts;

* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Ross E. Peabody
20040 Old River Road

West Sacramento, Ca. 95691

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

* The potential farmland conversion impacts;
* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
* Private property rights;
* Impacts on particular parcels, farming operations, reclamation district areas, etc.
* Impacts on livelihoods and businesses;
* Impacts on property values;
* The potential for eminent domain abuses;
* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
* Assurances associated with potential liabilities under the federal and state endangered species acts;
* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

John R. Webber
Yolo County Land Owner

February 21, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and betted through affected landowners and farmers**. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting **greater burdens, pressures, risks and liabilities** on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
William J. Correa	William J. Correa
Craig M Mighel	
Christopher W. Correa	

Kim Dolbow Vann, DISTRICT I
Thomas A. Indrieri, DISTRICT II
Mark D. Marshall, DISTRICT III
Gary J. Evans, District IV, CHAIR
Denise J. Carter, DISTRICT V, VICE-CHAIR

COUNTY OF COLUSA
BOARD OF SUPERVISORS
Board Chambers
547 Market Street, Suite 102
Colusa, CA 95932
(530) 458-0508/0509
cocolusa@countyofcolusa.org

February 21, 2012

Benjamin F. Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: 2012 Central Valley Flood Protection Plan Public Draft

Please find below our initial areas of concern of the 2012 Central Valley Flood Protection Plan (CVFPP) Public Draft. Colusa County staff is continuing to review the Plan and the detailed attachments and intends to provide more detailed comments during the public review process.

Colusa County is concerned that the state is usurping local land use authority as it develops this plan for the Central Valley without involvement of local landowners and elected officials. In particular, the widening of the Cherokee Canal, which received no public vetting, is an unacceptable solution to lowering flood risk in the Feather River by transferring up to 32,000 cfs to the Sacramento River watershed. **We are opposed to the widening of the Cherokee Canal and the associated measures that impact the Butte Basin and potentially the main stem of the Sacramento River.**

While we appreciate the system-wide approach to flood protection in the Central Valley that the Plan is trying to develop, the reality that investments in the rural area are likely to fall short of the current benefit/cost ratio process needs to be acknowledged. Rural Counties need a commitment from the State that this incremental project by project ration needs to be replaced by a system type approach to benefit cost. **Colusa County and other rural areas are bearing the burden to provide 200 year protection to urban areas.**

The future of agriculture is critically important to the long term economic viability of Colusa County. As the Plan points out, agriculture is a multi-billion dollar contributor to California's economy. The proposed Plan, including weir lowering, bypass widening, and modifications to Cherokee Canal is exacerbating the conditions for farming since the lands will be flooded sooner, longer and deeper. Without a strong system of flood protection there will be a decrease in land values, attracting capital will be more difficult, banks will see the area as a lending risk, these lands and improvements will not be eligible to use as collateral. Rural residents and agricultural operations are also facing significant increases in flood insurance rates along with permitting restrictions

because we are being mapped into a floodplain and do not have the economic resources to bring our levees to 100 year level. **There needs to be a State commitment to provide assistance for relief of the NFIP.**

Colusa County is particularly concerned with protection of the City of Colusa, as well as the small communities of Grimes and Princeton. The Draft CVFPP should include the specific flood control measures intended to be implemented and existing bond fund support to ensure 100 year protection. These communities support our agricultural businesses and have survived and thrived due to the understanding that the State Plan of Flood Control was providing protection. **The funding required to attain 100 year protection of small communities should be borne largely by the State/federal government.**

The Plan uses the wording "where economically feasible" when talking about rural areas. There is no clearly defined level of funding for rural levee improvements. In light of the fact that nearly all of the initial funding has gone to the Urban areas except planning dollars, recommend the balance of the 1E funds be allocated equally between Rural, Urban and Ecosystem work. **Establish a reasonable allocation of future funding that ensures rural areas have a clearly defined share to the planning, outreach and improvement funds.**

Colusa County takes exception to the rushed development and approval process of this plan. Until assurances and funding for County protection and our continued livelihood is developed, Colusa County cannot support the Plan as drafted. We look forward to working with the Board and the State to modify the Draft Plan such that we all can get better together.

Gary Evans, Chairman
Colusa County Board of Supervisors

MR. SWANSON: My name is Roger Swanson, and I

represent the Butte Sink Waterfowl Association up in the Butte Sink.

And it came to our attention that one of the elements in the flood protection -- and I'm quoting from the Appeal Democrat from January 24 -- is quote, "...and the plan also suggests a new bypass northwest of Gridley from where the Feather River emerges below Oroville Dam, along what's now the Cherokee Canal and ending in the Butte Basin".

The Cherokee Canal comes right through the Wild Goose Duck Club, which I'm a member of and vice president of, and through much of -- or most of, and then into -- back into Butte Creek through the Butte Sink. And I just am trying to find out who is working on that element of the flood control. I would like to meet with them and try to understand what the plan might be, and see if we can't, as a stakeholder, get involved in it. That's the only thing I wanted to do. And I've called your agency, and nobody seems to know anything about this particular element of the plan.

PRESIDENT CARTER: Okay. Thank you very much for coming Mr. Swanson. With respect to questions on the plan, probably the first stop would be Ms. Nancy Moricz or Mr. Eric Butler or Mr. Punia here on the Board staff. And the best number to call them at would be 916.574.0609.

1 And on your way out, if you'd like to check with Ms.
2 Moricz - Ms. Moricz, would you please raise your hand -
3 and you can get direct contact information.
4 They can perhaps answer your questions or direct
5 you to somebody within our organization or DWR to answer
6 your questions.
7 MR. SWANSON: Okay. Thank you very much.
8 PRESIDENT CARTER: You're very welcome.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. ZLOTNICK: Thank you, Mr. Chairman, Board members. My name is Greg Zlotnick. I represent the State and Federal Contractors Water Agency, which is basically the State Water Project contractors and federal Central Valley Project contractors that receive their water south of the Delta from the export projects.

I'm here today to both commend DWR on the report. It was an excellent start. And we are very interested in engaging with you and with DWR as this moves forward. The issues we're particularly interested in are the bypasses within both north and the southern Delta, and the issue of multipurpose projects related to that.

And sort of involved in all that is coordination and potential collaboration on the Bay Delta Conservation Plan, which is also looking at those areas. And then, of course, the Delta plan that the Delta Stewardship Council is working on. While your jurisdiction does not go into the Central Delta as theirs does, they also overlap with you though in the northern and southern parts of the Delta

where your jurisdiction does extend. And I know they're looking at these issues as well.

And so coordination on that and consistency with the co-equal goals of State policy are the areas that we'd be most interested in having you be sure to cover as you go forward. And, of course, particularly is as the conservation framework, which is now in place, moves into the conservation strategy over the course of, I guess, the next year or so, we'll also be engaged in that and to think how that moves forward with your plan is going to be very important as well.

And with that, I thank you for your consideration.

PRESIDENT CARTER: Thank you, Mr. Zlotnick.

MR. GARNER: My name is John Garner. And although I'm a director of the Colusa Basin Flood Control District and the Colusa County Farm Bureau, I'd like to speak today more as a farmer. I grow rice and walnuts. Our farm is in the floodplain. And so many times when we hear about agricultural ground, it's not necessary -- it's not given the same importance in flood protection. And we recognize the value in the urban areas and how important it is to reach that 200-year protection, but we feel a

little bit slighted in the rural areas when we look at our farms.

And the story I like to tell is our farms -- I look at my farm as no different than a Ford factory that produces cars. You know, ours looks open space. And the reality of it is, it just looks like a piece of ground sitting out there, but we have invested millions of dollars in our infrastructure, irrigation systems to provide the produce out of California that feeds, you know, much of the -- well, it feeds a lot of the United States, but Canada, Mexico, and the Pacific Rim.

And I just -- to have it anymore threatened or less protected than another area, just doesn't seem right to me, particularly when you look at what we do for habitat, and wildlife that we support on our farms. And if we happen to lose an acreage on a flood event, then we also lose the habitat, because we don't go ahead and use the irrigation water.

The other part of it is, is when we're talking about expanding bypasses and doing that kind of planning, it's taking more agricultural ground out of production. And as any industry is, is we reduce our size, as far as our participants and growers. We also reduce our ability to economically stay viable. You know, if the acreage decreases enough all of a sudden the big equipment dealers

leave, the fertilizer people leave, and the service, like airplanes, crop dusters, have to charge more because they're dealing with less.

And so it's the ramifications of allowing the urban -- or the ag areas just to be good enough with a hundred year production is just not acceptable. And so we'd like to be considered as equal, in terms of what we receive.

The history has shown that we've repaired weaknesses in our levee system. We've also maintained our bypasses. And the system can work pretty well, maybe better than pretty well, if we don't allow jungles to grow up in our bypass system, rather than to just decrease the size of our bypass system and then allow more habitat -- or more foliage going in there. I'm not against habitat, but it can be managed to allow for maximum flood flows.

And so I heartily hope that you look at the system, maybe return to a time when we maintain the bypass systems to where they're functioning as they were meant to be and we'd reduce some of the more risk on the urban areas.

Another thing that we need to -- I would ask you to be more proactive about is some of the retention basins and -- I'm speaking now as the Colusa Basin Flood Control District Director. Some of the retention basins that

1 we've proposed and actually have them on the drawing board
2 in north, in Glenn County, also the Sites Reservoir and
3 all these things would have a dramatic impact on an event
4 like occurred in 1986, when you had these tremendous
5 spring rains and all that water came down and headed out
6 toward the Yolo Bypass. And because of the outflows, at
7 that point in time, it puts more pressure on the Yolo
8 Bypass, and our water then backs up from the ridge cut
9 back up into Colusa county and damages more property.
10 One would say, well, that happened before, and
11 you guys handled it. FEMA came in, at that time, and
12 really helped the counties by offering millions of dollars
13 extra to repair roads, bridges, and all the damage that
14 was done to infrastructure.
15 FEMA informed us, at that time, is that we're not
16 going to keep doing that. And so by allowing more flood
17 waters to back up in the Yolo Bypass and then to back up
18 through our area, you're really putting us in a bad
19 situation.
20 So I would take a look at that history and see
21 what the indirect affects are on our community and our
22 industry. Actually, if you want to know, it's one of the
23 only industries that gives the economy of California a
24 non-deficit. It actually adds to the economy of
25 California.

I think that just about covers it, and I appreciate the opportunity to speak in front of you.

Those hearings are good. You're having this one in February. The one you're having in April, I'd hope that more farmers would show up today, but not everybody is aware of what's going on and the ramifications that could have on their own farms. But having hearings in April are really tough. I mean, we're farming then. We're out there doing our jobs. And so maybe it would work better if you came into our area, rather than us to have to come down here and pay $50 for a tank of gas and 20 bucks for parking.

So at any rate, I don't know how you fix that, but thank you.

PRESIDENT CARTER: Thank you, Mr. Garner.

MR. SCHEURING: Thank you, Mr. Chair -- Mr. President, members of the Board. I am Chris Scheuring and I am appearing on behalf of the California Farm Bureau Federation, the State organization. My family also farms in Yolo county.

As you know, The Farm Bureau has got thousands of members in your planning area. And I'd like to thank

you -- or thank the Board for the opportunity to appear on their behalf and provide you with these focus comments. I want to start by saying that we recognize that the Board has a statutory responsibility of adopting a flood plan by July 1st, and there are constraints within the legislation on what that flood plan has to have inside it. We understand that.

We also recognize that the folks at the Department of Water Resources have put a lot of good effort into the draft flood plan that is in front of you. And we also recognize that ag, as much as anybody else, generally benefits from flood protection under general circumstances.

That being said, my sort of 30,000-foot level impression of this plan is that there is much good in it for the environmental community in terms of habitat and so forth, there is much good in it for the urban community, in terms of sort of upgraded protection to 200-year level of flood protection.

But for ag, we feel like we're holding the bag on this one. We're a little bit worried about it. It seems as if ag is the canvass upon which we are going to paint here. And that's, I think, why you're going to hear from some of us today.

I hope I'm wrong about that, but the numbers

1 associated just with the concept of conversion of ag lands
2 here, as part of the levee setbacks and the expanded
3 floodways bypasses are pretty large. Forty thousand
4 acres -- 35,000-40,000 acres are going to be additional
5 acres, probably mostly very prime ground, is going to be
6 burdened at least under the expansive alternative or
7 approach that's in this flood plan.
8 About 10,000 acres of that is going to be
9 permanently converted, as I understand, meaning loss to
10 agricultural production. And those are some pretty big
11 numbers, particularly for prime ground. It's hard for me
12 as the Farm Bureau's lawyer to get really kind of worked
13 up about the next big box project that converts a hundred
14 acres, when we're talking about a magnitude like this.
15 So I think the agricultural community has some
16 really legitimate concerns on a system level about how
17 this flood plan develops.
18 As far as suggestions for the focus -- the draft
19 flood plan, I think you should probably start by looking
20 through the lens of funding, what's achievable in funding
21 terms. I think that's acknowledged as one of the open
22 questions about this very expansive plan, at least the
23 ambitious alternative, but funding is probably going to
24 drive what's achievable, so I would start there.
25 With respect to the conversion of agricultural

lands, which are what my folks are worried about, I would want you to take a look at all the issues associated with that. Something like 75 percent of this thirty-five or forty thousand additional acres is going to remain farmable. I'd like to drill into -- on what terms they will remain farmable, by who, what sort of practices? I moon, I would imagine it's similar to what's going on currently within bypasses, but that's an important discussion to have.

I think we need a more particularized level of detail too with respect to the lands that are going to be -- the additional lands that are going to be inundated as part of the expanded bypasses and so on. I could take a pretty good guess -- and most farmers could probably, if you asked them, could take a pretty good guess at it.

But what we really have, at this point, is just sort of big blue arrows, kind of a large-scaled map. And a lot of farmers, it's difficult for them to respond to kind of an amorphous sort of Sacramento document. But if you sent them something in the mail, and they can go, "Oh, wow, I'm going to be under water", they'll come and see you. So I think it's really important to bring them into the discussion.

Also be mindful that April, which is when I think your outreach meetings are being held, April is a pretty

tough month for farmers. So extra efforts to get farmers here are going to be important, because I know my dad's -- my dad can't even remember my name in the month of April. So farmers are going to be busy at that time. And I think that it's critical to do the outreach to get them here.

With respect to -- you know, I'd like you to take a hard look at the alternatives, what reduced impact options do you have, you know, that -- the flood -- the draft plan appears to carve out two other approaches, but it doesn't like them. Kind of the preferred approach is the big, expensive, ambitious approach.

If you're inclined in that direction, we should at least discuss some sort of reduced scope thing. So I'm interested in alternatives. I'm interested in a discussion about mitigation. How do we mitigate in CEQA terms or just general terms for the conversion of lots of farm land.

And then my members would want me to ask you about the spill-over impacts of habitat protection, 10,000 acres of new habitat, probably largely in sort of riparian-type settings. You know, what are the species concerns with that.

And there's also -- I'm trying to get my arms around the idea of increased vegetation in some of the floodways, is that consistent with channel capacity?

Those are the things I'm interested in.

I just have two more. Ag levees and funding and how do the ag levees come out of this? I think you'll probably hear from some folks later on this. I don't totally understand this, but I have heard this concept of ag being a de facto sort of transitory storage for flood waters, and I'm concerned about that as we go forward to July 1st.

And then finally, a subject near and dear to my heart, there's some discussion about reservoir reoperation in the document, and how it's possible to kind of reoperate some of these reservoirs to provide increased flood buffers. I think that's great, to the extent that it doesn't have adverse impacts on storage, because usually those two concepts are at odds with each other.

I would like further exploration of that. And I'd be interested in to see if you, in the document, in a meaningful sense could call for additional storage, which The Farm Bureau believes is very necessary in California.

So with that, I'll end my talk. And I thank you for the opportunity to comment today.

PRESIDENT CARTER: Thank you, Mr. Scheuring.

MR. MIRAMONTES: Thank you. I'm Tim Miramontes Yolo county farmers. And I do farm inside the bypass

already, and it is a tough operation to be able to do that by you expanding -- trying to expand the bypasses, where I farm in the bypass, it's going to make it almost impossible. The flood waters are going to stay on longer. We're not going to be able to get crops in.

Also, by putting more farm ground into the bypass -- a new bypass expansion, you're going to lower the land values for the counties, which are already hurting for money. I know our county is kind of upset that they weren't brought in on this -- supposedly brought in on this expansion of all the bypasses and the floodways.

As California grows, we do need to be able to control these waters and whatnot. But I'm not sure if the expansion is the right way to do it with looking at how these bypasses are maintained. There is a lot of vegetation that is going that is putting pressure back up in the rivers, and not letting the waters flow through like they're supposed to.

I farm just south of the Fremont Weir, where you want to widen it a mile, and those trees are 20, 30 feet tall, and all the way across the weir. How is water supposed to flow into this weir -- into this bypass system, if it cannot get in because of trees and sediment buildup.

With further expansion, where is the money going to come to keep these bypass systems maintained. Farming is the best way to do it. But as we're seeing, Sutter Bypass, Tisdale Bypass, Yolo Bypass is starting to turn in the same way. The vegetation is overgrown. It's a big concern for anyone that is around the areas further up northward. The water is backing up and putting more pressure on the levees.

As Chris said, there's approximately 10,000 acres of habitat that is proposed in this concept, and 30,000 acres going inside the bypass. But you have to consider the 17 -- the 20,000 acres that the BDCP is trying to add in for their fisheries projects, which you guys are aware of and communicating back and forth with.

So that's bringing the total up to nearly 60,000 acres of farm ground that could be lost. That is a huge chunk for the north State. And Yolo county has taken a big brunt of that.

I started off going to the forums that were put on for the past couple years. And it was a tough thing to deal with. It was during our busy time. Most farmers that try to go to those are -- the heart's into it, but we're not like everybody that's there and getting paid to be there at these meetings. We're supposed to be out on the farm doing our job, and it makes it very tough,

especially for someone young like me, who doesn't have very many employees, and I have to be out there every day.

There was four working groups that were established for this -- these forum, the climate change group, levee performance, operation management and environmental stewardship. There was nothing to do with ag until the farmers actually had to complain about it and got one program going for them, but it wasn't till late in the game as the other four stewardship -- other groups had already put in their comments. And that just didn't seem fair for agriculture to be taking the brunt of it again.

We appreciate you trying to do more outreach to the rural areas, but like Chris said and others have said, the ag community is not well aware of this. You have put fliers out and whatnot, and local farm dealers have tried to make it even more available, but it's still -- a lot of people do not even know -- have not seen these maps, and do not know anything about it.

So getting farmers into the next few months is critical, but it's going to be very difficult with how dry the weather is and us getting out back into the fields. I do appreciate you giving me the opportunity to speak.

And I have brought along with me 18 letters from people that were not able to make it to this meeting. I don't know who. I'd give that to --

PRESIDENT CARTER: Give that to Ms. Moricz behind you.

MR. MIRAMONTES: And there's a copy of my letter in there also for the Board.

PRESIDENT CARTER: Okay. And those will be posted on the website with all the other comments, so they can be reviewed by everyone and shared.

MR. MIRAMONTES: Thank you.

PRESIDENT CARTER: Thank you, Mr. Miramontes.

MR. ELLIS: Yes. President Carter, Executive officer Punia and members of the Board, I am Tom Ellis. And I'm here today speaking on behalf of my wife and myself as very concerned farmers and land owners in the Colusa basin. We are aware of the development of the Central Valley Flood Protection Plan. And I participated in all of the upper Sacramento region meetings, all of the ag stewardship subcommittee meetings and three of the management action workshops that have been held during the past two years.

My first concern is with the two-tier level of flood protection that was mandated by Senate Bill 5. And it requires a 200-year level of flood protection for urban areas, 100-year level for rural communities, and I'm not certain what level for the rural agricultural areas.

When the Sacramento River Flood Control Project was built, it is my understanding it was -- there was no differentiation -- or no distinction made between these areas.

Later, a memorandum of understanding was executed assuring rural areas of the protection provided by the '57 profile. As a result of Senate Bill 5, rural areas have been put in an untenable position uncertain of their future flood protection. The Sacramento River Flood Control Project has kept us relatively free from significant flooding since its completion, and we have become accustomed to that level of protection.

Also, it appears to me that the new flood plan is more of an ecosystem restoration plan than a flood protection plan, which brings to the forefront the need for landowner assurances, so we in production agriculture have some recourse when we find ourselves neighboring a restoration project.

I think conflicts are inevitable in such a situation, and I believe we should have a grievance procedure and a good neighbor policy -- a good neighbor fund in place to address these conflicts. Discussion of this issue was squelched in the ag stewardship subcommittee by plan leadership, because they maintain the plan was a flood protection plan and not an ecosystem

restoration plan.

Another area of concern with the plan involves the development of the 90 plus management actions under consideration for inclusion in the 2012 plan. These actions were divided into 11 category-based workshops. I attended three of these workshops where we discussed for about 10 or 12 minutes action items in the two hours allotted.

About 10 or 12 minutes per item, which is not much time for a very important issue like transitory storage. Facilitators hustled us along to meet the time limits with the explanation that we would have the opportunity to go into more detailed discussion in Phase 3 and Phase 4 of the process. Phase 3 and Phase 4 were cancelled. We never had the opportunity for these in-depth discussions that we were promised.

Then when I got the final plan, these management actions appear in Attachment 7, Section 6. I'm sure anyone reading the plan will assume that all of these suggested management actions were fully discussed by the attendees. And I'm telling you this was not the case.

Also, the finance and revenue workshop included Management Action number 82, which was to compensate rural areas for accepting lesser flood protection than urban areas.

And this was deleted in the final plan. Of course, this is a huge issue for us, as we believe flood risk is being shifted to the rural areas, and we firmly believe we should be made whole.

On pages 2-12 of the plan, a new bypass along the alignment of the Cherokee Canal into the Butte Basin is discussed. Once again, I attended all the upper Sacramento region meetings, never heard this mentioned.

And I've checked with people who attended the lower Sac region meetings, and they never heard it discussed there either. I think it should have been discussed with the local people before it appeared in the plan, as the idea presents significant problems for those of us who live in the area.

Another issue for me is that I don't see a history document in the plan. A draft that I was given to read was developed and dated May 15th, 2009. And I read this and I felt it was lacking some very important information. Several of us in the upper Sacramento region group felt quite strongly that there should be a history document accompanying this plan.

Unfortunately, I'm speaking ahead of Mr. Bair. But when Mr. Bair comes and speaks to you very shortly, I implore you to listen to him carefully to his comments regarding the shift away from design capacity as a measure

of critical need for flood protection in rural agricultural areas. This is very important for us.

And so therefore, in conclusion, I will tell you that I cannot support this plan, as I feel the plan and the planning team had a deaf ear when it came to addressing the concerns of rural agricultural areas. It is unreasonable to expect these areas to absorb the risk of major flood events without being compensated.

And I thank you for your time.

PRESIDENT CARTER: Thank you, Mr. Ellis.

MR. WELSH: Good afternoon. My name is Dan Welsh. I'm an assistant field supervisor with the U.S. Fish and Wildlife Service in the Sacramento Fish and Wildlife Office.

Our office is coordinating the Service's input to the Draft Central Valley Flood Protection Plan. I would like to thank the Board for the opportunity to speak today.

The Service also appreciates the opportunities the Department of Water Resources and the Board have provided to coordinate on the development of the draft plan. We are currently reviewing the public draft plan and we appreciate that many of our previous comments have been incorporated into the plan -- into this draft.

We also appreciate the opportunity to share with the Board our perspective on aspects of the plan we would like the Board to focus on as the plan proceeds through the adoption process. Specifically, we would like the Board to focus on the sections of the legislation, which require the plan to, one, improve systemwide ecosystem function, and, two, increase and improve the quantity, diversity, and connectivity of riparian, wetland, and flood plan and shaded riverine aquatic habitats.

We feel the plan could be stronger. The plan could be strengthened by focusing more on ecosystem restoration goals. The plan relies considerably on restoration projects to address potential adverse effects to fish and wildlife species and their habitat. And while mitigating project impacts is necessary, we recommend that the supporting goal of promoting ecosystem functions, also receive attention as the plan is implemented.

Identifying actions to establish connectivity of habitat, improved fish passage, and expand habitat for listed species beyond mitigating for impacts would demonstrate that these are goals the State intends to pursue in conjunction with the primary goal of reducing flood risk.

We're also concerned with the timing of implementation of ecosystem restoration actions.

1 Individual flood risk management projects will likely be
2 phased over time, based on funding, creating a lack of
3 assurance that the ecosystem restoration goals will be
4 met. The plan should ensure ecosystem restoration
5 projects and mitigation would occur in conjunction with,
6 or prior to, projects which create adverse effects to
7 species and habitat.
8 In summary, we believe the plan could be
9 strengthened by increasing the focus on ecosystem
10 restoration goals. The Service appreciates the
11 opportunity to address the Board, and we look forward to
12 continuing to work with DWR and the Board on development
13 of this plan and on the conservation strategy.
14 Thank you.
15 PRESIDENT CARTER: Thank you, Mr. Welsh.
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17 Good afternoon. Welcome.
18 MR. DURST: Good afternoon, Mr. Chairman and
19 Board members. My name is Fritz Durst, and I am a
20 landowner, farmer, conservationist with property in the
21 floodplain of the Sacramento River.
22 I serve as president of Reclamation District 108,
23 as well as Commissioner for the Sacramento River Westside
24 Levee District, and for the Knights Landing Ridge Drainage
25 District. I'm responsible for the oversight of over 86

miles of project levees.

I would like to go on record as opposing the plan as presented. I feel that the planning process was hurried to a great degree, and that agriculture and its interests were not treated fairly in the process. Far too many details with grave consequences for agriculture were brushed aside.

The number one issue that I have is that urban folks get better flood protection at the cost to rural folks. The Cherokee Canal is -- the Cherokee Canal Project is one such example.

Diverting flood flows from the Feather River into the Butte Basin, without addressing any downstream effects on the bypass system, will seriously jeopardize the Sacramento River levees from above Colusa down to Fremont.

Another example is the fortification of urban levees will add additional stress to weaker rural levees, causing them to breach first. This will result in massive transitory storage protecting urban areas with them having to pay -- without them having to pay for it. This plan effectively kills the longstanding flood control policy of *We All Get Better Together*.

I'd like you to know that I struggle to accept much of the environmental restoration portion of the plan. I believe that the number one purpose of our levees and

bypasses is flood control. The system was managed as such until the late 1960s, when we recognized the need for expanding and improving our region's habitat.

Gradually, we valued habitat higher than flood control, and halted many maintenance activities that helped our flood channels handle over 600,000 plus cubic feet per second flows that make their way past Sacramento.

Once such example is the Central Valley FLOOD Protection Board's neglect in its duties to allow a forest to become established in the Sutter Bypass by the Sutter -- on the Sutter Wildlife refuge.

The habitat was valued more than the surrounding lands, and the Meridian break of 1997 occurred just upstream of this obstruction. We have since convinced the U.S. Fish and Wildlife Service of the problem, and they have removed some of the trees. And your Board is currently working on a two dimensional model of the flows.

Why these trees didn't grow on the other side of the levee in the refuge where it would not impede flood flows is beyond me.

Please slow down this process and listen to us. I think that we can offer many solutions to our region's flood and habitat problems, but we need to develop them in a way that is equitable all.

I thank you for your time.

1 PRESIDENT CARTER: Thank you, Mr. Durst.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BAIR: President Carter, members of the Board, Executive Officer Jay Punia, thank you for the opportunity to speak today. My name is Lewis Bair. I'm the General Manager for Reclamation District 108, the Sac River Westside Levee District and the Knights Landing Ridge Drainage District.

We collectively maintain approximately 90 miles of federal project levees in the Sacramento system, in both Yolo and Colusa County, along both the Sacramento River and the Colusa Basin Drain and have been doing so since the late 1800s. So we have a long history with the system and partnership with the Flood Board.

I have appreciated the energy and effort certainly that's been put forward by the Department of Water Resources staff. And I think they even went beyond what was called for them, in many respects. We had several of the staff members up actually visit our area, try to learn and understand our area. And to that effort, I applaud them.

My area protects really three rural communities, Colusa, Grimes, and Knights Landing, as well as about a hundred thousand acres of really very amazing farm land

and habitat. And so I'm going to focus my points today on that rural area.

So these meetings get a little bit dry. And although I put a tie on, I'm going to jeopardize my professionalism, but I think the plan reminds me of song a little bit. And it's Somebody Got the Gold Mine. And, well, I hope the song doesn't finish the same way for the rural area in giving the shaft.

And I don't think it was the intent of DWR and the staff in writing this plan. And I hope that over the next four months that we can consider certain things that are in the plan, that I think were listened to by staff, and they heard them, and they included them in the plan. And then it fell short of assuring the rural areas that these are things that are actually going to happen. So I'd like to tick off what I think those issues are, and how they potentially jeopardize the rural areas.

You've heard it touched on today, the plan clearly rolls out levels of flood protection for the urban areas, for the small communities of a hundred year flood protection, and then it actually, instead of improving the flood protection in the rural areas, leaves -- departs from the approach which targeted the system design capacity, and has a very ambiguous future.

It's one that I actually supported in the

1 planning process. One that focuses on known deficiencies.
2 But I think the plan falls short of describing what that
3 is. And it leaves it very uncertain.
4 And for the rural areas to accept a departure
5 from something, it was actually there and in play, we need
6 better definition on what that future looks like. We are
7 certainly accepting a, what I would call, a de facto
8 transitory flood storage system. The rural areas are
9 going to be improved significantly above the rural areas.
10 Unlike others maybe, I actually believe that's
11 the right thing to do. None of us want to see the urban
12 areas flood. I think though that you are asking a lot of
13 the rural areas to accept that without some sort of
14 exchange of resources.
15 They'll raise their levees to 200-year flood
16 protection, making certain that the rural areas will fail
17 before the urban areas. When that happens, it actually
18 provides them significantly better flood protection than
19 200 year. In fact I would, you know, venture to say that
20 hopefully we'll never see any of the urban areas flood.
21 It then -- in the description of the repair that
22 will take place, this new deficiency repairs for the rural
23 areas, it suggests that those will take place if funding
24 is available and where feasible.
25 So we're walking away from a system that really

1 didn't work very well, but clearly we're walking towards
2 one that has a lower priority on the funding chain. And I
3 think that's especially important, because we know we have
4 about $2 billion left from Prop 1E and roughly $2 billion
5 left from Prop 1E and Prop 84. And there is clear
6 directives in the plan that we must get to 200-year flood
7 protection in the urban areas. And that flood protection
8 is something that's mandated and directed. And then you
9 have something that's conditional on the other side. And
10 I see it very difficult for the State, in the future, to
11 somehow divide off some of those funds to the rural areas
12 when they haven't fulfilled a commitment in the urban
13 areas.
14 I think the change from targeting design capacity
15 to something different from rural areas -- for rural areas
16 is a huge paradigm shift in our system that's not kind of
17 declared and boldly stated in the plan. I think if you do
18 that in the plan, if that is very clear that that is the
19 approach in the plan, it makes it a lot easier to talk
20 about how you exchange resources for the folks that are
21 helping provide that, and the folks that are receiving the
22 benefit for that.
23 It's almost as if we don't want to talk about
24 that, because it's a very difficult conversation. And
25 because we can't talk about it, we can't talk about the

solutions that need to come out of that, and the burden that's being placed on the rural areas.

As part of that, I think we need to talk about the fact that the plan at -- I think it's a principle that I agree with wholeheartedly, we need to have a systemwide approach to this plan. The plan clearly talks about a systemwide approach. And I think, you know, the Flood Control Association made some comments that were incorporated in the final draft plan. I think those were good.

What we don't discuss is the reality that the plan talks about federal funding. Federal funding, as you guys are all very familiar with, is on a project by project basis. And repeatedly in the plan, we talk about how important federal funding is for completing our total funding that we need for this project. What we don't say is that the rural areas will have a extremely hard time competing for federal funding.

And if that's the reality, what are we going to do about that? Are we going to commit with the systemwide plan -- really a systemwide investment approach that says in those rural areas we recognize we're not going to get federal funding. Yet, we're still willing to commit a certain amount of funding to that effort.

I compliment the plan on the National Flood

Insurance Program language that's in there, but I also think it falls short. It's very generic and general, and it needs to really be very specific on what the State is willing to commit in supporting that effort.

So lastly, I guess, and what I'd like to close with is, you know, we were -- we set out on this venture together. And there was a four-step plan for completing this process. And, you know, all of us have reality and we ended up cutting out steps 3 and 4.

Steps 3 and 4 were really going to get into how we generate what the elements of this plan look like. And now we've put them out beyond the plan, but yet in the plan, we still tried to have some sort of tangible vision for what this plan is going to look like, what types of things are we going to do.

And a couple of things came into the plan. One is that Cherokee Canal. You've heard others speak about that. I have talked to a few folks in the Butte Basin and how disastrous that type of project could be. It seems early on that putting something in like that without a vetting process, without comforting folks and saying yes we're going to bring that water over, but here's how we're going to do it, and here's how we're going to pass it through system, you've really created a lot of anxiety among folks, and possibly a lot of protests -- obviously,

a lot protests from folks with concerns.

So in closing, I think the plan is actually very good, and it touches on each one of the things that need to occur for the rural areas. Where it falls short is assuring those rural areas that those things are actually going to happen.

And, in fact, you read -- I encourage you to read the plan again, even if it's just chapters 3 and 4, and read it from the perspective of a rural individual, read what's going to happen in the urban areas, and then read what's going to happen in the rural areas, and you'll see that everything that's going to happen in the rural areas is if funding available, where feasible.

And if you want to achieve all of the plan goals, you certainly need to have the largest portion of the flood control project on your side supporting the plan and helping you complete your goals.

So thank you very much.

PRESIDENT CARTER: Thank you Mr. Bair.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21 MR. GIOTTONINI: Jim Giottonini with the San
22 Joaquin Area Flood Control Agency, SJAFCA in other words.
23 I'm going to give you a little bit of background.
24 In the mid-1990s FEMA was going to place the
25 Stockton metropolitan area, most of it, into a hundred

year floodplain, because of freeboard of deficiencies on the project levees, basically east of I-5

I just over three years, we formed the SJAFCA agency. We successfully passed a property assessment, sold bonds, designed and constructed the project. And it precluded FEMA from mapping us into the floodplain. We were basically on hold since then, until the passage of SB 5.

And then we had a new mission, we had to upgrade to 200-year flood protection. As a result, in 2009, you may recall, we partnered with the Corps, this Board, DWR, about 11 local reclamation districts, the cities of our county, basically Lathrop, Manteca, Stockton, and Lodi, and San Joaquin County on the Lower San Joaquin River Feasibility Study.

This feasibility study is necessary for us to achieve 200-year flood protection. I'll talk a little bit about it later.

But for the upcoming meetings, the Board's going to have in order to focus the public comment, we have four items we think you should focus on.

The first one, I think the highest priority should be flood protection. Our concern is that there's going to be limited funding in the future, and it could be exhausted on maybe some non-life safety improvements,

leaving significant populations still at risk. The plan should prioritize flood protection. And then once this is achieved, then do the other improvements included in the plan.

The second item we think you should focus on is the plan lacks specific information for SB 5 compliance. It's going to be very difficult for the cities and the counties in the Central Valley to abide by the requirements of SB 5 with this plan. It lacks a lot of detail.

The third thing is the Sacramento, I said, versus the San Joaquin. We just want to make sure the Board pays particular attention that both basins are treated equitably and the same level of flood protections are provided for both basins. We feel down in our area, maybe it's like a stepchild sometimes.

The fourth issue we'd like you to look at is the completion of our feasibility study. We've been using the work product from the Central Valley Flood Protection Plan, the hydrology and the hydraulic models, the LiDAR, the geotechnical work. It's been excellent. But we're doing that to make sure that our feasibility plan is consistent with the Central Valley Flood Protection Plan.

The plan should prioritize the completion of this feasibility study, as well as other feasibility studies.

We can't get to 200-year flood protection without it.

I'd also like to conclude by commending DWR staff. We said it should be a systemwide approach. The original working draft only included project levees, and you'll hear from other speakers today probably. But they added in our area 65 miles of nonproject levees. That was a major change. And it was very favorable to the locals.

In our area, we cannot get 200-year flood protection with just project levees. Our western front is primarily nonproject levees. So that was a very good move and we applaud DWR staff for doing that.

That concludes my comments.

PRESIDENT CARTER: Thank you, Mr. Giottonini.

DR. HENERY: Good Carter, President Carter, members of the board. My name is Dr. René Henry. I'm the California Science Director for Trout Unlimited.

And we have already submitted some comments to you as part of a joint letter along with some other organizations, and we'll be submitting additional specific comments from Trout Unlimited.

And my purpose in speaking to you today is really

1 just to highlight a few of those comments and summarize
2 them a little bit to make sure that their intent is clear
3 and just to draw your attention to them a little bit more.
4 We feel that the plan as it stands has done
5 several things really well. The conservation framework
6 has done a great job of laying out the context that we are
7 operating in. And I think the State Systemwide Investment
8 Approach, while I don't necessarily -- I feel like there's
9 room for it to be improved, it also does a good job of
10 talking about how some of the different components of the
11 plan might work together.
12 One of the challenges of the plan -- and I'm
13 going to say this by way of lead in to sort of three
14 things that I want to highlight in terms of opportunity
15 for improvement. One of the big challenges of the plan,
16 as we see it at TU, is that it doesn't layout a clear
17 vision.
18 You've heard a number of people say that this
19 plan really constitutes a paradigm shift. And, in fact, a
20 member of the Board made that same comment at the meeting
21 where the plan was presented. And I think that that's the
22 case, but that it's not articulated clearly. And in our
23 own work outside of this context and even here today in
24 the comments that we've heard, I think you see the absence
25 of that vision in the perspective simultaneously that the

1 plan is not doing what it needs to do for conservation and
2 is not doing what it needs to do for agriculture
3 You know, at TU we believe that there is -- that
4 there are solutions to flood protection that are good for
5 flood safety that are good for agriculture, and that are
6 also good for the environment, and for the aquatic species
7 that a lot of our constituency really care about. But in
8 the absence of the plan laying out a clear vision, it's
9 very difficult to see how we're going to get to those or
10 how we can work together to achieve those.
11 So that's one of the big things that I think is
12 missing from the plan is a clear vision and a vision that
13 incorporates conservation in really specific ways.
14 The second thing that I'd like to draw the
15 Board's attention to is the lack of -- and it's related to
16 the lack of a vision, the lack of specific objectives. So
17 development of the regional plans is going to be really
18 important we've heard for executing projects on the
19 ground, but we haven't heard any specific objectives, or
20 there are not those specific objectives in this plan that
21 are going to get us from goals, from a vision to the
22 regional planning place.
23 So I think right now this plan is sort of a plan
24 to plan. And I think that's just a big missed
25 opportunity. This is an unprecedented step in the history

of our State. And it's a very important one for all of these different constituencies that I've mentioned and others. And I think it needs -- there's a real need for some leadership here, and not just leadership, but for a framework that will get us from that vision to its actual implementation on the ground. And we see a lot of the building blocks for that here, but a lot of it is getting pushed off to a later date. So we'd like to see specific objectives in the plan as well

And then finally -- and some of this was also discussed at the meeting where the plan was presented to the Board, but there are a lot of projects that are happening right now with a direct potential long-term benefit for flood control. The San Joaquin River Restoration Project is a great example. There are alternatives in the process being developed by these, you know, large groups of agencies and organizations working on the project that include alteration to existing flood control facilities, levee setbacks that could have a huge benefit for flood control in the long term, and even in the medium term. And those projects should be incorporated into the plan from the outset, so that we are, you know, maximizing the energy that we invest in these areas.

And so that they -- we don't end up having to

1 redo work and cover old ground later, because we are not
2 lining up all of our parallel directives or potentially
3 parallel directives.
4 So just in summary, we really appreciate the work
5 that's gone into the plan so far. We'd like to see a more
6 clearly articulated vision that incorporates conservation.
7 We would also like to see incorporation of existing
8 projects on the ground that have the potential to benefit
9 flood protection. And we'd also like to see clear
10 objectives that are going to get us from that vision to
11 implementation of some of these specific projects, and the
12 benefits for the ecosystem and for flood protection and
13 flood safety that we're really hoping will come out of
14 this process long term.
15 Thank you.
16 PRESIDENT CARTER: Thank you, Mr. Henry.
17
18
19
20
21
22
23
24
25

MS. TATAYON: Good afternoon. I'm Susan Tatayon. I am associate director with The Nature Conservancy's California Water Program. And the mission The Nature Conservancy is to conserve the lands and waters on which all life depends.

And thank you for the opportunity to offer some suggestions on where and how to focus your review of the

Central Valley -- the draft Central Valley Flood Protection Plan.

Since Mr. Henry has done such a good job of summarizing the February 15 letter that a number of environmental NGOs sent to the Board, I won't go over those points again, other than to reiterate that we really do wish the Board would develop a very clear and compelling vision that tells all of us, the ag community, urban community, environmental community what the future Central Valley flood management system ought to and will look like.

And in developing that vision, and also in reviewing the draft plan, I'd like to offer three criteria or guiding principles, if you will, for you to filter the review, as you review the actions and projects listed and described in the plan.

And those three criteria are integration, and resilience, and sustainability. And as you review the plan, I request that you consider does each action, does each project contribute to a systemwide approach that contributes to a very integrated flood management plan that will provide resilience and sustainability for the long term?

And I think that there are some projects and actions in the plan that meet that criteria. And others

may preclude such an integrated resilient flood management system.

In Section 9616(a), there are a number of items -- the legislation -- the Water Code contains that -- that section states wherever feasible these items ought to be including multi-objective projects. And in Section 9616(a)(9) it refers to environmental, ecological values and agricultural lands.

And I think if you use the filter of integration, and resilience, and sustainability in the context of both the ecosystem and ag lands, it will help in your review of the plan to filter out items that may preclude that long-term sustainability, and those that actually contribute to the resilience and sustainability.

And if the -- in closing, I'd like to say that in that integration and in creating that resilience and sustainability, if the plan -- if your vision for Central Valley flood management in the future incorporates agriculture, I do agree that the agriculture -- the owners of ag lands ought to be compensated as they would be contributing to an integrated flood management system, and thereby contributing to the public safety and public good.

And again thank you for the opportunity to offer some suggestions for your review.

PRESIDENT CARTER: Thank you, Ms. Tatayon.

MR. SLIGAR: Thank you, Board, for letting me speak. I'm Jim Sligar. I'm a landowner on the Cherokee Canal system. It runs directly through our property.

I want to talk a little bit about transparency. I didn't hear anything about this project as being a landowner that's going to be potentially directly impacted. It's going to be hard to talk intelligently about this project, because I have no information about its size, its scope, how it pertains to my property and what it will do.

And my first information that was given to me on the topic of transparency was from the California Farm Bureau in a letter dated January 17th. The only reason I got it is because I have a friend who's on Reclamation 833, who happened to give it to me a week after he'd received it.

So I thought it imperative that I talk to people that I knew it could have a direct impact. Although, we don't know the parameters of how big this canal system is going to be up there. So I contacted my State senator in my area. He knew nothing about it. I contacted the Farm Bureau president in my area. He knew nothing bit. I talked to numerous growers up and down the Cherokee Canal

system. None of them knew anything about it. I talked to the California Rice Experimental Station that borders the Cherokee Canal system. They hadn't been informed. I talked to no one who had been informed of it.

So now I finally know about this project, and that's why I came to this meeting. I hope in the future that we're brought into the discussion. I think that we're a major part of the discussion. We would like to know how it's going to impact us and what it's going to do or what you're proposing to do so that we can make impacts or voice our opinion on it.

So that's what brought me here. I will say that the Cherokee Canal system now that runs through our property is an easement that was granted. And it has no longer been maintained. In the past, it was maintained. It can't move water the way it should. Maybe some people -- maybe you should look at improvements to the system as it exists now, so it could function as it is.

I envision, if you do decide to build a bigger bypass that moves the levees out in which direction you have -- I can't get any information on. The map that I got off of your website just vaguely shows the yellow line on each side. It doesn't delineate the size of the property.

But is this project just going to be a bigger

system than what we have right now that's not well maintained, and that's overgrown with habitat?

I thought another thing that was interesting that I noted in this meeting is the different parties who have been able to speak somewhat intelligently on the topic that have been brought into the planning process, where the people that are being asked, I assume in the future, to give up their property and their farming livelihood, haven't been brought into the project. You talk about 40,000 acres of farm land. That could very well -- on an average rice farming size, that could be in the neighborhood of 50 to 60 rice farmers you're going to put of work.

You talk about 10,000 acres of habitat. Where is that habitat going to go. That's land that will never be in production. I think you need to include this. And I hope it's not too late for us to make our opinions, and to maybe have some influence on the scope of this project.

And I thank you for listening to me, and I would hope that we hear from you, and that we're included in the process in the future.

Thank you.

PRESIDENT CARTER: Thank you, Mr. Sligar.

MS. BROCKER: Thank you. It must be hard sitting here all day listening to these comments, but I want to thank you for your attention to a matter that I personally think is very important to agriculture and to myself as a farmer.

My name is Tara Brocker. I live in South Sutter County. I live in the town of Nicolaus, at the bottom of the basin at Verona, which is the confluence of the Sacramento and Feather Rivers. It's also directly north of the SAFCA Levee Improvement Project, so I've had an opportunity to see what some of the levee improvement projects do look like.

But I'm here today to explain why I can't support this plan. I think the number one reason is that the agricultural community and rural communities have not had an opportunity to be informed about the plan, haven't had an opportunity to participate in the development of the plan, and, quite frankly, I think there's a large number

of people, such as the gentleman before myself, who just do not have any information about what this plan is proposing, and they're going to be significantly impacted.

The second reason is because I don't believe that ecosystem restoration has any place in flood protection. I feel that a flood protection plan should be designed to protect life and property. And I think all you have to do is look at the existing bypass systems that we have, and you can see how that habitat and vegetation have caused a negative impact to the system functioning at full capacity.

I think it's more important that we spend the time to focus on the system that we have, improving those flows, improving those systems by removing the excess vegetation, instead of creating a larger system, and then going ahead and introducing more habitat in that system.

The third reason I feel that there's a problem with this plan, is because there are not any assurances for rural agricultural communities. We should not be sacrificed for the greater good. We have a right to receive equal treatment. Eminent domain should not be used as a result of lack of ability or desire to improve our levee systems.

I stand before you today to say we desperately need an improved flood protection in rural California, but

I don't believe this plan is the solution. I feel that this plan is flawed, and I'm disappointed by how much money has been spent to develop a plan that did not adequately include the major stakeholders, which I believe are farmers and rural America, in the process.

So just to recap, the three reasons why I can't support the plan today is because I don't believe agriculture got to participate in the process, I don't believe ecosystem restoration should be included in flood protection, and I believe that agriculture should not be the relief valve for flood protection in urban areas.

Thank you very much for your time and for listening to my concerns.

PRESIDENT CARTER: Thank you, Ms. Brocker.

MS. INDRIERI: Good afternoon, President Carter and members of the Board. I am Ashley Indrieri representing the Family Water Alliance. We are a nonprofit in the Sacramento valley dedicated to addressing issues that impact rural communities and the sustainability of agriculture. As such, we represent thousands of family farmer, ranchers, private property owners, and businesses.

I was a member of the upper Sacramento work group. I was also asked to participate in the

environmental stewardship group to give an agricultural perspective.

For nearly a century when flood improvements were made, urban and rural communities got better together. This plan now shifts flood risk to rural communities in an effort to reduce the State's liability. We oppose massive setback levees and taking ag land out of production. And I think we saw this when the comp study came out many years ago.

The fact that this plan proposes over 35,000 acres of land to be flooded, will only further hurt our economies. The vitality of agriculture in rural communities is paramount. Furthermore, the private property owners who would be impacted by the widening of bypasses and setback levees were not consulted by DWR prior to this plan being released. This plan impacts their way of life, their ability to make a living, and support their families.

I think there is assumption that since there was a two-year public process that went into developing this plan, that all these issues were thoroughly discussed. And as somebody who's donated a tremendous amount of my time towards this planning effort, I can assure you that was not the case.

The Cherokee Canal and other bypass expansions

are a primary example of projects that were not fully vetted during the public process.

Over the last couple of months, I have been in discussions with many property owners who are now realizing that they would be negatively impacted by these projects, and they don't know what the future holds for their private property. I have the following recommendations on the plan:

Thoroughly analyze the impacts to rural and agricultural communities; assure these communities are compensated for accepting a lower level of flood protection; assure rural communities and ag lands receive increased flood protection by eliminating phrases such as, "to the extent feasible", and "when funding is available".

The majority of the appendices of this plan were not developed with public input, and should not be adopted as part of this plan. No project should be included in this plan that impacts private property without the consent of those landowners.

I recognize the development of this plan was a huge undertaking by the Department of Water Resources. I look forward to working with the Department and the Board in the future to address these issues.

PRESIDENT CARTER: Thank you Ms. Indrieri.

MS. CARTER: Thank you, President Carter, Board members. I'm Colusa County Supervisor Denise Carter. Today, I would like to offer the following three areas of concern for the residents and businesses of Colusa county.

Number one, ag sustainability. Agriculture is critically important to the long-term economic viability of our county. As the plan points out, agriculture is a million dollar contributor to the California economy.

In our county, between the Cherokee Canal expansion, the weir lowerings, the lack of funding to upgrade rural levees, FEMA remapping and the resulting National Flood Insurance Program implications, it's going to be difficult for our producers to remain competitive.

Number two, small community funding guarantee. The City of Colusa along with the small communities of Grimes and Princeton have existed along the Sacramento River for over 150 years. These communities support our agricultural producers and have survived and thrived due to the understanding that the State Plan of Flood Control was providing protection.

The funding required to attain 100 year protection for these small communities should be born largely by the State and federal governments, and not be conditioned on again where economically feasible.

Number three, public outreach and involvement.

Colusa County opposes the Cherokee Canal expansion. As you've heard before, there was no public vetting of this idea nor discussion for our county the implications to the Butte Sink of nearly tripling the design capacity.

In conclusion, Colusa County and other rural areas are bearing the burden to provide 200-year protection to the urban areas. Assurances and funding for our rural county is very important to us. And we actually would love to work with you to hopefully revise this plan and make it work for all of us.

Thank you.

PRESIDENT CARTER: Thank you, Ms. Carter.

MR. TOPPENBERG: Thank you for the opportunity to speak with you today, President Carter and members of the Board, in particular member Bill Edgar.

BOARD MEMBER EDGAR: Good to see you, Val.

MR. TOPPENBERG: Good to see you.

I represent Sierra Northern Railway. Sierra Northern is a common carrier that operates short-line service in Yolo county as well as other parts of northern California.

Sierra Northern owns the Fremont trestle. The Fremont trestle is a mile long railroad trestle that spans the Yolo Bypass at its narrowest point in the -- in that

area. In the event of flooding, the Yolo Bypass and the Fremont bypasses -- or Fremont Weir is opened and flood waters come down the bypass and provide pressure against the trestle. And the more water that comes down the trestle -- the bypass, the more damage there is to the trestle.

The State of California has declined to repair that damage. And so the railroad has to repair that damage every time there's a flood event.

There is a plan -- or as part of your plan, your draft plan, the repairs to the UP trestle that parallels Interstate 80 is recognized, but the plan does not recognize the Fremont trestle, and the repairs that need to be done to that trestle. That trestle is a big obstacle.

There was a report that was commissioned by the cities in Yolo County, West Sacramento, Davis, Woodland, the Port of West Sacramento, and the Yolo County. And in that report, MBK Engineering Company identified that the flood waters when they are created -- when they come up against the obstacle at the Yolo Bypass, there's almost a food differential between the northern -- the flood water on the north side of the trestle and the flood water on the south side of the trestle, because of all the debris that collects during the course of these events and piles

against the trestle.

That trestle was built in the early 1990s -- or there early 1900s. And as 100-year old trestle it has issues that are exacerbated by the flood waters.

When the flood waters are creating pressure against the trestle, that means that we can't take trainings across the trestle. The trestle is instable and unsafe for trains to go across. And so during flood events, we can't deliver cargo and freight to our customers.

There is a solution to that, and it's to relocate the rail line that serves that as opposed to rebuilding the trestle, which is obviously another solution. There's a lot of benefits in relocating the rail service to minimize damage, plus it provides some other public safety. Those public safety advantages are detailed in a report that was done here, that I'm prepared to provide you a copy of.

The railroad is ready to work with you all to provide that -- find that solution, to investigate that solution. I have two copies of materials including a map of the bypass showing where the trestle is, a letter dated a year ago, actually January 31st of 2011, offering to assist in solutions, a copy of the MBK engineering report, and a copy of a project description, which was prepared to

identify the alternative alignment for the rail lines.

So thank you very much for allowing me to speak today.

PRESIDENT CARTER: Thank you, Mr. Toppenberg.

SIERRA NORTHERN RAILWAY

341 Industrial Way
Woodland, CA 95776-6012
Tel: 530-666-9646
Fax: 530-666-2919

February 29, 2012

Ben Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on Draft Central Valley Flood Protection Plan

Dear President Carter and Members of the Board:

Thank you for the opportunity to provide comments on the Draft Flood Protection Plan. We understand that it is a complex document, with a lot of interrelated parts, that incorporates months of effort. Because of the likely impact of the plan on our region's future, we agree that the plan needs to be as accurate and realistic as possible.

Sierra Northern Railway (Sierra) is a common-carrier railroad that operates approximately 105 miles of track in northern California and is 100% owned by the Sierra Railroad Company, a holding company. Sierra serves a wide variety of customers and interchanges with both Burlington Northern Santa Fe Railway (BNSF) and Union Pacific Railroad (UP).

Sierra owns the Fremont Trestle (the Trestle) that allows a connection between Sierra's operational headquarters, its customers, and the UP interchange in West Sacramento. The Trestle was built more than 100 years ago—prior to the construction of the Yolo Bypass—on railroad-owned land and constitutes an essential part of Sierra's operations. Sierra also owns the land on either side of the Trestle.

A report by MBK Engineers (the MBK Report)—prepared on behalf of the cities of West Sacramento, Woodland and Davis, Yolo County, and the Port of West Sacramento—identified significant problems with floodwater flows through the Trestle which, among other things, cause water surface elevations to reach their maximum level during major flood events. The MBK Report calculated that water surface elevations north of the Trestle can rise nearly a foot higher than elevations immediately south of the Trestle, as debris and other materials are caught on the Trestle bents and impede water flows.

It is at this point when water flows often put the Trestle at risk of significant damage. The pressure of the water generates movement in the Trestle and forces us to curtail rail traffic across the Trestle and the Bypass. Once waters recede, inspection and repairs are required of both the Trestle and of the area around it (which typically erodes significantly during the high water events), and significant cleanup is required of debris that has collected against the

Trestle. While Sierra has thus far absorbed these cleanup and repair costs, we continue to believe that these costs are the responsibility of users of the Bypass. If more water is released into the Bypass, it will cause more damage to our Trestle and cause it to be unusable more often. These are costs and risks that Sierra is not prepared or willing to absorb.

The Central Valley Flood Protection Plan, as drafted, appears to ignore the very existence of the Trestle, its impact on water flows through the narrowest point of the Bypass, and the impact of those water flows on our Trestle. Among other problems, the Fremont Weir cannot be widened to allow more floodwaters into the Bypass without first dealing with the problems caused by, and to, the Trestle.

There is, fortunately, a pending proposal to relocate Sierra's rail line so that the Trestle will no longer be needed. The proposal has the added benefit of allowing the removal of 19 at-grade rail crossings in the cities of Davis, Woodland, and West Sacramento, not only improving traffic flows and safety in those cities, but also freeing up extensive land for city development. It seems appropriate to for the Yolo Freight Rail Relocation Project to proceed as part of the Flood Protection Plan, rather than separately from it.

We look forward to working with the state and others on a Plan that will enhance flood protection benefits for all parties. A fair Plan will allow Sierra to continue to operate in an efficient and cost effective manner without being unduly burdened by flood flow impacts. Such a Plan would also greatly improve water flows in the Bypass and the safety of the region overall.

Please contact us so that we may discuss these matters prior to the planned adoption of the Central Valley Flood Protection Plan in June.

Sincerely,

Dave Magaw, President
Sierra Northern Railway

Enclosures:

1. Yolo Freight Rail Improvement Project, MBK Engineers, November 2009
2. Yolo Rail Relocation Project Description

SIERRA NORTHERN RAILWAY

221 1st Street
Davis, CA 95616
Tel: 530-759-9827 x506
Fax: 530-759-9872

January 31, 2011

Jerry Johns, Deputy Director
Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Re: Bay Delta Conservation Plan

Dear Mr. Johns:

It has come to our attention that a Bay Delta Conservation Plan ("BDCP") is being prepared and that information is being collected, and options are being studied, concerning species and habitat restoration.

Sierra Northern Railway ("Sierra") is a common carrier railroad which provides freight and passenger service between West Sacramento and Woodland, California. Sierra's line includes the Fremont Trestle, which was constructed in the early 1900's and which crosses the Yolo Bypass parallel to Interstate 5. Sierra also owns a borrow pit (now a lake) immediately north of Sierra's line and west of the Conaway Sacramento River intake facility. Water serving the Conaway Ranch and others is pumped from the Sacramento River into one end of the lake and extracted at the other end for use by the benefitting parties.

We are considering selling our Fremont Trestle, our lake, and our related property in the area. In order to ensure that we are disclosing all relevant information to potential buyers, we are seeking to determine what, if any, rights other parties may claim to these properties. If you or your organization believes that you have any rights related to our trestle, lake, or any associated property (including any flowage rights or other easements over or through the properties), please provide us with copies of the documents that you believe grants such rights so that we can make the appropriate disclosures.

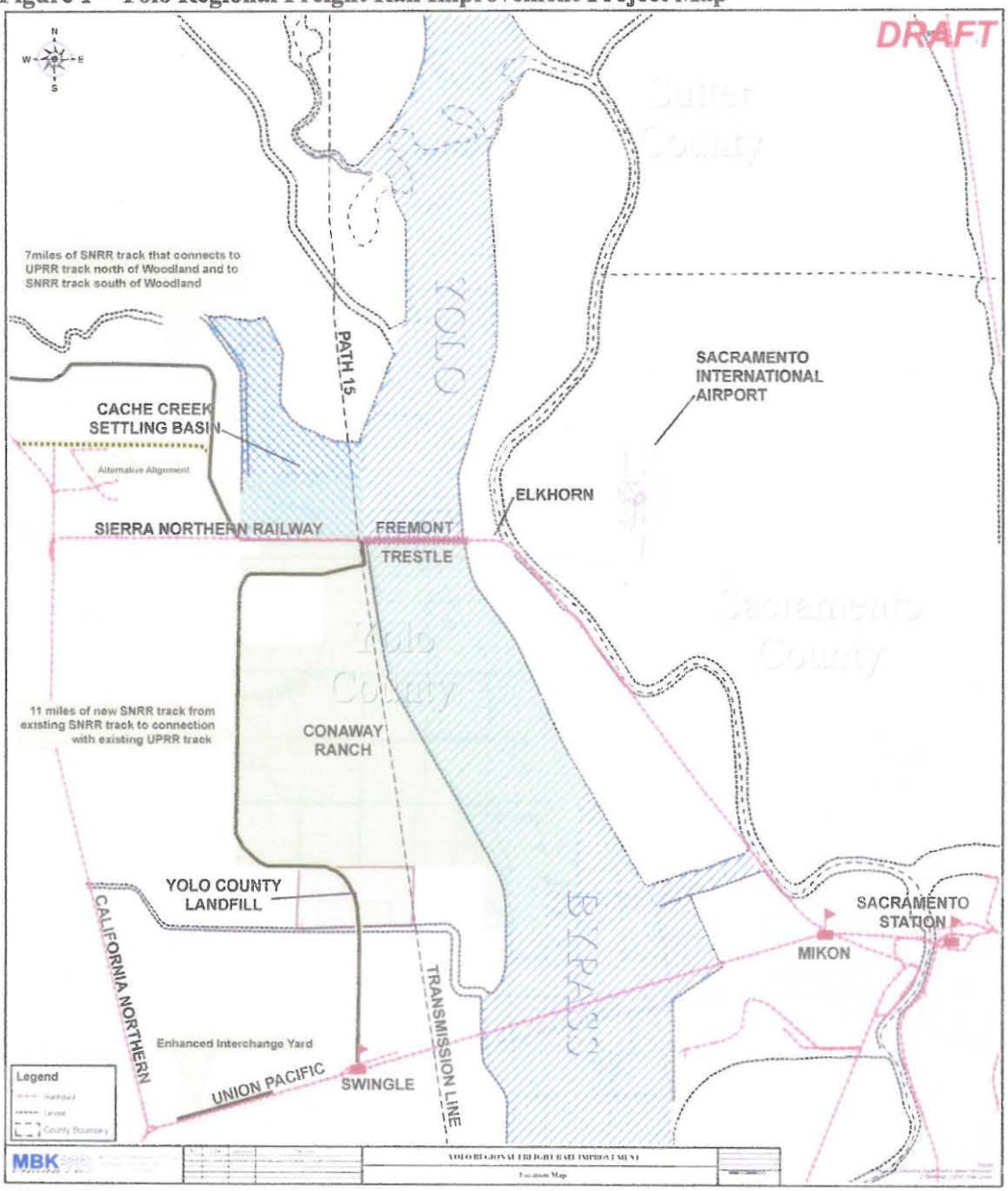
In the event that it is relevant to your BDCP, enclosed is a copy of an MBK Engineers' white paper providing details about water flows and the Fremont Trestle. Also enclosed is a description of a proposed relocation of our line that would provide alternate rail access to Woodland from Davis and West Sacramento while allowing the removal of the Fremont Trestle.

Please contact Val Toppenberg at (530) 759-9827 x 506 or vtoppy@gmail.com if you have any questions about the proposed rail relocation project; or Dave Magaw at (530) 666-9646 or davemagaw@gmail.com if you have questions about rail operations or the trestle.

Sincerely,

Sierra Northern Railway

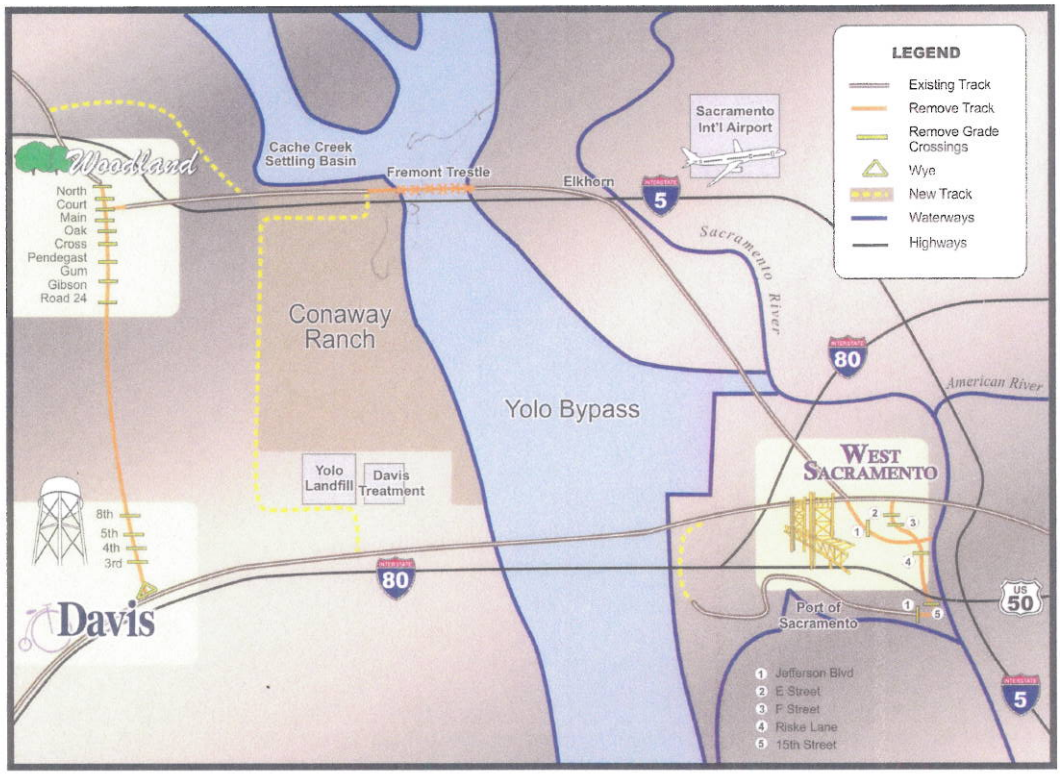
Figure 1 – Yolo Regional Freight Rail Improvement Project Map



Yolo Rail Relocation Project Description

Summary

The YRRP is a multijurisdictional project which involves the construction of a new rail connection between the Union Pacific main line parallel to freeway I-80 approximately eight miles through Yolo county reconnecting to the Sierra Northern line; constructing a new line from the Sierra Northern line through Sugarfield to the California Northern line; and constructing a new connection between the UP main line to the Port of West Sacramento.



This new construction will allow the removal of the Fremont Trestle and the removal of the existing Sacramento Northern line between the cities of Davis and Woodland, and removal of the Westgate Yard in the city of West Sacramento.

The removal of the trestle will eliminate a significant flood protection obstacle within the Yolo Bypass area reducing risks of flooding for areas within Sacramento County and for the city of Woodland. The removal of the Sacramento Northern line and the other related work would allow the removal of 19 at grade rail crossings in the cities of Davis, Woodland and West Sacramento.

Track improvements north of Woodland will better serve industrial users in the north county and city of Woodland areas. Improvements in West Sacramento will provide improved rail service to the Port of West Sacramento and to many industrial customers in the city. The removal of the Westgate Yard will make that land available for development and improve access to the waterfront area and traffic flow into Southport.

The Project

The project includes the construction of approximately eight miles of new track beginning at the existing at grade crossing of E. Main Street and crossing under I-5 from the Sierra Northern line parallel to E. Main Street (County Road 22) just west of the existing Fremont Trestle. The new line will turn to the west at the northern edge of the Conaway Ranch for approximately one mile and then turn southerly parallel to County Road 103 for approximately three miles. Sensitive areas of the Conaway Ranch will be avoided by this routing. The line will then turn easterly just south of the Yolo Central Landfill and Willow Slough for approximately one mile and then turn southerly for approximately one and a half miles to connect with the Union Pacific main line at an existing switching area at Swingle near I-80.

Two miles of new rail will also be constructed connecting the Sierra Northern line at County Road 103 north past Sugarfield to serve industrial customers in the established industrial area north of Woodland, and reconnecting to the California Northern line paralleling I-5 north of Woodland.

A new rail line will also be constructed in the city of West Sacramento from the UP main line near I-80 at Enterprise Blvd, crossing under I-80 and connecting with existing Sierra Northern lines serving the Port of West Sacramento and industrial customers in the established Port Sacramento industrial area.

A new interchange railyard will be constructed along with the West Sacramento line to allow the removal of the Westgate yard from the waterfront "Bridge District" redevelopment area. The new interchange yard will improve service to the Port of West Sacramento and West Sacramento customers.

A new rail storage area will be constructed south of and parallel to I-5 between the interstate and the new track at the northern edge of Conaway Ranch. Construction of a new interchange railyard is also proposed at or near Swingle. This new interchange railyard would replace the existing rail interchange tracks parallel to 2nd Street near the existing wye in Davis.

In addition to improvements benefiting rail served customers, the project will allow the removal of the Fremont Trestle, the most important restriction to flood flows in the Yolo bypass and the Cache Creek settling basin. The complete project will also result in the elimination of ten at grade rail crossings in the city of Woodland, six from the city of West Sacramento and four from the city of Davis. At grade crossings in rural Yolo County will be relocated with the new line.

Rights of way acquired for new track may also be available for water lines, power lines or other utilities. The route of the rail provides the ideal opportunity for water facilities to be installed in a convenient and cost effective manner.

Flood Protection Improvements

A key project element is the removal of the Fremont Trestle. With trains diverted from their historic route along the west side of the Sacramento River and across the bypass, the primary need for the Fremont Trestle will be eliminated and the trestle can be removed.

The location of the trestle is at the narrowest point of the Yolo Bypass. According to hydraulic studies the trestle structure itself occupies approximately 34 percent of the flow capacity of the bypass at that constriction. Complicating things further, the piers of the wooden trestle serve as a collection screen for debris, logs and limbs which further obstructs floodwater flows.

By removing the trestle, hydrology studies calculate that the water surface elevation at flood stage immediately north of the trestle will be lowered by almost one foot. This will lower levee construction profiles and costs for areas in Sacramento County protected by water diversions to the bypass, as well as for the city of Woodland, as its storm waters drain into the Cache Creek Settling Basin.

Davis Improvements

There are three rail facilities in the city of Davis that would be affected by the project: The California Northern (CNFR) line that runs through the heart of downtown Davis, the Wye at the connection between the CFNR operated line and the Union Pacific main line, and the existing interchange tracks along Second Street, parallel to the UP main line. These three facilities are proposed to be removed by this project.

The project will eliminate at grade rail crossings at 3rd Street, 4th Street, 5th Street and E. 8th Street. The removal of the Wye will also allow a connection of 2nd Street through what is now a parking area, and the connection of I Street to the new extension of 2nd Street. Removal of the rail and the wye will also open approximately 11 acres of of downtown Davis property for infill development. Property in the area is valued at approximately $1 million per acre and could accommodate development with values of $6 - 10 million per net acre. Infill development, which could occur on this newly available property, could accommodate as many as 400 infill residential units, or some combination of residential and commercial space, and significant new open space or recreation trails. Development on these properties could total $60 to $100 million and generate $1.5 million per year in tax increment revenue to the city.

Savings for grade crossings in Davis are projected to be $400,000 over a ten year period following their removal.

Woodland Improvements

Construction of the complete project will allow removal of rail running parallel to East Street from the southern Woodland city limits to north of Beamer Street. This will eliminate ten at grade rail crossings in the city of Woodland. The project will result in at least 25 acres will either be freed up by the track removal or will be enhanced with new access and frontage by the project. Grade crossings at North Street, Court Street, Main Street, Oak Avenue, Cross Street, Pendegast Street, Gum Street, Gibson Road and County Road 24 will be eliminated. In addition to improving traffic flows and eliminating delays at grade crossings, annual maintenance costs for crossings estimated at $1 million over ten years will be saved.

New access and frontage will be made available to at least four full blocks of developable land, approximately 18 acres. Assuming that redevelopment land sells for $300,000 per acre in Woodland, total land value is $4.2 million. In addition, approximately 7 acres worth approximately $2.1 million would be freed up from the removal of tracks and siding. Development on these properties could be valued at over $100 million generating $2 million annually in tax increment revenue to the city.

The complete project will also include new track connecting the Sierra Northern line to the California Northern line north of Woodland. This new connection will enhance rail services to industrial customers in north Woodland and Sugarfield areas. The project will require the relocation of one rail served customer in Central Woodland.

West Sacramento Improvements

Rail service in West Sacramento is essential to the community's varied industrial base and to the Port of West Sacramento. Growth in the community has created a new set of challenges. The Yolo Rail project coupled with the West Side rail relocation will result in the elimination of six at grade rail crossings in the city and will open access to dozens of acres of redevelopment land. In addition, better access to the riverfront redevelopment areas will greatly improve the development potential of these properties. The centerpiece of West Sacramento's redevelopment efforts is the Bridge District along the Sacramento River Waterfront between the Tower and Pioneer Bridges. The Westgate Yard is the single largest remaining challenge for development of the Bridge District, will be relocated as part of this project.

West Sacramento grade crossings that are proposed to be removed include the crossing at Jefferson Blvd north of West Capitol Avenue, E Street, F Street, Riske Lane in the Bridge District, 15th Street adjacent to Jefferson Blvd and Jefferson Blvd at Stone Lock. The elimination of rail crossings of Jefferson Blvd (Stone) and one at 15th Street, will remove a major safety and traffic challenge for the growing city. The safety issue is great as trucks hauling gasoline from the BP and Shell facilities frequently must stop with the tank across the active rail line at the traffic signal at Jefferson Blvd as they wait to make a right turn to access I-80 to the north.

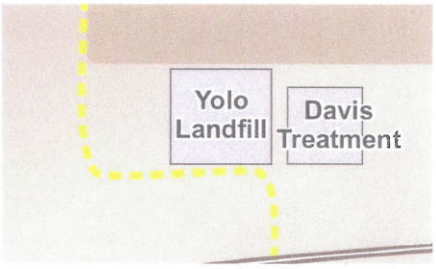
Redevelopment land in West Sacramento ranges in value from $500,000 to $1.5 million per acre. Even assuming values at the low end of the range, the values in West Sacramento would be at least $15 million for redevelopment land alone. Development value should be expected to top $150 million and would likely be higher as the land opened by the removal of tracks improves the development potential of these properties.

Elimination of tracks adjacent to Jefferson Blvd will open the opportunity for at least four additional points of access to the emerging 100 plus acre Pioneer Bluffs redevelopment area. These new access points will allow the area to better connect with the existing fabric of the city and will result in a more favorable redevelopment project in the area.

Savings of regular maintenance costs of grade crossings in West Sacramento over a ten year period is calculated at $700,000. Savings related to improved safety and traffic flow at 15th Street and Jefferson Blvd cannot be calculated. Savings related to the cost of a new grade separation of Jefferson Blvd near Stone Blvd are estimated at $18.5 million in capital costs.

Yolo County Improvements

New track is proposed to be constructed that will provide service to the Yolo County Central Landfill. Rail service will provide the opportunity for the Yolo landfill to bring additional waste to the site to improve tipping revenue, provide materials to a waste to energy facility or to transport fuel produced at the site.



Utility Corridor

The route of the proposed rail line from the west end of the Fremont Trestle along the west edge of the Conaway Ranch, past the Woodland Wastewater treatment facility, the Yolo Central Landfill and the Davis Wastewater Treatment facility provide the opportunity for installation of utilities. The proposed Davis-Woodland Surface Water Supply project will require rights of way for installation of the supply line from the new intake and treatment facility at the Sacramento River. The profile of the new rail line rights of way will provide ample property to allow for the supply lines to be installed within the same right of way. This will save additional funds otherwise required for the acquisition of right of way for the water line.

Cost savings will be realized because approximately 30 acres of land will not have to be acquired for the water line. These cost savings are estimated in the hundreds of thousands of dollars because of extensive costs of public acquisition and potentially condemnation actions that might otherwise be required.

Yolo Regional Freight Rail Improvement Project

November 2009

Prepared for:
City of Woodland, City of West Sacramento, City of Davis
Port of West Sacramento, Yolo County,
&
Yolo County Flood Control and Water Conservation District

Prepared by

MBK ENGINEERS
2450 Alhambra Blvd., 2nd Floor
Sacramento, CA 95817
916/456-4400
916/456-0253 (fax)

Table of Contents

Purpose 1
Background 1
Project Description 2
Project Benefits 3
Project Constraints 6
Interested Parties 7
Next Steps 7

List of Figures

Figure 1 8

Appendices

Appendix A Hydraulic Analysis of Trestle Removal

Appendix B Hydraulic Analysis of Reclamation of the Notch Property

Purpose

The purpose of this paper is to provide an overview of the proposed rail realignment project for reconnaissance level discussions related to project funding opportunities. Although the paper discusses preliminary project benefits and constraints, more detailed analysis will be required to assess alternatives for consideration. The primary goal of the project will be to develop a more efficient freight rail system in Yolo County that maintains or improves existing rail service, while it removes impediments to flood control and redevelopment within the affected cities.

Background

The Sierra Northern Railway (Sierra Northern) is located in Yolo County, California; and provides rail service between the cities of Woodland and West Sacramento, as shown on Figure 1. The Sierra Northern crosses the Yolo Bypass immediately upstream of the Interstate 5 (I-5) crossing. This trestle predates construction of the Yolo Bypass and flowage easements do not exist on the underlying parcel(s). The trestle has a significant adverse effect on flood stages in the Yolo Bypass in the vicinity of the Cache Creek Settling Basin. This is a result of the trestle having multiple piers, spaced closely together, and a bridge deck that gets pressure flow in large flood events. Debris also accumulates on the structure, further blocking flood flows.

In 1992, the Corps of Engineers raised the levees on the Cache Creek Settling Basin and increased the discharge for the low flow structure. The new location of the low flow structure discharges into the Yolo Bypass just upstream of the trestle. This has resulted in erosion around the piers of the trestle and presents a long term maintenance liability for the California Department of Water Resources (DWR) and Sierra Northern Railway.

In the City of Woodland, there are two railroad companies; Sierra Northern that runs east/west through the eastern portion of the City and perpendicular to the downtown area, and California Northern Railroad (Cal Northern) in the downtown area. The Cal Northern line currently acts as a switching yard and handles freight. Sierra Northern performs switching, handling, and storage of both non-hazardous and hazardous cargo railcars. There are 16 combined at-grade crossings for the two lines; and trains can block these crossings for up to 20 minutes, having a significant adverse impact to emergency response activities by the police and fire departments. Removal and/or relocation of portions of these rail lines will remove significant traffic constraints within the City and create commercial and industrial development opportunities in downtown Woodland and the industrial area in the northeast quadrant of the city. Removal or relocation of the Cal Northern switching yard will also reduce the public safety threat by relocating many of the rail operations away from more densely populated areas.

Rail operations present similar challenges in the City of West Sacramento and the Port of West Sacramento. Construction of a new interchange track will remove the need for the Sierra Northern–Union Pacific Railroad (Union Pacific) double-diamond crossing of Union Pacific's main line tracks between Sacramento and Oakland and the track from those diamonds to the connection point with the Port-UP track. Alternatives for the location and details of the new interchange would be developed in a more detailed study of the proposed project. This analysis

would also explore options for an improved crossing at Olive Drive in Davis. The existing UP-SN Westgate interchange yard in West Sacramento will be less utilized due to the alternate interchange in Davis for rail traffic bound for Woodland.

In the City of Davis, the existing California Northern line runs through residential areas and the commercial core area, until it connects with the Union Pacific line at the SP Depot. There are five at-grade road crossings (2nd, 3rd, 4th, 5th, and 8th Streets), an at-grade crossing into the SP Depot parking lot at the "triangle", an elevated road crossing at Covell Boulevard, and a bicycle undercrossing east of Community Park.

Relocation of the rail line to pass through the Yolo County landfill may also provide opportunities for rail-haul municipal waste transport and rail-haul of combustible energy created by converting landfill waste as part of the clean and green technology in Yolo County.

Project Description

The proposed project consists of relocating the existing Sierra Northern rail route to the west side of the Yolo Bypass along the western perimeter of Conaway Ranch to the Union Pacific mainline that is located on the north side of Highway 80 (Hwy 80), with a connection point just east of Davis. This will allow for the removal of the trestle that crosses the Yolo Bypass at I-5 and will lessen the existing rail interchange traffic with Union Pacific in West Sacramento by improving the interchange yard just east of the City of Davis. Sierra Northern's rail service within West Sacramento would be provided by stationing rail equipment in West Sacramento to handle interchanged railcars. Additionally, the project will consist of improved roadway crossings, three miles of railcar interchange yard improvements, and grade separation at an existing crossing in West Sacramento. The project would also eliminate major rail freight traffic through the residential/commercial areas of the communities of Davis and Woodland by constructing new trackage that facilitates rail freight movements through areas with appropriate land use for freight rail movements. This would require a trackage rights agreement between Cal Northern and Sierra Northern to establish fees and maintenance responsibilities for the trackage. Existing railcar interchange is reduced in the Bridge District of West Sacramento, furthering redevelopment planning and reducing traffic congestion associated with railcar switching. The construction of a grade separation at Jefferson and Stone will eliminate traffic congestion and a high risk rail crossing on a major arterial road, as well as facilitate more efficient railcar traffic.

The project also includes reclamation of the "notch" area in West Sacramento as a method of facilitating the rail relocation and additionally allows for expansion of the City's industrial area.

The project, which includes installation of approximately 18 miles of new track northeast of Woodland and in the Conaway Ranch west of the Yolo Bypass, allows for both Cal Northern and Sierra Northern railcar interchange with Union Pacific to occur by either improving the existing interchange or construction of a new one east of Davis. Cal Northern would then operate on the new Sierra Northern track, circumventing the core business district of Woodland under a trackage rights agreement.

Additionally, a new grade separation is constructed at Stone and Jefferson Boulevard in West Sacramento to eliminate vehicle traffic delays from train crossings into the Port and the adjacent industrial area until Phase II can be implemented. These improvements will eliminate the need for the Union Pacific-Sierra Northern Westgate interchange track in the West Sacramento Bridge District (Triangle).

The future rail improvement (Phase II) that will be facilitated by implementation of this project will be the installation of new track connecting to the Union Pacific mainline on the west side of West Sacramento and connecting to existing UPRR trackage also on the west side of West Sacramento. This component of the project would include a new railcar interchange to this main line into West Sacramento. This railyard would be constructed on the property between the western side of the existing businesses and the RD 900 Bypass levee. This new interchange track would facilitate handling longer trains into the industrial area and the Port. The most significant aspect of Phase II is that it will include removing the railcar interchange at the West Sacramento Westgate yard, eliminating rail traffic across multiple at-grade crossings in an area under significant redevelopment improvement.

Project Benefits

Flood Control

Reductions in Water Surface

The project, by removing the Fremont Trestle, results in a significant reduction in water surface elevations in the Yolo Bypass. The greatest benefit is immediately upstream of the trestle, at the Woodland gage near Cache Creek; and is a 0.63 ft decrease in water surface elevation for the 100-year flood event and a 0.70 ft decrease for the 200-year flood. The water surface reduction benefit attenuates to just over 0.1 ft at the Fremont Weir for both flood events. There is an increase of 0.02 ft. in water surface elevation downstream of the trestle at the 100-year flood event and 0.05 ft. at the 200-year flood that attenuates to 0.02 ft at the Sacramento Bypass for the 100-year event and 0.04 ft for the 200-year event.

Removal of Constraint for Regional Flood Damage Reduction Projects

The Central Valley Plan of Flood Control and the Bay Delta Conservation Plan are studying opportunities to modify the Sacramento River Flood Control Project to reduce flood damages and restore the ecosystem. Removal of the Fremont Trestle could benefit these projects by removing infrastructure from the floodway and reducing flood stages. In addition, the Department of Water Resources has indicated a desire to study widening of the Sacramento Bypass. The existing rail line crosses the Sacramento Bypass at the Sacramento Weir. Relocation of the rail line would eliminate this rail crossing and reduce the costs of widening the Sacramento Bypass. In addition, removing the railroad line from the downstream levee would benefit flood fighting and maintenance activities and reduce a rail crossing at the main entrance to the City of West Sacramento's Bryte Bend Water Treatment Plant.

FloodSAFE Yolo Pilot Program

The floodSAFE Yolo Pilot Program partners - City of Woodland, Yolo County Flood Control & Water Conservation District, and County of Yolo - are coordinating with the U.S. Army Corps of Engineers and DWR to investigate the feasibility of implementing a Cache Creek/Cache Creek Settling Basin flood risk reduction project. The conceptual solution that appears to be the most feasible and supported locally is one that aims to recover flood conveyance capacity over land that is now located within the Cache Creek Settling Basin. This conceptual solution involves the construction of a floodway through, or potentially adjacent to, the Settling Basin that would discharge into the Yolo Bypass in the vicinity of the Fremont Trestle.

The proposed relocation of the Sierra Northern would be beneficial to the conceptual solution envisioned for reducing the risk of flooding to the City of Woodland from Cache Creek. Relocation of the Sierra Northern, and removal of the railroad trestle and approximately two miles of railroad track immediately west of the Yolo Bypass, would accomplish or facilitate the following:

1. Lower flood stages in the Yolo Bypass as a result of removing the railroad trestle that will increase the "head" available to convey floodwater through the proposed floodway.
2. Facilitate rehabilitating the "pre-1993" Settling Basin south levee to obtain accreditation by FEMA.
3. Facilitate relocating the "pre-1993" Settling Basin south levee to create a floodway outside the Settling Basin.
4. Facilitate integrating environmental enhancement and recreational features with flood risk reduction projects as outlined in the Yolo County Integrated Regional Water Management Plan.

Transportation

Increased Transportation Efficiency

Locating rail traffic, rail interchanges, and rail car storage areas away from residential/commercial areas facilitates more efficient, and thus cleaner and safer, railcar switching and through traffic. New grade separated crossings allow for unimpeded, simultaneous rail and vehicular traffic flows, increasing both rail and commercial vehicle transportation efficiency.

Public Safety

Relocation of railroad traffic and storage from high population areas and elimination of a total of 22 at-grade crossings (5 in Davis, 16 in Woodland, and 1 in West Sacramento) will reduce the risk of train versus vehicle/pedestrian collisions, will improve emergency vehicle response times, and will relocate rail storage away from densely populated areas in Woodland.

Decrease in carbon emissions

Elimination of existing trackage through the communities will reduce vehicle traffic congestion and associated air emissions, improve traffic safety by eliminating numerous at-grade rail crossings, create opportunities for additional bicycle and pedestrian corridors, and provide additional opportunities for rail transport where not currently available. Additionally, the project would bring the community into greater compliance with Climate Action Registry goals.

Economic Development and Redevelopment Impacts and Benefits

Downtown Woodland

The relocation of freight rail traffic and the removal of railcar interchanges will remove a tremendous blight and eyesore from the Downtown Core area. The Downtown Specific Plan, the Woodland Redevelopment Agency Plan, Implementation Plan, and the East Street Corridor Specific Plan have all identified this area as a target area for redevelopment to a commercial/residential use compatible with the Downtown and pedestrian oriented traffic.

Woodland Industrial Area

An element of the project that would be studied in more detail during the next phase of investigation includes an evaluation of the current businesses that are served by the existing rail line, along with business that could be served by a new line. This would include an evaluation of removal of the Armfield boxcar storage area and the possible development of intermodal transfer station, relocation of SVHRR, and expansion of the Sacramento River Train. The project will provide greater efficiencies in serving the Woodland Park Specific Plan area, consisting of more than 800 acres of undeveloped land for future industrial and commercial uses, in addition to improved tracks in the older parts of the industrial quadrant of Woodland. There will also be better opportunities for development of a HUB Zone (subset of World Trade Zone) and CA State Enterprise Zone and strengthen the basic marketability of Woodland land, given its proximity to all major road, rail, and waterways.

Port of West Sacramento/West Sacramento

The separation of rail freight traffic from residential/commercial development also allows for greater freight traffic utilization of the Port of West Sacramento for regional and national economic benefits. The project will also relocate track in the City of West Sacramento Bridge District and facilitate reclamation of land in the "Notch". Both of these redevelopment areas are considered significant in the City of West Sacramento's master plan.

City of Davis

Relocation of the rail freight traffic and rail line presents opportunities for more commercial and residential development in Central Davis and the Downtown area that could act as a catalyst for redevelopment of adjoining areas.

Abandoned Rail Lines

Relocation of existing rail lines creates the opportunity for reuse of right-of-way for an alternative transit corridor or other transit related improvements between Davis and Woodland, consistent with the E-Trans plan. The next phase of investigation will include an evaluation of the opportunities presented by the portions of the rail line that would be abandoned as part of the proposed project.

Project Constraints

New Crossing of Interstate 5

The Sierra Northern currently runs parallel to, and on the north side, of Interstate 5 until east of the current trestle and Yolo Bypass. The current proposal to cross I-5 is to utilize a previously existing railroad undercrossing of I-5 (the railroad line was abandoned in the 1980s and is currently an improved dirt road) that is located at the land side toe of the Yolo Bypass west levee. A more detailed evaluation of this crossing, and other alternatives, should be conducted in the next phase of study.

Hydraulic Impacts

The localized increases in flood stages downstream of I-5 and as a result of reclamation of the Notch need to be evaluated to determine their significance. Additional project elements may need to be evaluated to mitigate these impacts.

Maintain Existing Service

The project would impact local service to Pacific International Rice Mill Inc. (PIRMI) and CalWest Seeds near downtown Woodland. Rail service to these businesses would need to be maintained or provided at an alternative business location. Alternatives to accomplish this will be studied in greater detail during the next phase of investigation.

Shared Trackage Rights Agreements

The project would also create the need for several shared trackage rights agreements, which may create the need to mitigate for rights and opportunities that are gained and/or lost. One objective of the proposed project is to ensure that the existing levels of service for the rail lines are maintained or improved.

Right of Way

Although the project will require significant right of way acquisition, there are only a limited number of landholders that would be involved, some of whom have previously been contacted regarding this project.

Interested Parties

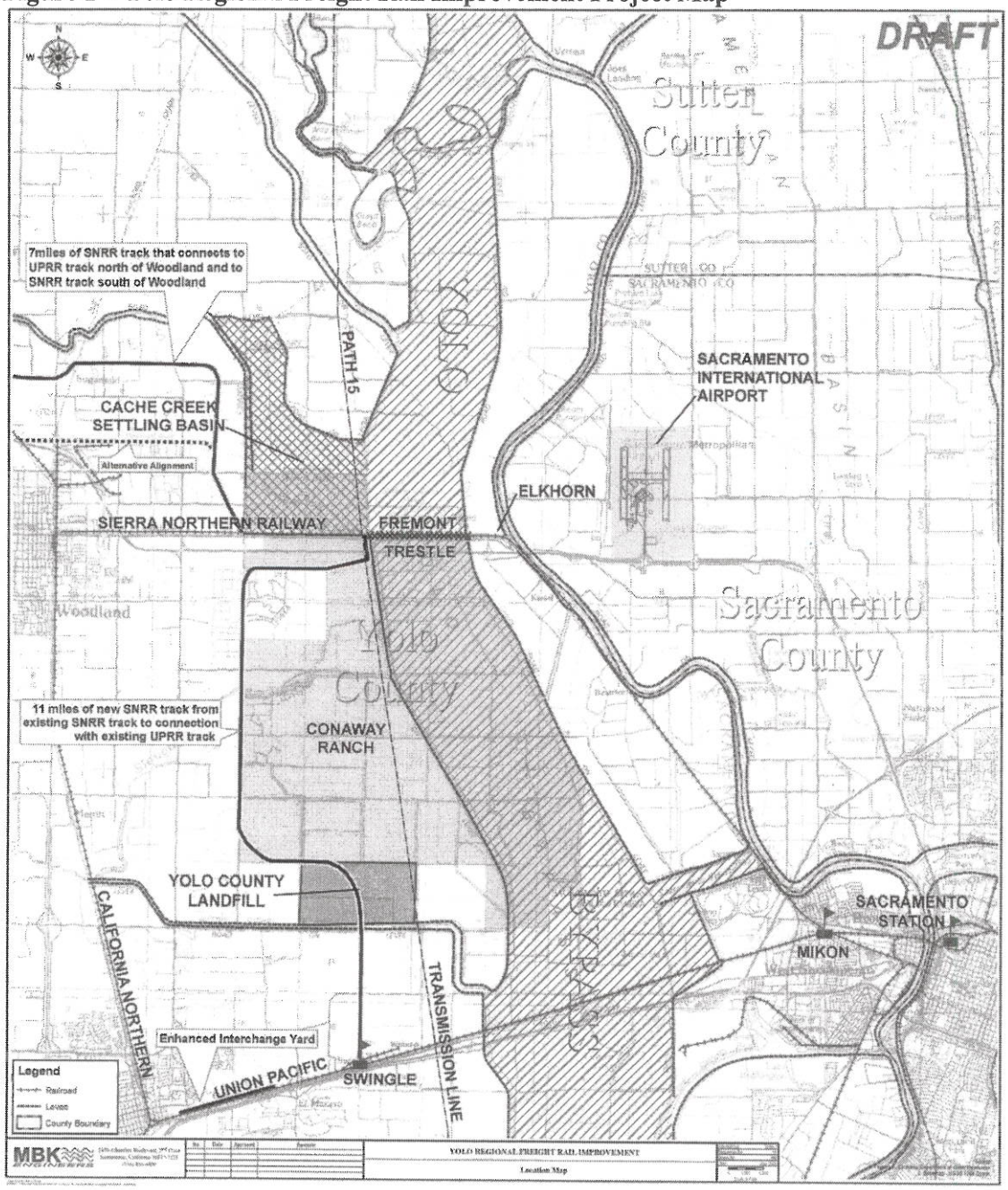
The following agencies, utilities, and private parties have a potential interest in the proposed project:

- City of West Sacramento
- Port of West Sacramento
- City of Davis
- City of Woodland
- Woodland Redevelopment Agency (as a financing agent)
- Yolo County Flood Control and Water Conservation District
- Yolo County
- Sierra Northern Railway
- Rail America (California Northern Railroad)
- Union Pacific Railroad
- Conaway Ranch
- Sacramento Area Flood Control Agency
- Sierra Holdings
- Cal Trans
- Department of Water Resources
- Central Valley Flood Protection Board
- United States Army Corps of Engineers
- Public Utilities Commission
- California Department of Fish and Game
- NOAA Marine Fisheries Service
- United States Fish and Wildlife Service
- California State Lands Commission

Next Steps

A more detailed study of the proposed action should be conducted to investigate the issues raised in this paper and develop detailed proposals to address each of the concerns and opportunities.

Figure 1 – Yolo Regional Freight Rail Improvement Project Map



Appendix A

Hydraulic Analysis of the Removal of the Fremont Trestle from the Yolo Bypass

Prepared for:

Sierra Railroad
221 First Street
Davis, CA 95616

Prepared by:

2450 Alhambra Blvd.
Sacramento, CA 95817

September 21, 2007
rev. November 5, 2009

1. Purpose and Background

The purpose of this report is to present an evaluation of the hydraulic impacts of removing the Fremont Trestle on the 1-in-100 and 1-in-200 Annual Exceedence Probability (AEP) water surface elevations in the Yolo Bypass and Sacramento River.. The Fremont Trestle runs east-west across the Yolo Bypass just north of Interstate 5. Figure 1 shows the location of the Fremont Trestle and its surrounding area.

Note: AEP is the probability that a flood event of the specified magnitude will occur in a given flood season. Thus, the 1-in-100 AEP flood event has a 1-in-100 chance of occurring in a given year.

2. Hydraulic Model

The MBK version of the Sacramento and San Joaquin River Basins Comprehensive Study (Comprehensive Study) Sacramento River UNET model adopted for the Natomas Levee Evaluation was used for this analysis. UNET is a one-dimensional unsteady open-channel flow model with the ability to simulate exchange of flow between river channels and floodplains. The software was developed by and is supported by the U.S. Army Corps of Engineers (USACE) Hydrologic Engineering Center. The downstream boundary of the Comp Study UNET model is the Sacramento River at Collinsville, and the upstream boundaries on the major rivers are:

- Sacramento River Woodson Bridge (River Mile 215.5)
- Feather River Thermalito Afterbay Outlet (River Mile 58.6)
- Yuba River Englebright Lake (River Mile 22.0)
- Bear River Wheatland Gage (River Mile 12.5)
- American River Fair Oaks Gage (River Mile 22.0)

Figure 1 shows the model cross-sections within the affected areas.

3. Hydrology

The USACE, as part of the Comprehensive Study, developed input flows for the Sacramento River Basin UNET model for a number of storm centerings designed to stress the system at various locations. Previous hydraulic analysis has shown that the storm centering that produces the highest water surface elevations in the project area is the Feather River at Shanghai Bend centering (Shanghai Centering).

The American River input flow was modified to provide a peak flow of 145,000 cubic feet per second (cfs) for the 1-in-100 AEP flood and 160,000 cfs for the 1-in-200 AEP flood.

4. Levee Performance

The analysis was made assuming no levee failures throughout the Sacramento River system. If a levee was overtopped it was assumed to act as a weir. The analysis also assumed that any levees that are freeboard deficient relative to the 1957 Sacramento River Flood Control Project (SRFCP) design floodplain have been raised to eliminate the freeboard deficiency.

5. Analysis and Results

Two scenarios were simulated and compared: 1) "existing conditions" and 2) "without trestle". The "without trestle" scenario was modeled by removing the Fremont Trestle bridge structure along with almost 400 feet of earthen embankment.

Results

The resulting maximum "existing conditions" and "without trestle" water surface elevation profiles for the Yolo Bypass upstream of the Sacramento Bypass are provided in Figures 2 and 3 for the 1-in-100 and 1-in-200 AEP flood events, respectively. Similar figures for the Sacramento River from just upstream of the Fremont Weir to the American River are presented in Figures 4 and 5 for the 1-in-100 and 1-in-200 AEP flood events, respectively. Water surface elevations at significant locations within these reaches are provided in Table 1.

As shown, the largest impact from removing the Fremont Trestle is immediately upstream of its location where there is a sharp reduction in water surface elevation (0.63 ft. in the 1-in-100 AEP simulation and 0.70 ft. in the 1-in-200 AEP simulation). The probability of a levee failure on the Yolo Bypass upstream of Fremont Trestle would be reduced, if the Trestle were removed. This water surface reduction provides a benefit to the areas adjacent to Interstate 5 (I-5) immediately to the east and west of the Yolo Bypass, since a levee failure upstream of the Trestle would result in the inundation of I-5 with flood waters.

Moving upstream, the water surface reduction tapers down to just over 0.1 ft. at the Fremont Weir in both flood events. There is a slight increase of no more than 0.05 ft. in water surface elevation within the Yolo Bypass downstream of the Trestle due to the increased hydraulic efficiency of the Yolo Bypass, and thus, increased flow rate in the Bypass without the Trestle. The impact to the Sacramento River from the removal of the Fremont Trestle is greatest near the Fremont Weir with a water surface decrease of about 0.1 ft. and is essentially no change at the Sacramento Weir.

Table 1. Impact to Maximum Water Surface Elevation of Removal of Fremont Trestle (all values in feet-NGVD29)						
	1-in-100 AEP			1-in-200 AEP		
Location	Existing	Modified	Impact	Existing	Modified	Impact
Yolo Bypass						
d/s Fremont Weir (57.15)	38.90	38.78	-0.12	40.28	40.15	-0.13
at KLRC (54.44)	35.27	34.92	-0.34	36.66	36.27	-0.39
at Woodland Gage (51.10)	33.00	32.37	-0.63	34.39	33.69	-0.70
at I-5 (50.82)	32.04	32.07	+0.02	33.35	33.40	+0.05
at Sac Bypass (45.02)	29.27	29.28	+0.02	30.64	30.68	+0.04
Sacramento River						
at Verona Gage (78.75)	40.88	40.78	-0.10	42.35	42.28	-0.07
at Sac Weir (63.82)	31.29	31.27	-0.01	33.15	33.16	+0.01

Note: Parenthetical numbers alongside locations are Comp Study river mile station. (See Figure 1 to locate.)

Sensitivity to Debris Loading

The client described instances of a considerable amount of debris collecting along the Fremont Trestle during larger flow events in the Yolo Bypass. An analysis was performed to evaluate the effect of this type of debris on water surface elevations within the Yolo Bypass and Sacramento River. A hydraulic analysis was made with simulated debris along the Fremont Trestle. As the model software does not allow for the explicit modeling of riverine debris, the debris was simulated by increasing the Trestle's total pier width by 50%. This change represented the additional restriction in the flow path through the Trestle caused by the presence of the debris. The presence of the simulated debris caused a change in the 1-in-100 AEP water surface elevation, as measured versus the "existing conditions" analysis, of no more than 0.02 feet throughout the Yolo Bypass and Sacramento River.

6. Conclusions

This analysis demonstrates a significant localized reduction of the water surface in the Yolo Bypass upstream of the Fremont Trestle which would benefit the levee districts in the Yolo Bypass. A smaller, less significant benefit was shown upstream of the Fremont Weir and along the Sacramento River.

7. References

United States Army Corps of Engineers (USACE), Sacramento and San Joaquin River Basins Comprehensive Study, California, Technical Studies, Appendix B, Synthetic Hydrology Technical Documentation, December 2002.

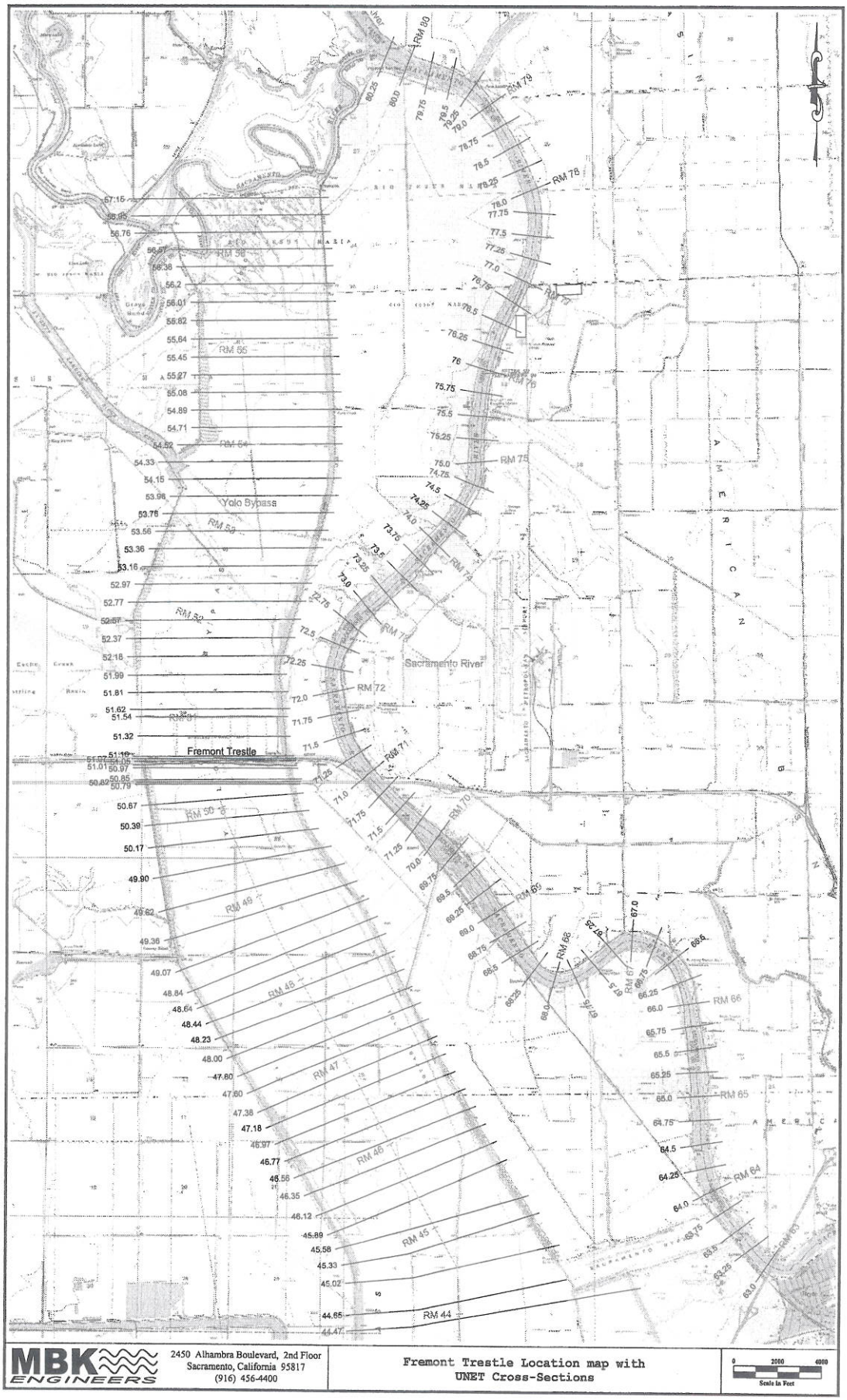
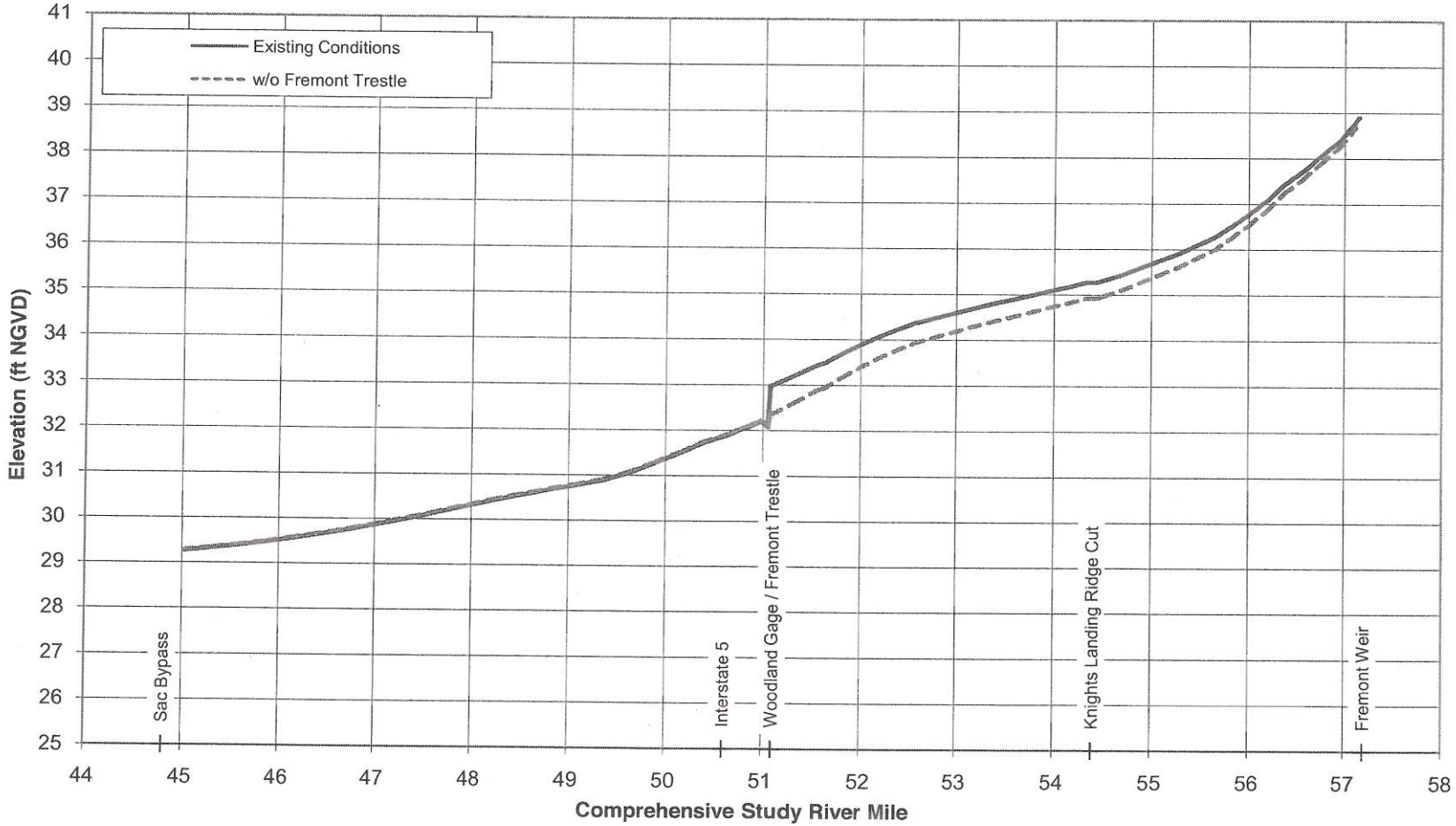

Yolo Bypass
Sacramento River
Fremont Trestle
RM 80
RM 79
RM 78
RM 77
RM 76
RM 75
RM 74
RM 73
RM 72
RM 71
RM 70
RM 69
RM 68
RM 67
RM 66
RM 65
RM 64
RM 63
RM 62
RM 61
RM 60
RM 59
RM 58
RM 57
RM 56
RM 55
RM 54
RM 53
RM 52
RM 51
RM 50
RM 49
RM 48
RM 47
RM 46
RM 45
RM 44
MBK ENGINEERS
2450 Alhambra Boulevard, 2nd Floor
Sacramento, California 95817
(916) 456-4400
Fremont Trestle Location map with
UNET Cross-Sections
0 2000 4000
Scale in Feet

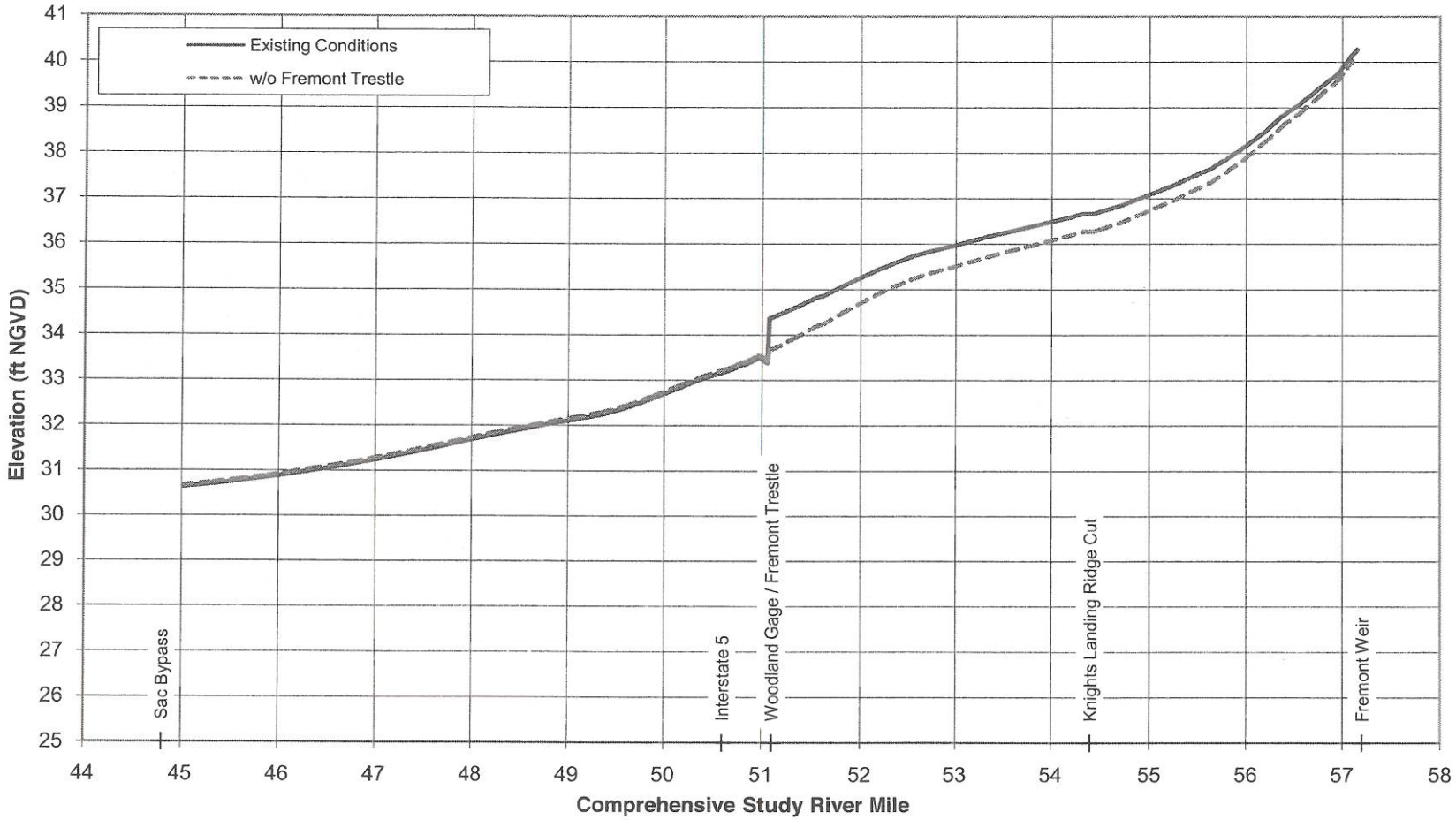
Figure 1

Figure 2 - Yolo Bypass
Maximum Water Surface Elevation Profile: 1-in-100 AEP



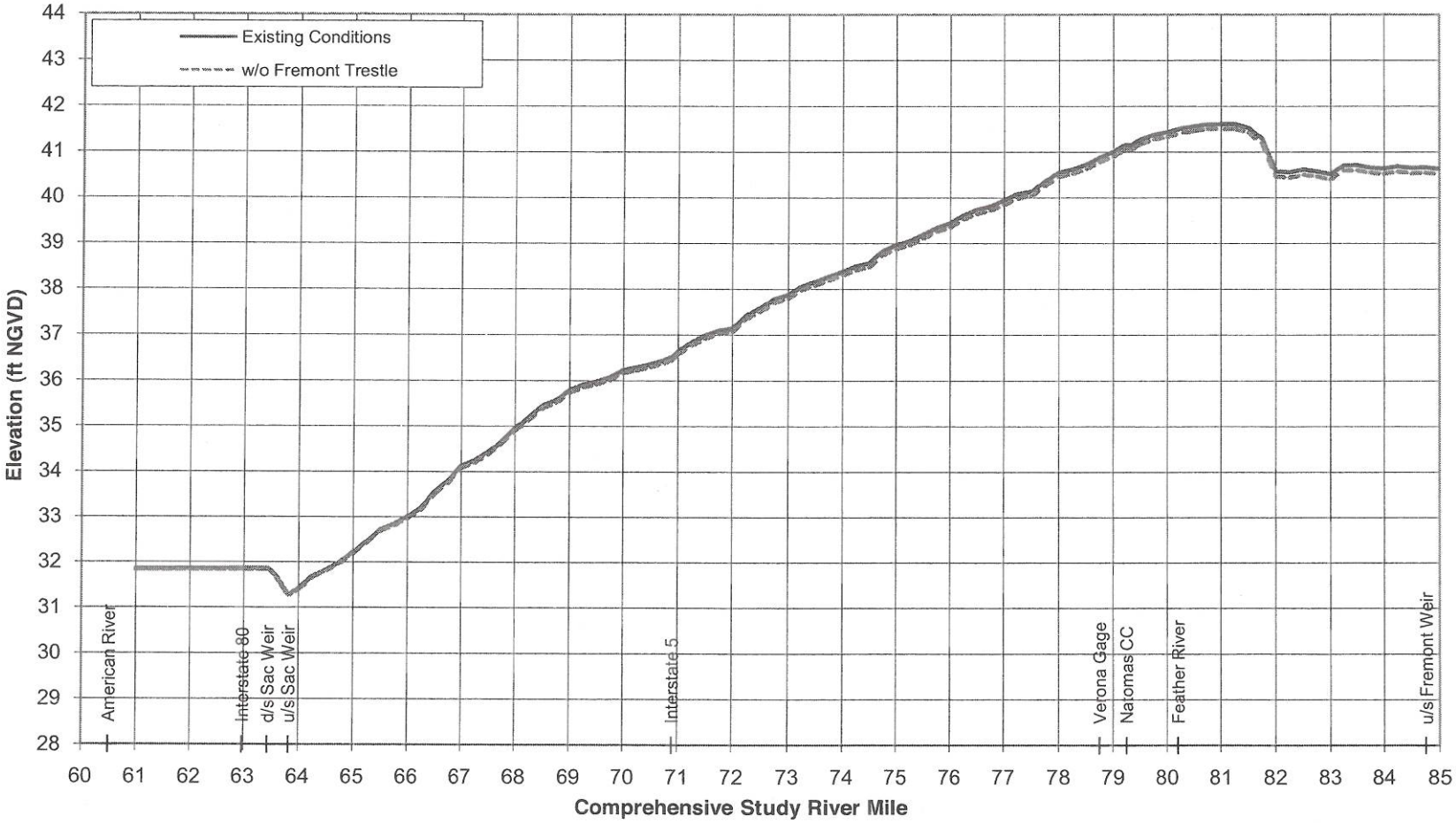
Index No. 077

Figure 3 - Yolo Bypass
Maximum Water Surface Elevation Profile: 1-in-200 AEP



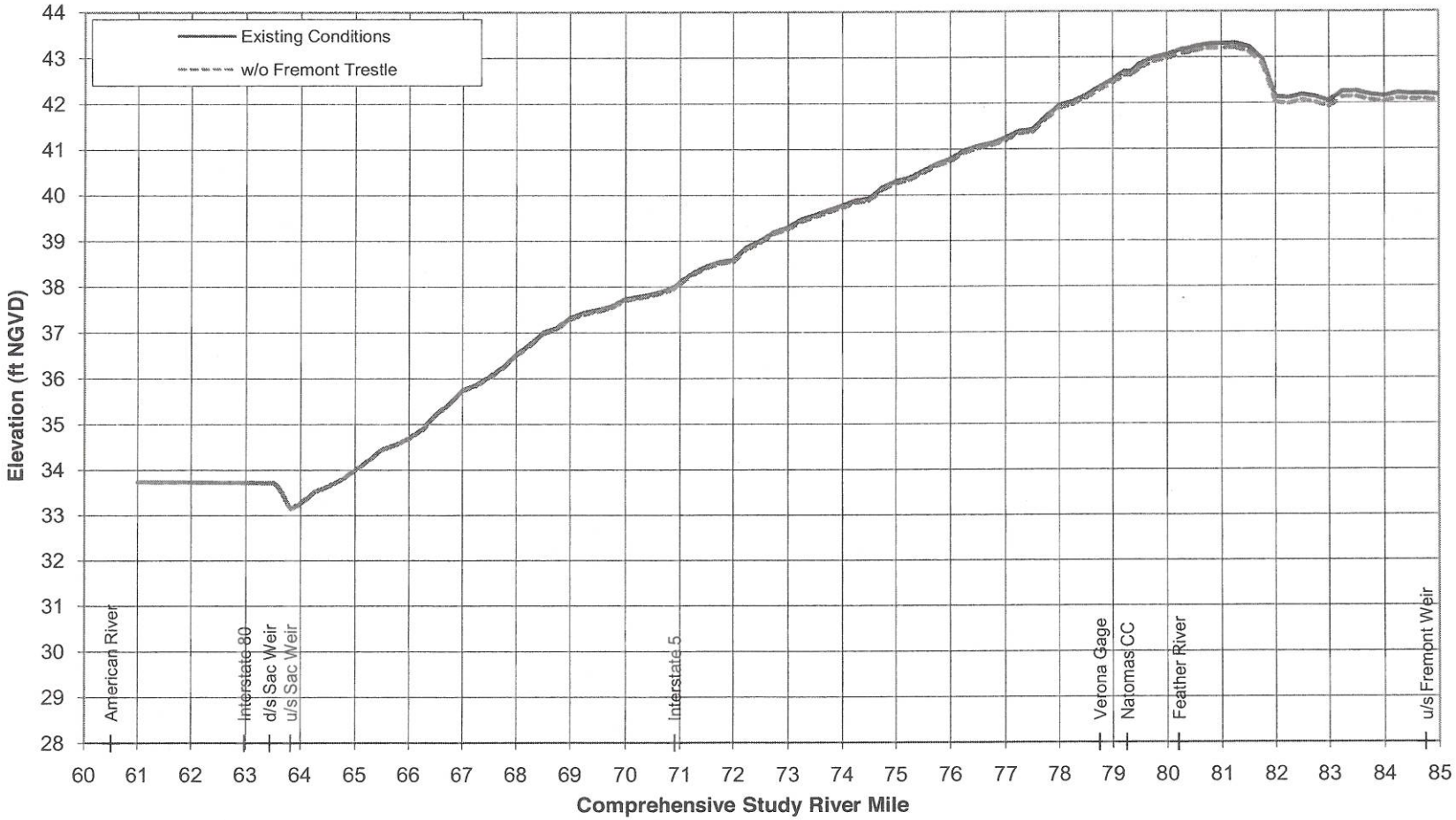
Index No. 077

Figure 4 - Sacramento River
Maximum Water Surface Elevation Profile: 1-in-100 AEP



Index No. 077

Figure 5 - Sacramento River
Maximum Water Surface Elevation Profile: 1-in-200 AEP



Index No. 077

Appendix B

MBK ENGINEERS

Water Resources • Flood Control • Water Rights

MEMORANDUM

DATE: September 19, 2008

TO: Vinton Hawkins

FROM: Don Trieu, P.E.

SUBJECT: Hydraulic Impact Analysis of Removal of "West Sacramento Notch"

Sierra Holdings proposes to remove the "West Sacramento Notch" along the east side of the Yolo Bypass between the Sacramento Bypass and Interstate 80. A new levee would be constructed from the west end of the south levee of the Sacramento Bypass to the east levee of the Yolo Bypass at Interstate 80. This memorandum documents the hydraulic analysis to determine potential hydraulic impacts as a result of the proposed project.

Hydraulic Model

The United States Army Corps of Engineers (USACE) has developed a RMA2 two-dimensional (2-D) hydraulic model of the Yolo Bypass "expressly for the purpose of assessing the flood conveyance impacts of proposed land use changes in the Bypass, suitable to California State Reclamation Board (Rec Board) permitting standards" (USACE 2006).

RMA2 is a 2-D depth averaged finite element hydrodynamic numerical model. It computes water surface elevation and horizontal velocity components for sub-critical, free-surface 2-D flow fields.

The USACE Yolo Bypass model was modified by MBK for this analysis as follows. The upstream extent of the model was truncated at the Yolo Bypass at Woodland gage and the downstream extent of the model mesh is at the Yolo Bypass at Lisbon gage. The model mesh developed for this analysis is shown in Figure 1

Model Calibration

The 2-D finite element model was calibrated to the January 1997 flood event. This flood was used because it was a very large flood event, occurred relatively recently and a substantial amount of observed stage and flow data is available. Figure 2 shows the results of the model calibration comparing the computed water surface elevations versus the observed water surface elevations.

Impact Analysis Methodology

The hydraulic impact of the proposed project conditions was determined by comparing the computed water surface elevations and velocities from a base condition simulation with those from a project condition simulation. The hydrologic condition used for this simulation is the January 1997 flood event.

Base Condition

The Base Condition used for this analysis corresponds to conditions as they currently exist. The model results of the January 1997 flood calibration will serve as the Base Condition for comparison with Project Condition model results.

Project Condition

The base condition 2-D finite element mesh was modified to reflect the first project condition. Alternative 1 consists of construction of a new levee from the west end of south levee of the Sacramento Bypass connecting to the east levee of the Yolo Bypass at Interstate 80 (Figure 3). The new levee was simulated in the model by disabling the elements which represented the levee and areas (Notch Area) east of the new levee. The total estimated area of the Notch is 600 acres. Alternative 1 was modified to reflect the second project condition. Alternative 2 consists of the project condition levee in Alternative 1 and an embankment removal from the Southern Pacific Railroad Bridge crossing the Yolo Bypass, shown in Figure 3. Model elements were modified to represent floodplain elevation with bridge piers. The project condition alternatives were simulated using the January 1997 flood conditions and compared with the base condition.

Results

Figures 4 and 5 plot the maximum water surface elevation along the east and west levee, respectively, of the Yolo Bypass for the base condition, Alternative 1, and Alternative 2. Water surface differences plotted in Figures6 through 9 used the same alignments as the water surface profiles, shown in Figure 2. Tables 1 and 2 summarize the hydraulic impacts to the Yolo Bypass based on model results. Water surface impacts were greatest in the vicinity of the Notch.

Table 1. East Levee

	Water Surface Impact (ft)	
	Downstream of the Sac. Bypass	Upstream of the Sac. Bypass
Alternative 1	0.3	0.1 to 0.2
Alternative 2	0.2	-0.1

Table 2. West Levee

	Water Surface Impact between SPRR and Interstate 5 (ft)
Alternative 1	0.1 to 0.2
Alternative 2	0 to -0.1

Don Trieu, P.E.

REGISTERED PROFESSIONAL ENGINEER
Tu A. Trieu
No. C 058284
Exp. 06/30/2010
Civil
STATE OF CALIFORNIA

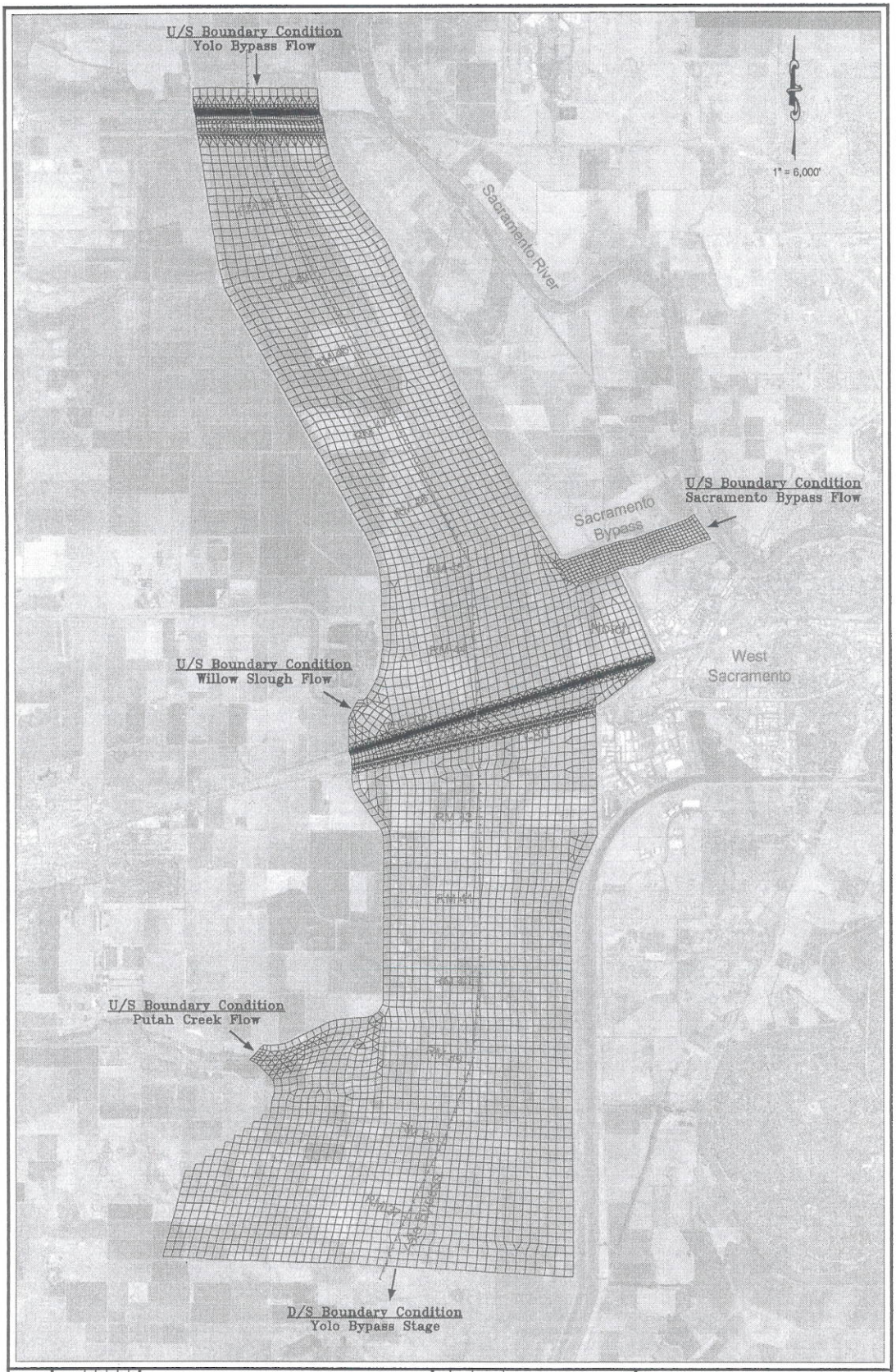


Figure 1

Sierra Holdings

Calibration RMA2 Model Finite Element Mesh

No.	DATE	APPROVED	REVISION

SCALE: 1"=6,000'
JOB NUMBER: 5005
REQUESTED BY: GP
DRAWN BY: GP
DATE: August 2008

Bar Length to Inches Ratio: 1in. = 6,000 Feet

MBK ENGINEERS
2450 Alhambra Boulevard, 2nd Floor
Sacramento, California 95817
Phone: (916) 456-4400 • Fax: (916) 456-0253

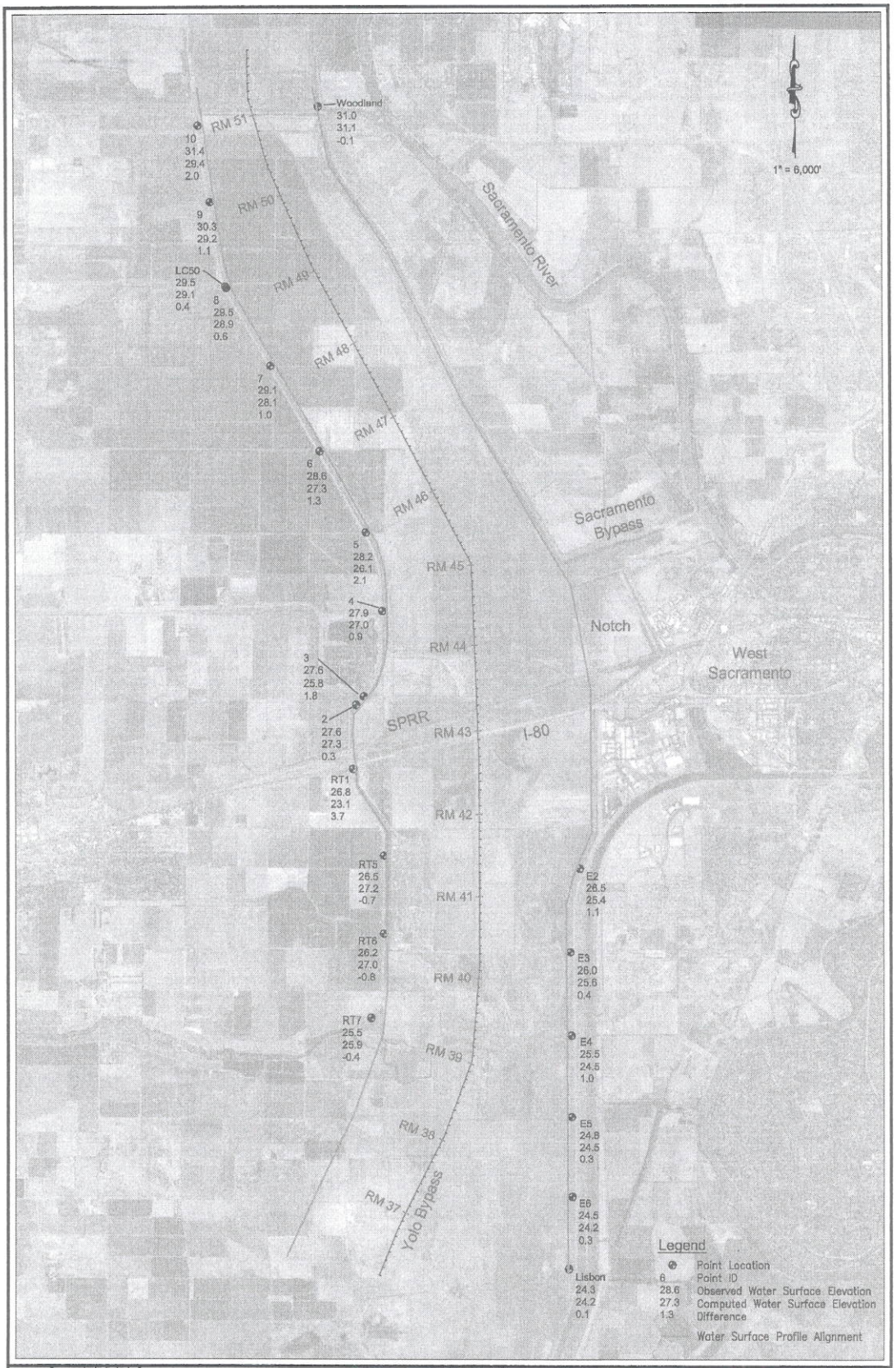


Figure 2

Sierra Holdings

Calibration Results

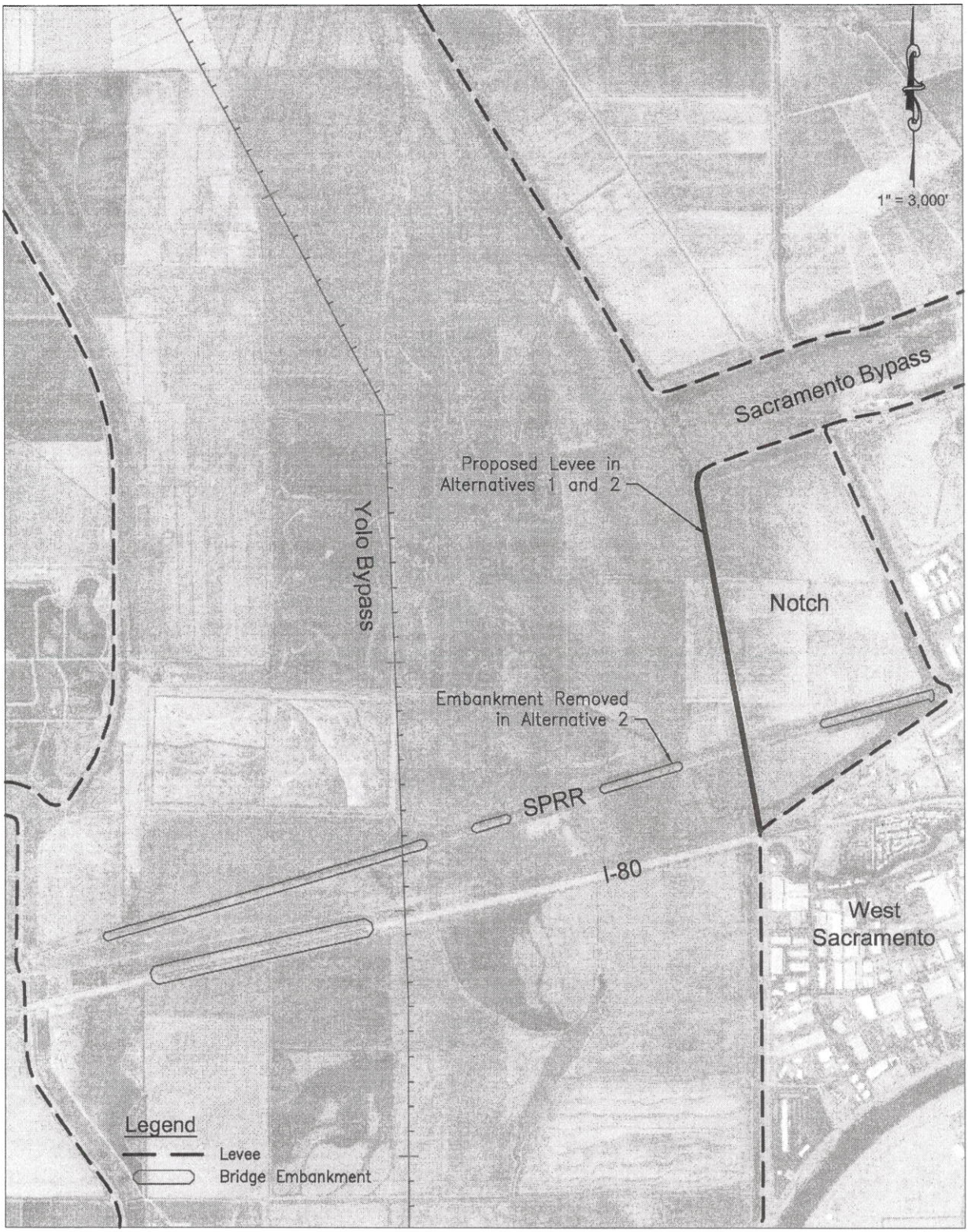
No.	DATE	APPROVED	REVISION

SCALE: 1"=6,000'
JOB NUMBER: 5005
REVISED BY: GP
DRAWN BY: GP
DATE: August 2008

Bar Length On Original Drawing Equals One Inch Unless Noted Otherwise

MBK ENGINEERS
2450 Alhambra Boulevard, 2nd Floor
Sacramento, California 95817
Phone: (916) 456-4400 • Fax: (916) 456-0253

R:\5005 Sierra Holdings\2008-04 West Sac Notch\ACAD\Notch Arcs.dwg, 9/10/2008 8:30:14 AM



MBK ENGINEERS
2450 Alhambra Boulevard, 2nd Floor
Sacramento, California 95817
Phone: (916) 456-4400 • Fax: (916) 456-0253

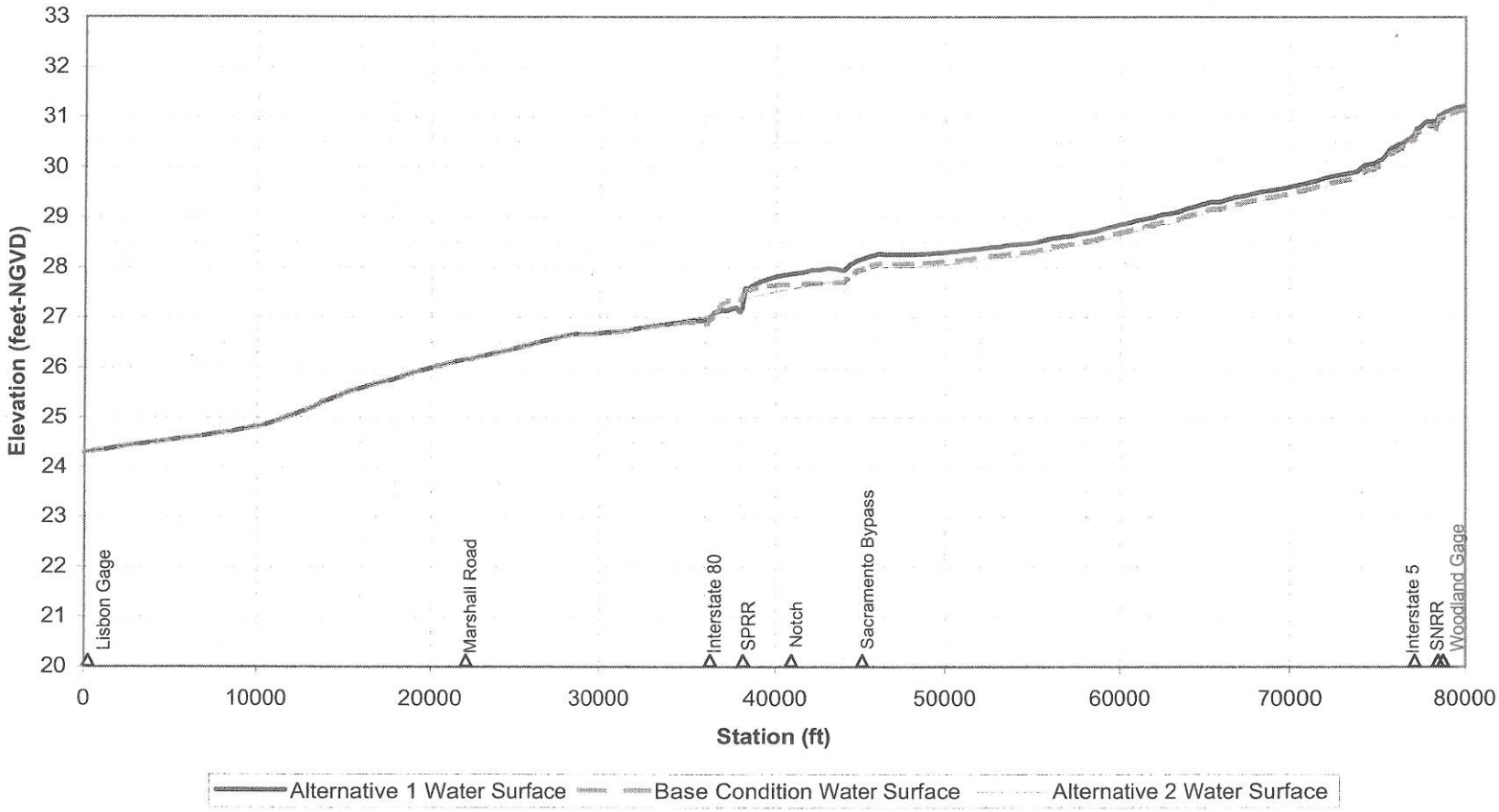
Sierra Holdings

Site Map

SCALE:	1" = 3,000'
JOB NUMBER:	5005
DRAWN BY:	GP
DATE:	September 2008

Figure 3

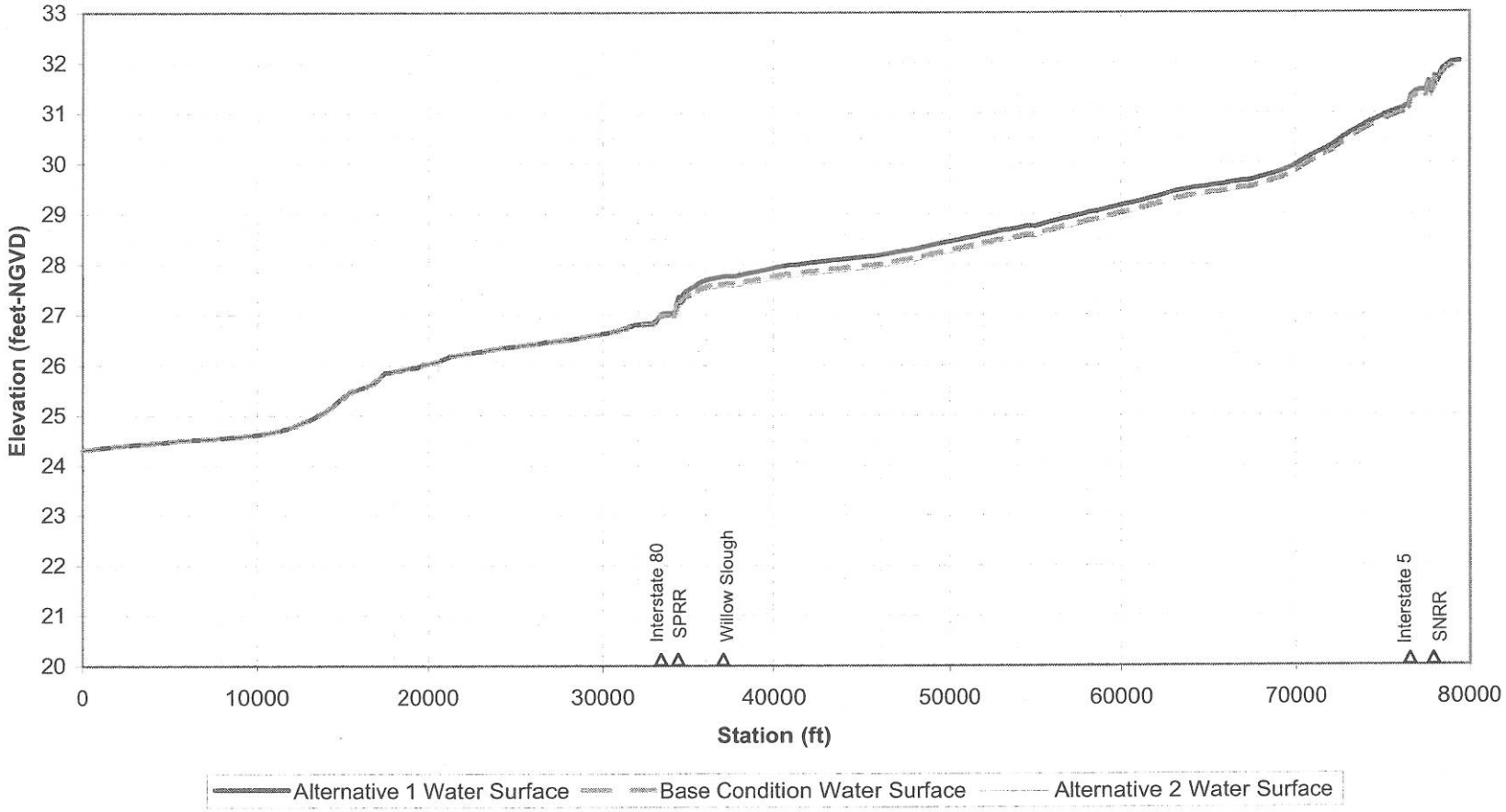
Figure 4
Yolo Bypass East Levee
Maximum Water Surface Profile - Project and Base Conditions
January 1997 Flood



R:\5005 Sierra Holdings\2008-04 West Sac Notch\RMA-2 Model\Existing Condition\Results.xls 9/2/2008

Index No. 077

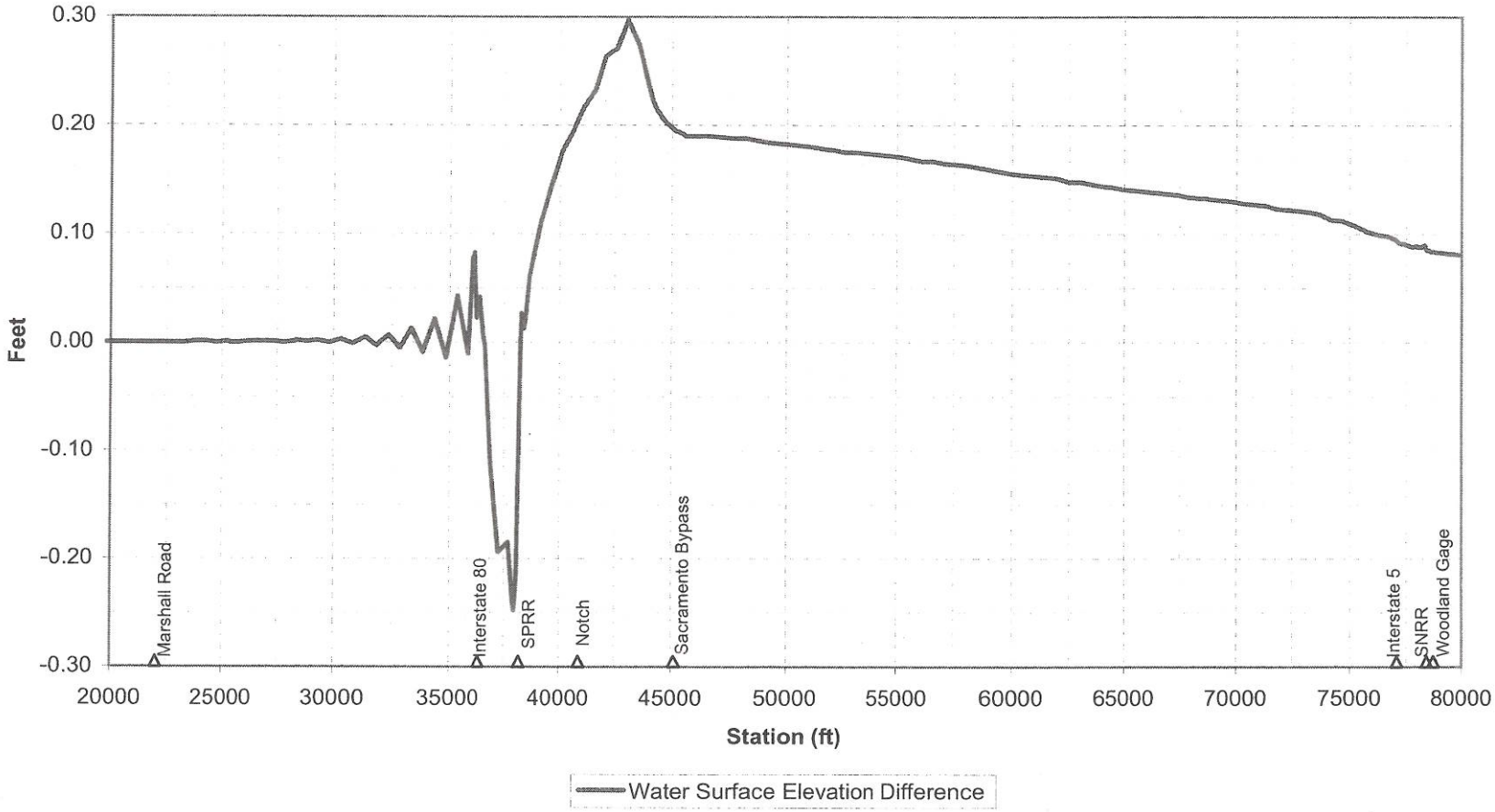
Figure 5
Yolo Bypass West Levee
Maximum Water Surface Profile - Project and Base Conditions
January 1997 Flood



R:\5005 Sierra Holdings\2008-04 West Sac Notch\RMA-2 Model\Existing Condition\Results.xls 9/2/2008

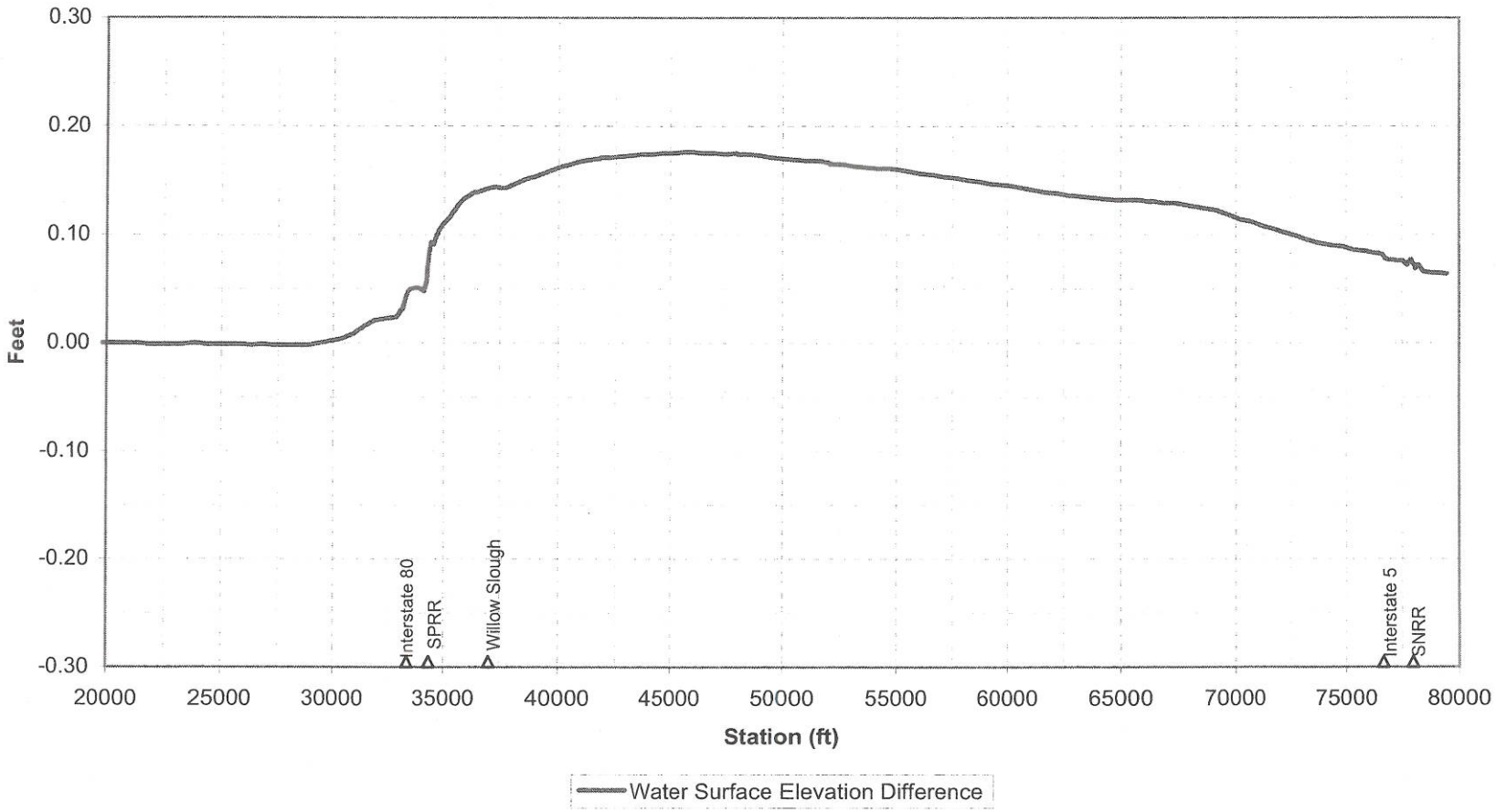
Index No. 077

Figure 6
Yolo Bypass Maximum Water Surface Elevation Difference
Alternative 1 Minus Existing Condition
East Levee



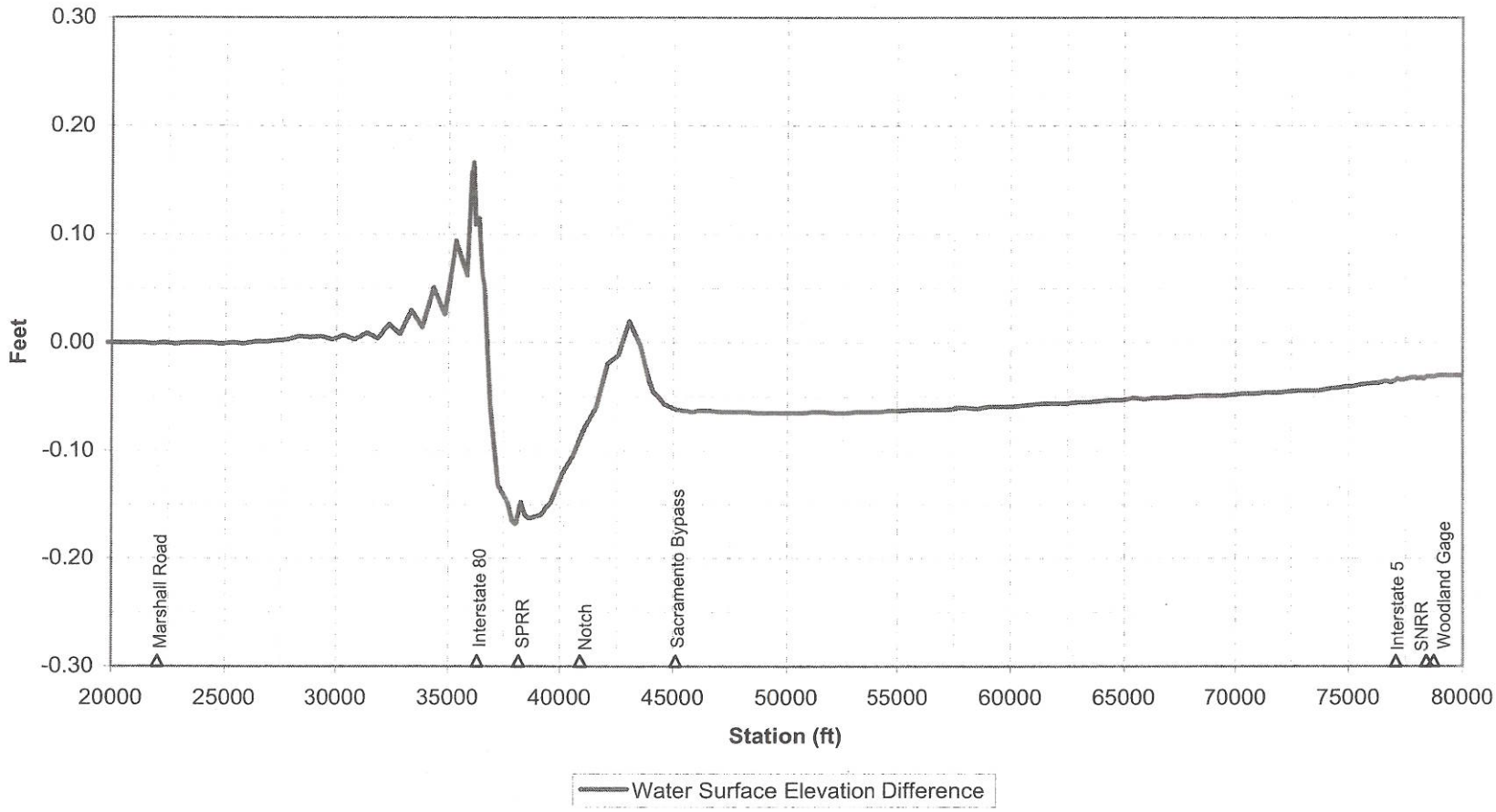
Index No. 077

Figure 7
Yolo Bypass Maximum Water Surface Elevation Difference
Alternative 1 Minus Existing Condition
West Levee



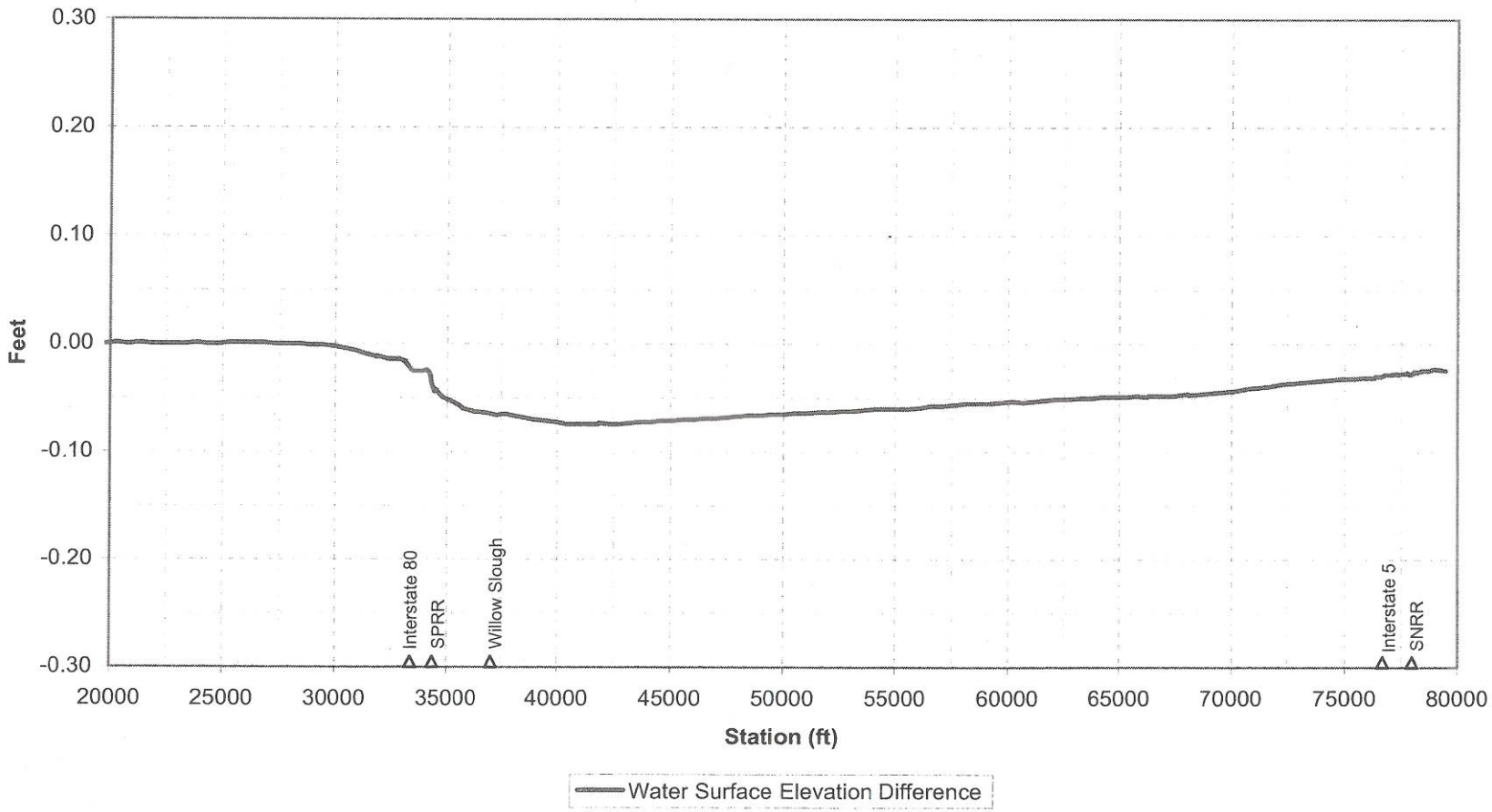
Index No. 077

Figure 8
Yolo Bypass Maximum Water Surface Elevation Difference
Alternative 2 Minus Existing Condition
East Levee



Index No. 077

Figure 9
Yolo Bypass Maximum Water Surface Elevation Difference
Alternative 2 Minus Existing Condition
West Levee



Index No. 077

MR. SHAPIRO: Good afternoon, President Carter Thank you.

My name is Scott Shapiro, and I'm general counsel of the California Central Valley Flood Control Association. I also represent some other clients in the valley, and will be speaking to you a little later today

for a different client. But at this moment, I want to emphasize the values and theories that are being put forward by the Central Valley Flood Control Association. It's a joint powers agency -- excuse me, it's a nonprofit association made up of over 80 local agencies, including levee districts, reclamation districts, joint powers agencies, cities and counties that have a significant interest in flood protection and flood management in the Central Valley in an area almost identical to that which this plan covers.

And just as we've had internal conflicts and debates over deciding our view on the plan, we think you'll be facing those same internal conflicts from comments from this audience and others. And we wish you luck in resolving those. And we think we have developed a path for trying to resolve them as we have done within our own community.

I have six comments for you today. The first is the past, the next three are substantive, and then the last two are process issues going forward.

On the past, we wanted to note that we had been very pleased to have a continuing role in the development of this plan, as many of other people, who spoke before you, have. And we had an opportunity to provide comments based on a cursory review of the admin draft in November.

We were able to provide a number of comments to the Department of Water Resources at that time. We were very pleased that the Department addressed many of those comments.

We wanted to speak today just about two that were addressed to share with you where we think the plan was and where it's going, and we think it's a very positive development.

The first is that we think the admin draft of the plan did not make sufficiently clear that this needs to be a flood protection plan first. This is not an ecosystem restoration plan. Having said that, our members are absolutely committed to integrating ecosystem restoration into this flood protection plan. And we think it can be done.

We do note, however, that we don't think that you can balance ecosystem restoration flood protection in a flood protection plan. It has to be a plan, as indicated by the Legislature. And then we must do everything we can to properly integrate the ecosystem restoration within it.

Our mission, the Flood Control Association's mission, our members' mission, and this Board's mission is one of flood protection, and we think that needs to be the paramount focus. We think the plan is reflecting that now. We look forward to it continuing to do so.

Secondly, the administrative draft of the plan we thought focused too exclusively on facilities of the State Plan of Flood Control, which is a legal fiction, a list of facilities that the State has provided assurances on, when the Legislature's instruction was to develop a flood plan for the valley. And we think that this revised plan, as opposed to the admin draft, does that.

It is -- it now has a systemwide focus. It includes facilities of the State Plan of Flood Control and facilities of the -- that are not part of the State Plan of Flood Control, as testified by Mr. Jim Giottonini of SJAFCA. We think it's a very positive improvement.

So these are two examples of the kinds of changes which have been made of the plan, and the kinds of changes which we supported.

So three concrete comments about the plan. And we understand the purpose of this hearing in many parts is for you to hear testimony on what people are concerned about, and then for you to hold hearings about this. So we'd like to offer three concrete items for your thought and for hearings.

The first is funding. You heard comments about funding today. And we think the plan provides a very helpful framework. But at the end of the day implementation is subject to funding. Now, the Department

of Water Resources is supposed to develop a funding plan following the adoption of this plan. And there are many elements in this plan we will support, but that support is obviously contingent or tempered by not knowing what the funding plan is.

For example, the draft plan notes that local agencies would be required to provide a cost share for erosion repairs, that the State would take over erosion repair responsibilities in many cases.

Now, from the perspective of local agencies, ensuring that erosion does not threaten the integrity of the levee, at least on the Sacramento system, is the responsibility of the Corps and the State under current law. And so we have significant concerns about a new program, which would shift those costs to local agencies. We have limited dollars to spend.

However, we may be able to support a local cost share on erosion, if erosion is approached in a way and at a time which lowers our operation and maintenance costs, and thus we all save money. And so our support for the plan and the State taking over erosion control is strong. But if the funding plan ultimately increases our cost share, and State law currently provides it's a State responsibility, our support would obviously be tempered. So we think funding is a key issue, which you can

investigate, you can make a topic of workshops, and you can take testimony on and incorporate concrete proposals on funding in the plan to create a framework for the future funding plan.

Second concrete proposal, the question of implementation. You heard a lot of comments today on implementation. You hear the rural communities' concern that urban will get fixed first. You hear the environmental concern that ecosystem restoration will come last. And since the beginning of this plan, the Association members have worked with DWR to try to make the plan effective, specific, and implementable. And we had hoped the plan would have very specific projects in it.

Unfortunately, we understand with a lot of competing interests and limited time that didn't happen. And with only four months left till adoption, we recognize the time has passed to make the plan more specific. We do think it's imperative that some questions about how it will be implemented will be addressed.

For example, how will the regional work groups work? Who will convene them? Who's going to be a member in them? How do we make sure environmental groups and other NGOs have a seat at the table in those regional work groups? Will DWR fund the work? How will DWR fund the

work? Will each region be asked to prioritize projects within the region? How will this Board or DWR examine the different priorities in the different regions and try to figure out what the systemwide priorities are?

We think these questions are very important, and the Board should take testimony on this, should hold a workshop to talk about what specifics can go in the plan to provide assurances to people who say there's no specifics that we know we're going to be able to live with and support the eventual plan when it comes out.

We think this effort would be most successful if local agencies partner were the State to lead this effort. This is ground-up planning. It has worked effectively for projects in the past. And top-down planning has not worked effectively, in many cases, in the past.

If you hold such a workshop, if you're looking for testimony, we will be prepared to come with concrete suggestions on how this Board could include implementation into the plan.

Third and final suggestion on what might go into the plan is the concept of getting better together. It's the view of the association we must all get better together. We have members who from around the valley who straddle every interest group that has come before you today.

(Thereupon a cell phone rang.)

BOARD MEMBER VILLINES: I don't know how to turn this off. I'm sorry. I was trying to go to silent.

(Laughter.)

MR. SHAPIRO: Can you put it near the microphone so we can all hear it.

BOARD MEMBER VILLINES: My kids can do it.

PRESIDENT CARTER: Just take it outside.

(Laughter.)

MR. SHAPIRO: So it is our view we just all get better together. And that includes systemwide improvements, as well as specific improvement actions for the urban and small communities, the ecosystem and the rural areas.

While the draft plan offers very specific vision for what will happen in the urban and small communities area, and a programmatic level view of what will happen systemwide and for the ecosystem. There's very little detail and commitment on how our rural stakeholders will benefit from some of the near-term actions in the draft plan.

The draft plan would codify the legislative policy of SB 5, that there will be different levels of flood protection in urban and rural areas. And, of course, the logical extension of that is that the rural

areas will remain at risk, at a high risk, of flooding, and become a de facto pressure relief valve for our system.

And we think that our rural members accept that this is likely to happen in very large flood events. The question becomes is it reasonable for it to happen in much lower level flood events, and should they be taking that relief pressure without some sort of acknowledgement of the exchange that is being made here.

What is the appropriate minimum level standard for rural areas? And what do these rural districts and landowners get in exchange for serving as that de facto relief valve in large events? The plan does not offer specific answers. We think the plan needs to. It should offer greater specificity for what the rural levee standard is. It should commit to a rural levee program. It should commit to funding for the program, and it should commit to the State supporting changes to the National Flood Insurance Program, much as Lewis Bair spoke to you about today.

So now moving past those, let me offer two procedural or process comments. The first is we recognize that the Legislature has given this task to you to adopt the plan by the end of June. I think most of us in the room wish you had more time. Those of you up there may

1 wish you had more time too.
2 However, that's the deadline. And if you're
3 going to meet that deadline, we respect that you'll meet
4 the deadline. But we are very concerned that there are
5 multiple technological -- technically complex appendices
6 to the plan, which -- some of which we don't even think
7 are out officially yet, where there probably isn't a
8 single stakeholder in this room that's actually read
9 everyone of those documents.
10 And therefore, we really question whether all of
11 those appendices are ready for adoption by this Board. We
12 think that maybe you should consider bifurcating the plan
13 and all of the appendices or including with the plan the
14 appendices that have had thorough review and comment, and
15 delaying the appendices which need more time. Those
16 appendices become the framework, the foundation, the
17 Constitution for what's going to happen over the next five
18 years. We think it's important they have the proper
19 review time.
20 This is particularly true in light of the fact
21 that the EIR for the plan won't even be released until
22 March, and it itself is going to be thousands of pages of
23 documentation to review by the stakeholders. Therefore,
24 procedurally, you might consider bifurcating what's
25 adopted in June with what's adopted later when the review

can occur.

Last procedural comment. I want to inform you that the leadership of the Association has, in the past month, twice met with some members from an environmental coalition with a goal of trying to seek common ground in making recommendations on how the plan could be modified. We found the meetings very helpful, in not only educating each other on what our issues and concerns are, but also in beginning to outline a strategy for issues where we may actually be in close alignment.

And hopefully, if this goes where I at least hope it will, we can come back and jointly speak to you on issues related to the plan. So we'll keep you updated on that.

In closing, we very much appreciate the efforts of DWR on what was a very difficult document to draft. We have been committed partners on flood control for decades. In fact, many of our members existed before this Board even existed. We believe in order to move forward, you must focus your attention and efforts on the details for implementation. How will the regional plans work? What will rural areas get in exchange for it being a relief valve in the system? And how will the plan be funded?

We commit to you our promise to actively participate in assisting you in your efforts and

1 developing answers to these questions.
2 Thank you for your time.
3 PRESIDENT CARTER: Thank you, Mr. Shapiro.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. McCAMMAN: President Carter and members of the Board, thank you very much for the opportunity to speak with you today. I wanted to -- I'm John McCamman. I'm here representing the California Waterfowl Association.

And I want to kind of start by saying that the California Waterfowl Association began looking at this plan as -- with the notion that I think you're charged with, which is providing safety first. And so we acknowledge upfront the safety -- public safety is of paramount importance in concluding this plan.

However, there is nothing in the plan that we see that imposes a conflict between public safety, habitat restoration, agriculture and all the other interests that you're going to hear from today. It's a question of working out the conflicts, not acknowledging the conflicts, or there's no apparent conflict at first.

I wanted to talk a bit about today funding, which you've heard quite a few concerns about, the goals and objectives in the plan, and then some outreach issues.

The Flood Board should be concerned with the

first part of the spending called for in this plan, the approximately $3 billion to be spent between now and 2017, the next iteration of the plan. The plan acknowledges the State obligation to take a leadership role in investing State resources in systemwide improvements, the systemwide investment approach, including bypasses, setbacks, floodplain acquisition and other measures which will undoubtedly improve public safety overall, and will enhance ecosystem restoration of the all-important Central Valley habitat.

By prioritizing local investments through an exclusively regional planning process, the next step in the process, the opportunity for investment in these systemwide improvements that will enhance habitat for waterfowl will be diminished. And so it's a concern about how you go about the next step here in making sure some of those existing resources get dedicated for systemwide improvements early.

Secondly, the Flood Board should make sure to solicit and incorporate existing documented numerical goals and objectives, to the degree that they are relevant, and that this planning process can reinforce those objectives through the investments called for in the plan.

One important example of that are the land-use

goals and objectives from the Central Valley Joint Ventures Implementation Plan. That plan calls for habitat improvements, which would help to restore some of the seasonal and managed wetlands which waterfowl and shore birds thrive on, and for which we are finding anadromous fish also rely on. So those two core constituencies can, in part, be helped with actions that you take through this plan.

Finally, there are futures of the flood plan that have caused some concerns for some of our membership, specifically adding more flood waters to already highly impacted areas, such as the Butte Basin, that you've heard about a lot today, may have an adverse impact on hunters, some local hunt clubs, and existing public access wildlife areas.

We will be working with you and your staff to ensure that the appropriate outreach occurs to engage those constituents to minimize the disruption on their operations, and where unavoidable - and I think there are some unavoidable impacts - to mitigate those impacts.

There are many details in this planning process for which -- which warrant the continued interest and engagement of the hunting community and of California Waterfowl specifically, and other conservation organizations. And we look forward to continuing that

1 engagement to work out those issues going forward.
2 Thank you very much.
3 PRESIDENT CARTER: Thank you, Mr. McCamman.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GORFAIN: Good afternoon, Mr. President and honorable members of the Board. My name is Dan Gorfain and I'm representing today the Friends of the Sacramento River Greenway. Our group is dedicated to seeing the completion of the Sacramento River greenway in multi-use -- including a multi-use trail on both sides of the Sacramento River between the Pioneer Bridge and Freeport -- the town of Freeport.

More immediately, however, we're working toward the completion of the Sacramento River Parkway, the multi-use trail planned by the City of Sacramento for each side of the levee.

We appear today to urge the Board to consider enhanced regard for so-called bicycle trails atop levees as a means of multiple -- of serving multiple goals and interests expressed in the Central Valley Flood Protection Plan.

Our group will soon submit specific comments on the working draft of the proposed regulations. These comments are consistent with our message today and will

also be embodied in our written comments on the plan.

First, let me explain why I call these so-called bicycle trails. In reality, these are multiple use trails for the benefit of walkers, joggers, and runners in addition to bicyclists. The Friends group has expressed our concern to your current regulations allowing -- to allow bicycle trails, but urges the trails -- the current regulations urge that the trails be off levees when feasible.

We believe that the trails on the levees serve the plan stated goals of fostering multiple use of floodplain protection -- of flood protection assets. More importantly, for flood protection purposes, they provide a paved roadway that is far superior to the existing gravel roadways on most levees.

While a maintenance road built to the Board's highest standards for such roads must be -- might be preferable, a paved bike trail is preferable to gravel, which limits the speed and safety for workers surveying the levees during routine, as well as maintenance of flood fighting.

Because the funds for these trails are available from local, State, and federal transportation, recreation funds, even private sources -- even private sources they serve the plan goal of encouraging cost sharing. Because

these trails required paved access roads, they also serve the planned goals to increase all-weather access to roads on the levees.

Under the current regulations, bike trails are to be located off levees when feasible. As a result, planners -- as a result, planners more often fail to consider the levee crown as a better placement for bike trails. As we say in our written comments to the working draft of amendments to Title 23, we urge the Board to drop the presumption against bicycle trails on levees and take at least a neutral stand, so that the issue can be addressed on a case-by-case basis.

But we also urge the Board to consider a more positive approach and maybe active encouragement of bike trails on levees because of multiple advantages that they create. This may also serve another -- this may also serve another project, the legislatively mandated Great Delta Trail currently in planning and development by the California Delta Protection Commission.

In addition to serving the paramount goals of enhancing flood protection, bike trails enhance societal needs. It will grow even larger as populations increase, including the need for alternative means of transportation and their desire to provide recreational alternatives for health of its citizenry -- sorry. I have a bit of a cold,

1 so I'm having a little trouble.
2 As I said, we will be submitting comments on this
3 issue, but we hope that our comments today will at least
4 spur the Board to consider the synergistic opportunity
5 before you.
6 Thank you.
7 PRESIDENT CARTER: Thank you, Mr. Gorfain.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CAIN: Hello, President Carter, members of the Board. Thanks for providing the opportunity for me to present comments. My name is John Cain. I am the Conservation Director for Flood Management at American Rivers.

American Rivers is a national nonprofit conservation organization that works to protect rivers for fish, wildlife, and people. And flood management is one of our highest priorities at American Rivers, and we have an internal understanding that when it comes to flood management, protecting public safety is and should be the number one priority.

We work on flood management all around the country. And what we find in other parts of the country and here as well is that the most effective way to protect public safety is to give the rivers more room, so that

they can safely convey flood flows, particularly near urban areas.

I was -- very much appreciated the opportunity to attend the 100th -- the Centennial Celebration. And thank you, President Carter, for the pin, which I'm wearing today. It prominently states public safety right at the top of the crest, which I am aware of and proudly wear.

I thought the centennial was a really fantastic presentation from Mr. Downey -- or, excuse me, George Basye. And what he talked about was how lucky we are to have a flood bypass system, and how lucky that we are that it's big enough to have provided flood protection for so many people, farmers and cities, over a hundred years. He also talked a lot about the history of the system.

We later heard from Colonel Leady who was -- also talked about how instrumental the flood bypass system has been both in California and on the Mississippi River. I had the opportunity to visit with experts from the Mississippi River Basin, who informed me that because of the flood bypasses on the Mississippi River that were adopted based on the model in California, over two million acres of farm land were saved from unexpected, unplanned inundation. And even the farm land that was flooded, much of it got a good drop in -- during the last summer.

The thing is, is from the very beginning flood

1 bypasses were not particularly popular among landowners.
2 As you can imagine, if you're a landowner living along the
3 river, you may be reluctant to give up land to expand the
4 flood bypass, but they do protect public safety. And
5 American Rivers has heard loud and clearly today the
6 concerns of agriculture we very much want to work with
7 agricultural interests to make sure that we can advance
8 both public safety, agriculture protection, and
9 environmental conservation.
10 We've also been working -- had a couple meetings
11 with the Central Valley Flood Management Association that
12 Mr. Shapiro referred to. And our -- I am personally very
13 optimistic that we can identify some common ground that we
14 can bring forward to you as the planning processing goes
15 forward.
16 And to all of you who wonder about why
17 environmental organizations are involved in the flood
18 planning process, I ask you to just consider it -- us as a
19 partner and a friend. And if we can identify a common
20 vision, we think it will be much easier to marshall the
21 resources that will be necessary from State and federal
22 taxpayers to implement a plan that gets us all better
23 together.
24 I want to talk specifically about some points
25 that were -- that we raised in a joint letter with 15

other conservation organizations sent on February 15th to the Board. I believe it's posted on your website. These are things that we think are procedural -- are aspects of the plan, and the plan development that you should focus on in the months ago to make the plan better.

Number one, we think the plan needs to have, what we call, smart objectives, specific measurable, achievable, relevant to the goal and time-bound objectives. I first learned about smart objectives in the planning process of the Central Valley Flood Management Plan. Some of the -- and I think it's an excellent idea. Unfortunately, DWR staff was unable to come up with specific objectives. And so, as a result, the plan is lacking in that area.

One example is the overall goal is simply to improve flood risk management. That's not something that's measurable. We need to more specifically articulate what we mean by that. Let me restate that, it's to improve -- yeah, flood risk management. We don't know how you measure that. We don't know what kind of time frame they want to improve that on. And if we don't know how to measure something, how are we going to actually measure whether we're making progress over time or not. We think we can make some fairly significant progress on developing specific objectives in the next

five months, both for ecosystem restoration and flood protection and also perhaps agricultural conservation.

The second point that we make in the letter is that the plan needs to provide more specific guidance on how and when it's going to develop flood bypasses and other cost effective measures for reducing flood risks, such as levee setbacks and transitory storage. I'd like to see more specifics on that point.

Thirdly, we think the plan needs to clearly describe key physical changes in policy initiatives necessary to achieve the objectives of the plan. First, we need to -- the plan needs to more stately -- more clearly state what the objectives are, and then it needs to tie the measures proposed in the plan to those objectives, and explain how they're going to achieve those objectives.

How can we ask the voters of California to pony up more money for flood protection in the Central Valley if the Central Valley Flood Protection Board or the Department of Water Resources can't articulate what the objectives of the plan are.

Number four, we think that the plan must prioritize how and when various portions of the planning area will be improved. Without priorities, it's not a very good plan. Setting priorities is a tough thing to

do, but it's a necessary thing to do for a good plan.

Number five, we think the plan needs to provide much more specific guidance to local jurisdictions regarding the nature of the plan, so that local jurisdictions can amend their land-use plans accordingly to be in compliance with the plan. We know that this is a concern that was raised by the local governments here today, and we think the plan can do more on that front.

And lastly, and perhaps most importantly, somehow we need your leadership to articulate a much clearer version about what it is the plan is going to do, who it's going to benefit, and why the taxpayers should help support it.

If we can work together to have a common vision, it will be much easier to marshall the resources necessary to actually make the Central Valley and its rivers healthier and safer.

Thank you very much.

PRESIDENT CARTER: Thank you, Mr. Cain.

MS. RYAN: Thank you, President Carter and Board members. My name is Tiffany Ryan, and I'm here on behalf of Senator Doug LaMalfa.

According to the current plans, the Draft Flood Plan proposes to expand and create new habitat in

1 floodways on prime agricultural land. Not only are these
2 lands in the -- the best in the nation for farming, the
3 plan also does not include a proper maintenance plan.
4 If approved, this plan would jeopardize thousands
5 of acres of existing agricultural lands. Furthermore, the
6 likely eminent domain seizure of productive private
7 agricultural land for conversion to habitat is highly
8 objectionable and takes them out of the property tax base.
9 The Draft Flood Plan would also displace family
10 homes, farming operations, processing facilities and
11 businesses that have been in place for generations. These
12 private landowners would either willingly sell or be
13 forced out through other circumstances, such as eminent
14 domain. How on earth in this budget crisis is the State
15 going to pay each of these private landowners for their
16 property?
17 The Department of Water Resources and/or the
18 Central Valley Flood Protection Board has done an
19 inadequate job of making residents aware of the Draft
20 Flood Plan, thus most owners aren't even aware that
21 property may be jeopardized.
22 The Draft Flood Plan purports to achieve 200
23 years of flood protection for urban areas, as well as
24 habitat restoration Where is the evidence that this plan
25 will actually achieve a flood protection goal and how has

that been demonstrated to those whose private property would be affected? Where is the benefit for the farmers and residents of the north Sacramento valley.

It is one thing to build flood control. It is quite another to create special habitat areas in lands designated for flood control conveyance.

In conclusion, I encourage this Board to take the comments of the private landowners very seriously and revise the plan to something that will continue to encourage agricultural while maintaining a viable flood plan for the Sacramento and San Joaquin Valleys with clear, easy-to-understand detail, so the farmers know which of their parcels will be affected. Anything less is a disservice to the hard working individuals that place food on our tables and pay taxes.

Thank you.

PRESIDENT CARTER: Thank you, Ms. Ryan.

MR. JOHNSON: Mr. Carter -- President Carter, Mr. Punia, and members of the Board, Rick Johnson, Executive Director of the Sacramento Area Flood Control Agency. Thank you for the opportunity to speak today.

I noticed a number of you taking notes with all the speakers. You can rest your hand for a moment. I don't have any specific comments you need to write down.

1 I wanted to take a moment just to express SAFCA's support
2 for the plan and congratulate Department of Water
3 Resources for getting the plan completed on time and out.
4 We recognize that was a difficult task. It was the first
5 really comprehensive update of the State Plan of Flood
6 Control in over 50 years, very controversial, and I know
7 it was very difficult.
8 On March of 2010, the SAFCA Board passed a policy
9 framework that served as guidance for SAFCA as we
10 participated in the processes. And the plan is very
11 consistent with that guidance that we have. In addition,
12 SAFCA was formed under State law giving certain
13 principles. And as we have moved forward with our flood
14 protection projects, many of the principles that we adhere
15 to are also in the plan. And so we find the plan is very
16 consistent with how we've been proceeding with our
17 process.
18 I know you've heard many issues and concerns, and
19 SAFCA will be submitting comments of its own. We hope
20 that we look at those comments as opportunities to improve
21 the plan as it's further formulated, and not as reasons
22 for delaying proceeding on those. Again, SAFCA supports
23 the plan. We look forward to working with DWR, the Board,
24 and all of our partners in the system to finding equitable
25 solutions to many of these issues and concerns, so that we

1 can reach a very implementable plan.
2 Thank you very much.
3 PRESIDENT CARTER: Thank you, Mr. Johnson
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5 Good afternoon.
6 MS. MARCHAND: Good afternoon, President Carter
7 and members of the Board. I'm Petrea Marchand. I'm the
8 Manager of Intergovernmental Affairs for Yolo County.
9 And on behalf of the Yolo County Board of
10 Supervisors, I know you've heard this at a previous
11 meeting, you're aware that the Board of Supervisors is
12 opposed to the widening of the Fremont Weir, expanding of
13 the bypass and the associated measures.
14 We have, since we testified last, met with the
15 Department of Water Resources and the Resources Agency and
16 proposed a means through which Yolo County could
17 participate in a study of that bypass expansion during the
18 2012 to 2017 period proposed by the plan.
19 And we encourage you, during your review in the
20 next six months, to make those bypass expansions,
21 including the Yolo Bypass expansion, a focus of your
22 review efforts, and specifically to develop an approach to
23 include local government and other stakeholders in not
24 only the discussions during your review period, but also
25 in the discussions that follow.

And specifically, we have a proposal for you related to public outreach. We believe, and it's kind of amazing that a representative from Yolo County would be here to say -- today to say this, but we believe that you should follow in the example of the Bay Delta Conservation Plan.

There's a -- it's a -- it is an unusual thing for local government to say at this point. But you should also learn from the mistakes that the Bay Delta Conservation Plan made early in the process. Specifically when they started, they had -- they included the Yolo Bypass Conservation Measure, which, as you may know, is a project to modify the weir to allow additional flooding for fish habitat. They included that as part of the larger Bay Delta Conservation Plan process.

As a result, stakeholders who were interested in that specific process had to attend multiple-day meetings, and found it very difficult to both receive the information and to participate in a specific process.

The State did not start making progress on that conservation measure until they created with the new Administration a technical working group that focused specifically on the Yolo Bypass Conservation Measure. They invited all of the stakeholders in the bypass, including individual landowners and farmers, who are two

separate interests in the bypass, as well as local government and nonprofit organizations, to participate.

The amount of information that has been transferred as a result, is, I think, a model for other such projects that you may be considering in the Central Valley Flood Protection Plan process.

It essentially allowed for more sophisticated interaction by stakeholders, and it also - and this is probably as important - resulted in new locally-supported ideas to address some of the key issues that were brought up. And those ideas, I believe, are under serious consideration by the State.

The County does not believe that the development of these regional plans is enough, in terms of public outreach. They are still big areas that you're covering. And the people who are affected by these projects don't have the time or the resources to participate in long, in-depth regional planning processes that don't cover -- that cover issues that aren't related to the issue at hand.

So I urge you to consider a different approach as you move forward, and to really spend some time during the six-month review period, similar to some of the comments you heard from other speakers, on specifying what that process is going to look like and providing the funding to

make sure that it happens. I truly believe, from our experience at the Bay Delta Conservation Plan, that it's going to make a huge difference in the ability to achieve positive outcomes for flood protection in California.

And lastly, I just wanted to say that as you've heard from other speakers, again, we urge you to focus on the bypass expansion and the other rural issues that were expressed by other speakers. Those are also of concern to Yolo County. But right now, our major focus is the bypass expansion as well as the public outreach process.

Yolo County, as many of you may know, is committed to helping the State achieve goals. We've done it in the past, when it comes to ag land preservation and habitat conservation, greenhouse gas emissions reductions. You name it, Yolo County has been there as a partner, but we are incredibly frustrated by the process thus far, that has excluded Yolo County and also our other local organizations and hope that you'll consider a better process in the future for working with us.

Thank you.

PRESIDENT CARTER: Thank you, Ms. Marchand.

MS. SUARD: Hi. My name is Nicky Suard. And I thank you very much for this opportunity to talk to you as a Board.

Hearing that the plan was coming out on December 30th, I sent a document to you guys dated the 27th, hoping it might be the first one you get, so that you would pay attention. So hopefully you got it. And if not, I will resend again.

I am from Steamboat Slough, a place called Snug Harbor. Steamboat Slough is middle of the Delta, north Delta region. It's the original waterway that the steamboats went up and down. That's where it got its name.

And I am requesting that -- I know that you're just going -- just starting to go through this, but I'm going to talk about a very specific area of the Delta, and as an effected party that we're being affected right now. This is not some plan down the road. I want to tell you what's going on right now, and -- but you have to understand where Steamboat Slough is. It's adjacent to Ryer Island.

When there is extra flow on Yolo Bypass, it backs up into Steamboat Slough, so we're right in that area where flow is really important.

The map and the flow calculations that are in this plan, the Central Valley flood control plan, those are -- those match the 1945 map for the plan from 1945. Only that plan talked about dredging and maintaining a

much deeper depth in the sloughs. And I can tell you that Steamboat Slough has not been dredged since the 1970s, and it is a lot more shallow or certain areas of it are a lot more shallow, and that is causing problems for us.

And so now I'm going to -- what I'd like to talk about, I'm going to -- if you look at what I sent you guys. Very specific, look at the conflicts between flood control and restoration, because it's impacting us right now. By us I mean Steamboat Slough has 29 residential parcels and a 10-acre resort. I represent the resort. I'm the owner of the resort, and so -- but I also have one of the residential parcels, so kind of covering both of those.

We are waterfront. And, you know, when you're waterfront and in the Delta, you know that approximately, well, about every 10 years, you know, there's going to be some flooding in the Delta, and we can get high water on Snug Harbor. Snug Harbor is above sea level, so only when the whole Delta maybe is flooding there's a lot of water in the Delta, we might experience it.

And over time, all the neighbors that have been there for so many years, it would happen about once every 10 years. And by -- we don't flood. We don't have this rushing water. We have this rising bathtub water. It's cold water, but it just rises and kind of covers the land

and makes a mess, and then when tide goes out, it goes away.

Well, in the last 10 years with restoration practice areas that are happening on Steamboat Slough just below us, there's one on Grand Island and now they did one a couple years ago on the Ryer Island side, that created a bottleneck on Steamboat Slough. And every time they put a lot of water down Steamboat Slough for the fish test or whatever, it just stops right at that bottleneck. That is probably at about river mile 16 or 17, and then it makes the water backup onto Snug Harbor.

So where it used to be there was high water at Snug Harbor once every 10 years, in the last 10 years, it's about once every two and a half years now. I mean, we have so increased the times we get high water just right on the road or on the properties. And that's a mess to clean up and it's, you know, kind of a pain to deal with. It definitely affects my business during that time, but, you know, you live on the river.

Well, the last two years we have seen it a couple times a year. And the excessive high and low, so now the State is going -- DWR and for the fish tests or whatever, they're making really high tide, really low tide, artificially high and low is what we're seeing. And I know it's a dry year, but it is our -- they appear to be

artificial high and lows. And that is making the banks corrode. And the lows are lower than even the rocks covering Steamboat Slough -- sorry, Grand Island and Ryer Island. There are areas where the low gets below the rocks that are supposed to protect those levees, and there corrosion -- erosion going on underneath those levees now.

You can -- so that's going to impact this area. If we get a whole bunch of water later on, there are certain areas of Steamboat Slough that are -- and both those islands that are at risk, because of this excessive high and low. So I guess I'm here complaining that Steamboat Slough does not have the capacity for a flood event that is written in this document the way it is right now, and it has to do with the depth of the waterway.

And, at the same time, the restoration action that's happening right now is impacting everybody on -- that has property on Steamboat Slough. And there's other properties besides ours, but -- so I'm just asking that you consider the people down there, and in the Delta and in these waterways. Creating excessive incidences of flooding is just -- you know, if you -- if there's funding to do the repairs, you know, to the roads and everything that are being damaged by this practicing up and down, that might be one mitigation, but consider us, please.

Thank you.

1 PRESIDENT CARTER: Thank you, Ms. Suard.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3 MR. SHAPIRO: Thank you again, President Carter,
4 members of the Board. My name is Scott Shapiro, and I am
5 also general counsel for the Sutter Butte Flood Control
6 Agency. I have just a few comments for you in regard to
7 this client. If you're not familiar with the Sutter Butte
8 Flood Control Agency, it is a joint powers agency. It's
9 about three and a half years old, and it's bounded on the
10 east by the Feather River, on the southwest by the Sutter
11 Bypass, on the west side by the Sutter Buttes and the
12 Butte Sink, and at the north end touches Thermalito
13 Afterbay. The often maligned Cherokee Canal, you keep
14 hearing about today, flows right through the northern
15 portion of our agencies.
16 Our member agencies are Levee District 1, Levee
17 District 9, Sutter and Butte Counties, and the Cities of
18 Yuba City, Live Oak, Gridley, and Biggs. And in addition
19 to general counsel, Mike Inamine is our Acting Executive
20 Director who recently took over the position from your own
21 Bill Edgar who resigned from our agency to be able to sit
22 on your board.
23 Our views on the plan are developing. We have
24 not yet had a chance to talk with our Board about the plan
25 and get guidance from our Board as to what those views

1 would be, but we still thought it was worth putting a few
2 things on the table. As you might expect, our plan -- our
3 view of the plan is significantly shaped by our project
4 that we're pursuing right now.
5 We have an EIP, early implementation project,
6 which your Executive Officer spoke about during the
7 Executive Officer's report this morning. We're going to
8 be coming back to you in April or May and giving you an
9 introduction to that. And we've been working with your
10 staff and appreciated that.
11 But our view is going to be, obviously, very much
12 influenced by our project, which will improve levees along
13 the Feather River to provide urban levels of protection to
14 the four cities in our area. Our schedule is to try to
15 get under construction next year and be done by 2015.
16 So, as I indicated, our views are preliminary,
17 but we do have a few things we wanted to put on the table.
18 One is, is we have a proposed bypass potentially in our
19 area, and we're adjacent to another bypass, which may be
20 expanded. So clearly bypasses and setback levees are
21 issues that are going to be important to us. We have not
22 taken a position on any of these, but we do think it's an
23 appropriate topic for you to have a work group to take
24 testimony. We'll come back and speak with you about the
25 agency's views on it, and how we'll be affected by it once

1 we have that position.
2 We do strongly support the remarks made earlier
3 today by members of the community who spoke about rural
4 levee improvement programs, as well as changes that might
5 be made to the Federal Emergency Management Act program in
6 rural areas. The southern half of our basin is not going
7 to receive benefits that will take it out of a flood zone
8 from our EIP. It will receive benefits, but it will not
9 receive remapping benefits.
10 And so that area, which is part of our assessment
11 district, a district that passed with 70 percent success
12 rate is very much at risk, and would receive tremendous
13 benefits from any sort of rural program you offered.
14 Finally, funding is obviously going to be key to
15 us as we are embarking upon an EIP. And to the extent
16 that the plan can provide a framework for how funding
17 should occur, and can make a commitment to finish those
18 projects already underway, we think that would be
19 excellent.
20 We do look forward to working with you and
21 attending your future workshops and providing testimony.
22 And thank you again.
23 PRESIDENT CARTER: Thank you Mr. Shapiro.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 MS. TERRY: Good afternoon. Melinda Terry,

1 Central Valley Flood Control Association.
2 And after listening to all these speakers, I
3 thought I would add a little context, in particular since
4 there are new members to this Board. But when I started
5 this job as executive director of the Association is
6 right -- it was beginning in 2008 right when the planning
7 process was supposed to begin after the legislation had
8 passed.
9 And as you can imagine, it was a real priority.
10 My members, every time we met, were asking, you know, when
11 are we going to start these meetings. So I literally
12 spent probably the first 10 months of my job emailing the
13 DWR staff person who was in charge of the plan at that
14 time. It's somebody different now. I think they've
15 changed a couple times. And emailed him every month
16 saying okay my folks are really ready because they really,
17 really want to make sure to avoid having the comp study
18 done again. I don't even really know what that was.
19 That's way before my time. But it was clear to me every
20 time that my members did not want to see that happen
21 again.
22 So as I said, 10 months I kept emailing. The
23 response that I kept getting was we are working internally
24 with our staff and our consultants on trying to come up
25 with a plan for moving forward with the plan, and doing

public outreach. And I wish I would have brought it with me today, but about the same time a Dilbert cartoon came out. And, you know, they sit around a conference table like they do in all their cartoons. And the one guy says, "We need a plan". And the guy next to him goes, "Yeah, but you know, we need a plan for coming up with a plan". And then the third guy is like, "Yeah, we need a plan for planning the planning plan".

And I guess my point is unfortunately we kind of lost about a year, and it might even be longer, but I think I remember going to at least three of my board member meetings, which are quarterly, and reporting to them sorry they're not ready to get started yet. They're still trying to figure out how to get started.

But I think that's important to you, because now you've, you know, got a truncated amount of time to try to deal with these issues. And then in addition, at the back end of the planning -- the planning plan process, as you heard many people say, we ended up skipping over Phase 3 and Phase 4, which is the point, I think, that these individual projects that you've heard so much about really would be -- would have been able to be talked about.

So, as I said at the last meeting, no one goes to jail for missing a statutory deadline. But it is maybe really critical that we really do think about sharing with

the Legislature that, you know, DWR has come up with a good start here, and a good plan for us to move forward on, but that maybe the Board itself deserves a little bit more time and the public that you've heard from today deserves a little bit more time at this point.

As mentioned, there's 30 appendices. There are thousands of pages long. Not all of them -- most -- I think 26 of them were released in January. I think -- I believe there's still four more to be released and then thousands of pages of the EIR. And as I said at the last meeting of the Delta Stewardship Council, when they release their 2000 page EIR, that's when they decided, wow, we've -- you know, we need more time. We're not going to meet our statutory deadline. But, you know, we're going to need to go to the Legislature though and advise them why, and really be sincere about a deadline, because deadlines need to be given so that this doesn't go on and on and on and nobody -- and by the way, my members don't want this to go on and on and on either. I have enough meetings to go to. So that's my suggestion there.

The final thing I would say in just listening to the April hearings, you heard our problem for farmers. And I don't recall the exact dates or times and the locations. But maybe one suggestion is maybe look at, particularly the northern one, but maybe the others, but

1 certainly the northern one is maybe the evening hours
2 might be better. I know it's hard on staff for the State,
3 but I know in the Delta, when we've had those evening
4 meetings, and I talked to a couple of the farmers that are
5 up north of the Delta, they said the same thing, they tend
6 to get really good turn outs at those.
7 So if we could maybe change it to like a three to
8 eight or something like that. As you know, farmers start
9 really early in the day. And I think by that late
10 afternoon, they might be ready. And so, I'll just leave
11 you with that thought.
12 Thank you.
13 PRESIDENT CARTER: Thank you, Ms. Terry.
14
15
16
17
18
19
20
21
22
23
24
25

MR. WILLIAMS: I'm the anchor?

PRESIDENT CARTER: Yes. Welcome. Good afternoon.

1 MR. WILLIAMS: Thank you, President Carter, and
2 members of the Board. I'm here as a citizen, because what
3 you are considering today and all the work you're doing
4 affects me as a resident outside Davis, who, in the first
5 pass of the revised FEMA maps, was placed in the flood
6 zone. Since then, we've been moved out of the flood zone
7 when we provided primary data. But I'm one of the
8 beneficiaries of what you're doing to project the members
9 of the urban community.
10 My concern is, is that I shouldn't benefit, and
11 the people who like me shouldn't benefit on the backs of
12 the farmers of this State. We need to do everything we
13 can to be making the farming industry, the farming
14 economy, and the -- as vibrant as possible.
15 I worked in information technology, and often we
16 would end up solving a problem which was created by the
17 solution for a problem before it. What I've heard today
18 is, is that we have existing structures, which are not
19 being maintained to their optimum level, that habitat is
20 being allowed to grow in them. And I would like to make
21 sure that before we eminent domain or ask the farmers to
22 sell productive farm land and take it out of our economy,
23 that we do everything we can to maintain the system that
24 we have.
25 I hate to think that we are predicting the future

of more growth of flood impingements in what we add, but the reality is if we now have a system that isn't working to optimal, there's a real good chance that that's a predictor that we're going to expand the system and then repeat that error.

So I would encourage you to make sure that we are maintaining and bringing back up to standard the systems that we have and not burdening the farmers in order that people like myself, part of the urban portion of this State, can benefit. We need to benefit together, and we don't need to throw out the baby with the bath water.

Thank you.

PRESIDENT CARTER: Thank you, Mr. Williams.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.1	2.2	Include a bullet on side channel development and similar description as other bullets.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.2	2.9	These floodplain processes also affect the surrounding upland species, so suggest the minor change to the second sentence of the paragraph: "These fundamental geomorphic processes influence the formation of floodplain topography, soils, and other floodplain dynamics to create a diverse mosaic of floodplain landforms of different age classes that support a mosaic of upland and riparian vegetation and different age classes."	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.3	2.1	Last sentence says riparian and wetland habitat that still exist are primarily found between levees ("narrow strips along waterways"). It should be mentioned that these areas are subject to flood management activities and USACE veg policies (or at least life cycle management as proposed by the CVFPP)	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	3	3.1	The supporting goal "Promote Ecosystem Functions" is too weak. It needs to be "Improve Ecosystem Functions" in the Conservation Framework (CF) and the Plan. It better represents the intent of the Central Valley Flood Protection Act of 2008. Which states: promote, improve and increase ecosystem function.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.8	Add a bullet to potential improvements that includes identification and acquisition of potential mitigation lands in strategic locations early, before they are needed (i.e.. Regional Advanced Mitigation Planning - RAMP) .	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.9	Table 4-1: Removal of dams and other structures is a huge opportunity for habitat improvement, and it should be mentioned for its positive ecological benefits.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.2	4.11	2nd paragraph talks about mitigation and mentions off-site mitigation. It should be mentioned that any mitigation (on or offsite) must provide in-kind compensation for impacts made.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.4	4.14	2nd bullet should also mention that this would create an opportunity for bank swallow habitat if banks are allowed to erode	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.8	4.18	1st paragraph of section: This should state that new and replacement levees will be set back as far as feasible.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.15	4.24	The changes to weirs described in this section should also address fish stranding issues and propose ways to reduce or eliminate this impact.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.2	5.3	This says that mitigation incentives will be developed on a project by project basis. This seems to indicate that there is no broad, unified approach to mitigation and funding for the whole CVFPP. Project-by-project funding, conservation and mitigation for the CVFPP will ultimately be more expensive than a unified approach. DFG suggests that DWR develop a concrete strategy to account for the impacts from the CVFPP and stay ahead of those impacts with completion and funding of appropriate mitigation. DWR should be able to say in whole, or better yet on a section by section basis that all of the impacts in that area will be compensated for with all of the mitigation and other beneficial effects in that area.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.1	5.5	Add to end of the sentence: "and State law such as CEQA, CESA, and section 1600 et seq. of the Fish and game Code.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4	5.4	1st paragraph of section 5.4 describes the vegetation management approach as one that will "protect and improve habitat" within the levee system. Life Cycle management will not protect and improve habitat if it is carried out as proposed and mitigated primarily on the landside toe of levees. LCM leads to the eventual elimination of all woody vegetation on the landside, crown, and upper waterside slopes of the levees. It is better for the environment than complete removal of vegetation as required by the USACE's ETL, but it still will cause substantive and possibly unmitigable impacts as it is currently described in the Plan and the CF.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.13	With regards to vegetation management (e.g. thinning or trimming) on levees. Management of this vegetation could exacerbate conditions for some species, particularly neotropical migratory birds that are prone to cowbird parasitism and/or that nest below five feet elevation. This needs to be acknowledged (i.e. the tradeoff in keeping vegetation, but making conditions potentially worse for some species).	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.17	Endangered Species Act Compliance, first paragraph or section should also discuss the California Endangered Species Act and species that are only State listed such as the Swainson's hawk. The 1st paragraph is also very fish-centric and, other than the list of species in the first sentence, does not focus on terrestrial species. Swainson's hawk, Western burrowing owl, and riparian brush rabbit are a few examples of terrestrial species that may have a lot of impacts associated with loss of habitat and possibly direct take. This section should include a discussion of some key (most likely to be impacted) terrestrial species that occur in the planning area along with elements for protection and recovery.	see comment

Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6	5.21	The section on Regional Conservation Planning should also include potential use of Safe Harbor Agreements (federal, via USFWS, and state, via CDFG) and the ongoing efforts of groups like the Sacramento River Conservation Area Forum, the Sacramento River Watershed Program, CVPIA programs, and the efforts of resource conservation districts and watershed groups. Most of the watersheds in the upper Sacramento River, at least, have watershed assessments and management plans, some of which that address management of flooding.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.1	5.22	"This analysis identifies floodplain areas, both directly connected to the river and disconnected from the river (e.g., behind natural or built levees or other flow obstructions) that could be inundated by biologically meaningful floodplain flows." It should be considered that fish biologic needs/issues (i.e.. connectivity, predation, stranding) may not be met by such "...biologically meaningful floodplain flows."	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.6	5.28	It is stated that DWR will collaborate with the NMFS Central Valley Anadromous Fish Recovery Plan. But, no fish species are listed for targeted planning under the heading: "Examples of species in the Central Valley that are suitable for this more targeted conservation planning include the following:".	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.1	"Ecological Indicators" It would be very helpful to go into greater detail on how these "projects" will be monitored and how we'll measure "success" of a project (or set of projects). There is some mention of monitoring, however, there are many levels of work proposed over a long period of time and having some measure of success via monitoring would help "close the loop" on the projects.	see comment
Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.2	Last bullet under Habitat quantity should include dense riparian forest for yellow-billed cuckoo and other neotropical migrants	see comment

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
Julie Haas	DWR	jhaas@water.ca.gov	2012 CVFPP, Public Draft Dec. 2011	1/Fig 1-9	1-23	In Fig 1-9 "Geographic Scope of CVFPP," the label for the Systemwide Planning Area is confusing. I spoke with a DWR engineer familiar with the CVFPP and he said the green areas identified on the map are actually areas outside of the SPFC Planning Area that are in tributary watersheds that influence flooding within the SPFC Plannning Area. This is not clear from the label.

Moricz, Nancy

From: luisn@mail.fresnostate.edu
Sent: Friday, March 09, 2012 12:45 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Luis Nichols
1680 E. Barstow Avenue Apt 305C
Fresno, CA 93710-6594

March 9, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Luis Nichols
661-350-4987

Moricz, Nancy

From: mbsbcfb@hwy246.net
Sent: Tuesday, March 20, 2012 11:16 AM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Mistie Bainer
Administrative Assistant
Santa Barbara County Farm Bureau
180 Industrial Way
Buellton, CA 93427-9507

March 20, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Mistie Bainer
Administrative Assistant
Santa Barbara County Farm Bureau

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
Derek Larsen	MBK Engineers	larsen@mbkengineers.com	Attachment 8J: Cost Estimates - Appendix A. CVFPP Cost Estimate Methodology	4.0 Flood Management Elements	"4-15" Table 4-12	The costs reported for the WSAFCA-EIP-CO West Sacramento are incorrect and the name of the project is incorrect. "West Sacramento Project GGR" should be "West Sacramento Project GRR"

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Larry Dacus	TRLIA	dacus@mbkengineers..com	2012 CVFPP Attachment 8J; Appendix E	Figure E-8	E-15	The Three Rivers Levee Improvement authority (TRLIA) notes that Figure E-8 indicates that the recently completed (2006) Bear River Setback Levee is proposed to be removed and replaced by a new Bear Setback Levee further to the north. TRLIA recommends that this alternative (FTR_1A) be removed from the array of considered alternatives. The existing Bear River Setback Levee was constructed using DWR grant funds. To abandon this improvement so soon after being constructed does not indicate adequate evaluation of this alternative during CVFPP formulation. Prior to selecting the implemented alignment, TRLIA evaluated an alternative very similar to FTR_1A and found the implemented solution to be cost effective, have less severe impacts to unique agricultural lands, and to eliminate certain hydraulic impacts which occur with a northern alignment.	Delete Alternative FTR_1A from array of alternatives
Larry Dacus	TRLIA	dacus@mbkengineers..com	2012 CVFPP Attachment 8J; Appendix A	Chapter 4.2, Table 4-12	Pg. 4-14	TRLIA also suggests additional information be added to Table 4-12. In addition to the two TRLIA EIP projects, TRLIA has accomplished additional repairs to the RD 784 Levee System and is currently involved in evaluating the Yuba Goldfields and its ability to serve as high ground for the State Plan of Flood Control. TRLIA suggests two additional lines to this table as follows: TRLIA Proposition 13 RD 784 Levee System Improvements Feather $61.0 to $105.0 TRLIA Goldfields High Ground Evaluation Yuba $10.0 to $50.0	Add information to Table 4-12 TRLIA Proposition 13 RD 784 Levee System Improvements Feather $61.0 to $105.0 TRLIA Goldfields High Ground Evaluation Yuba $10.0 to $50.0

RECEIVED Index No. 095

MAR 27 2012

State of California, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

*The potential farmland conversion impacts;
*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
*Private property rights;
*Impacts on particular parcels, farming operations, reclamation district areas, etc.
*Impacts on livelihoods and businesses;
*Impacts of property values;
*The potential for eminent domain abuses;
*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
*Assurances associated with potential liabilities under the federal and state endangered species acts;
*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely, Marilyn Fitzgerald Waldschmitt

Marilyn Fitzgerald Waldschmitt
5235 George Rd. Lakeport, CA 95453
707 262-0589

State of California, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

*The potential farmland conversion impacts;
*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
*Private property rights;
*Impacts on particular parcels, farming operations, reclamation district areas, etc.
*Impacts on livelihoods and businesses;
*Impacts of property values;
*The potential for eminent domain abuses;
*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
*Assurances associated with potential liabilities under the federal and state endangered species acts;
*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely, Jane Fitzgerald

Jane Fitzgerald
PO Box 457
Knights Landing, CA 95645
Phone # 530 662 3525

RECEIVED
APR 02 2012

State of California, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

*The potential farmland conversion impacts;
*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
*Private property rights;
*Impacts on particular parcels, farming operations, reclamation district areas, etc.
*Impacts on livelihoods and businesses;
*Impacts of property values;
*The potential for eminent domain abuses;
*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
*Assurances associated with potential liabilities under the federal and state endangered species acts;
*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely, Karen Fitzgerald

Karen Fitzgerald
1743 Palmcrest Ln.
Penryn, CA 95663
916-663-3843

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339
Phone: (530) 990-1642
Email: latte114@gmail.com

RECEIVED
APR 02 2012

March 29, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue
Room 151
Sacramento, CA 95821
(916) 574-0609

RE: Feather River Bypass as described in the 2012 Central Valley Flood Protection Plan, Dec. 2011

Members of the Central Valley Flood Protection Board:

I attended a meeting in Richvale, CA last night where members of the Department of Water Resources, Butte County Farm Bureau, two members of the Central Valley Flood Protection Board and other local elected officials presented information on the 2012 Central Valley Flood Protection Plan. Specifically, the meeting was held to address issues surrounding the proposed Feather River Bypass (See Attachment 1).

Many questions were raised regarding the plan with little in the way of substantive answers supplied by DWR. Clearly, there are issues which need to be addressed. I understand the need for a comprehensive flood control plan and will wholeheartedly support a plan that is well thought out and fully described. However, the Feather River Bypass (FRB), at least as defined in the Public Draft of the 2012 Central Valley Flood Protection Plan (Plan) dated December 2011 is anything but well thought out and fully documented. The references to the FRB in the Plan are roughly three paragraphs in two different sections of the Plan. Once on page 2-12 of the Plan and then on pages 3-14

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

and 3-15 of the Plan (See Attachment 1). That's it. The stated justification of the FRB as stated in the Plan is to "reduce flood stages by as much as one foot at Yuba City and Marysville during a 100-year flood."

When I asked about the possibility of raising the levees near Yuba City – Marysville by a foot, I was told by DWR personnel that it would be too costly. Yet removing 16 miles of existing levee along one side of the Cherokee Canal and then building 16 miles of new levee to accommodate the new FRB along the course of the Cherokee Canal would be the preferred option. Additionally, I was told there were issues with the levees near Yuba City and Marysville which are in need of improvement. Wouldn't that be the place to make improvements? It is an area prone to flooding over time and given the shape of the Feather River Levees between Yuba City and Marysville, there is a natural constriction to the flood flow of the Feather River right at the 5th Street Bridge connecting Yuba City with Marysville (See Attachment 2). The channel is narrower at that point than any point above the two cities or below them.

When pressed for further explanations, DWR said "there would be further problems downstream from the Yuba City – Marysville section of the Feather River." But in looking at Google Earth views of the river channel below the cities, it appears to widen out substantially which in and of itself would indicate a much greater capacity to carry additional flows if the "narrows" at the 5th Street Bridge were addressed. I do not profess to be an engineer, but if the levees in the Yuba City – Marysville area are improved, wouldn't there be other ways of handling the additional flows of water through that particular section of the Feather River? What if the channel was dredged in that section? Wouldn't that provide increased flow rates in that section of the river? It would have the same effect as raising the levees by a foot and would preclude the

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

necessity of building the FRB. Moreover, it would create a lake which would enhance the recreational opportunities for both communities.

Additionally, it is difficult to make constructive comments on a project which is little more than an abstract concept. Yes, we can all visualize a new bypass along the Cherokee Canal channel. But what is more difficult to imagine is how it could be done in a timeframe which would meet the strict construction start and stop deadlines imposed by EPA and other entities. How do we build 16 miles of new levee, while leaving the existing levee system intact? How about Cal Trans and Butte County Public Works departments when new bridges are required to cross a widened Cherokee Canal (FRB). Do those agencies have the budget in place to build the new structures? Or does the Plan have funding in it to accomplish those infrastructure improvements? What happens to the farm land which lies between the new levee and the existing levee? Would that land be out of production until the existing levee was removed and new sources of irrigation be developed to satisfy the demand of that rice land put back into production? It just seems as if this project has many more complications than addressing the stated need to reduce the Feather River flood stage water level by "as much as a foot" at Yuba City – Marysville.

I also found it interesting in reading through the EIR; there were no references to Cherokee Canal, Richvale, Biggs or any other areas adjacent to those towns. Evidently the implementation of a FRB would have absolutely no environmental impacts. I find that hard to imagine. Given the lack of substantive information provided in the Plan, I am inclined to conclude the FRB is not a major consideration in the overall Plan. Otherwise, I would have to believe much more information would be available regarding its scope, size, feasibility and a timeline for implementation. None of those things were

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

addressed in the Plan. That coupled with not a single reference in the EIR would leave me wondering why it was even mentioned.

Clearly, there are improvements necessary to protect the cities of Yuba City and Marysville in a 100-year flood event. But those improvements are identified in the Plan already and the improvements necessary to make the levees viable are also high priority items necessary to protect those cities from a 50-year flood event. If those levee improvements are done, then it would stand to reason that the DWR argument about the condition of the levees in that area being a problem is rendered moot. Keeping the levees in good repair is what DWR is supposed to do. Not doing so would be negligent.

As I mentioned in my opening comments, I support a coordinated and well thought out flood control approach. As a homeowner living very close to the Cherokee Canal, I can assure you I am very interested in flood control. The home I live in was built in 1914 and has seen its share of difficult winters. My family farmed rice from 1914 until 1974 when the farm land was sold to expand the operation of the Rice Experiment Station. I have included Attachments 3 and 4 to show where we are located and exactly how close we live to the east levee which contains the flow of the Cherokee Canal.

In 1955, the east levee of the Cherokee Canal was breached about ¾ of a mile south of our home. The flood waters cut a swath through our property causing significant damage to our rice acreage. The result was the necessity to leave that particular parcel out of production until we could get on the land and redistribute the silt and re-level the rice land. Although I was only 10 or 11 years old at the time, I recall vividly the effort it took to put our land back into production.

I understand the need for public projects to ensure the welfare of communities and to preserve the safety of the public. But at the same time, it should be balanced with the

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

notion that when developers build subdivisions in areas prone to flooding, the cost of protection should be borne by the homeowners and business owners who choose to live in and do business in a flood plain. I too, have taken that risk and pay the fees for flood insurance each and every year.

Please consider my comments while you deliberate on which projects should be undertaken. The FRB as it is described is nebulous at best and has yet to be fully evaluated. Maybe by the next version of the CVFPP in 2017, there will be more substance or, more to the point, the necessity of a FRB will be discarded as a very expensive project with little or no payback.

Sincerely,

Terry Lattemore

Attachments

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

Attachment 1.

Excerpt from Central Valley Flood Protection Plan, page 2-12:

"• This approach also includes a potential new bypass to divert flows from the Feather River downstream from Oroville Dam along the alignment of Cherokee Canal into Butte Basin. Initial analyses indicate that a bypass with a capacity of 32,000 cubic feet per second could reduce peak flood elevations along the Feather River and help convey flood flows into the existing bypass system."

Excerpt from Central Valley Flood Protection Plan, page 3-14, 3-15:

"Feather River Bypass

Evaluate the feasibility of constructing a new bypass from the Feather River to the Butte Basin to further contribute to improving overall urban, small community, and rural-agricultural flood protection in the planning area. The new bypass would require construction of about 16 miles of new levee on one side of the Cherokee Canal.

A new bypass would have the potential to reduce flood stages by as much as one foot at Yuba City and Marysville during a 100-year (1% annual chance) flood. A new bypass would also provide greater system resiliency in accommodating future hydrologic changes in the planning area, including those due to climate change, and would be a relief path when Feather River flows are greater than 200-year (0.5% annual chance). The State will consider findings of ongoing studies by local entities when evaluating the potential system benefits of the bypass."

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

Attachment 2.

The area inside the Red "teardrop" is the 'narrows' of the Feather River. Should that area between the Highway 20 Bridge and the 5th Street Bridge be dredged, it would create a lake area where people could go during the spring, summer and fall to picnic, swim and fish. It would create an area where a larger segment of the Yuba City – Marysville population could benefit from the "lake" than what is now a motocross track and picnic area.

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

Attachment 3.

Google Earth view of Cherokee Canal from north of Richvale to south of Biggs.

TERRY LATTEMORE
PO Box 339
Richvale, CA 95974-0339

Attachment 4.

Google Earth view of the Lattemore property at 1151 Butte City Hwy, Richvale, CA.
Note: The western edge of our house is approximately 70 feet from the center of the crown of the east levee of the Cherokee Canal.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814-4700

APR 2 2012

Jay S. Punia, P.E.
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Punia:

This letter is in response to the Central Valley Flood Protection Board's (CVFPB) and California Department of Water Resources' (DWR) release of the 2012 Public Draft Central Valley Flood Protection Plan (CVFPP) and Attachments. As part of the public review process, NOAA's National Marine Fisheries Service (NMFS) is providing comments to be included as part of the record and for consideration by the CVFPB prior to adoption of the CVFPP in July 2012. The comments are focused on the main document and Attachment #2: Conservation Framework (CF). The draft CVFPP and CF were developed by DWR and in part fulfills terms of the State of California's 2008 Central Valley Flood Protection Act. The CVFPP is to be updated every five years with the next update occurring in 2017. By 2017, a more comprehensive Conservation Strategy will be completed and will replace the 2012 CF. The CVFPP encompasses the Systemwide Planning Area (SPA) which contains most river channels and floodplains of the Sacramento and San Joaquin rivers and their major tributaries. The main objective of the CVFPP is to provide protection to high risk communities from flood events by meeting a 200 year flood protection in urban areas and small communities.

The Federal lead for the CVFPP is the U.S. Army Corps of Engineers (USACE), and the state leads are DWR and the CVFPB. In addition to completing the CVFPP, the lead agencies will also be fulfilling requirements as for Section 14 of the Rivers and Harbors Act (known as Section 408), and Section 404 of the Clean Water Act, and the Federal and state Endangered Species Acts (ESA).

NMFS has reviewed the information provided with the draft CVFPP. Some comments on the draft CVFPP and CF (found below) are general in nature, others relate to specific language in the draft CVFPP and CF.

VEGETATION REMOVAL AND VARIANCE COMMENTS

NMFS encourages incorporating environmental stewardship as part of the CVFPP and CF. This can reduce flood project regulatory delays, lower long-term operational costs, provide greater benefits to the public, restore ecological functions, and assist in the recovery of listed species. In particular, NMFS' Public Draft Recovery Plan for the evolutionarily significant units of the

Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley (CV) spring-run Chinook salmon (*O. tshawytscha*), and the distinct population segment of California CV steelhead (*O. mykiss*), discusses improving and connecting existing riparian corridors as a priority recovery action.

CV levee vegetation has significant ecosystem importance. Vegetation along levees provides critical fishery habitat and is ecologically significant to numerous ESA listed and protected species, including the Sacramento River winter-run Chinook salmon, CV spring-run Chinook salmon, California CV steelhead, and North American green sturgeon (*Acipenser medirostris*). Enhancement of the remaining riparian corridors and providing connectivity is necessary and vital for the survival and recovery of listed fish species. The removal of levee vegetation will also have negative consequences for California Department of Fish and Game (DFG) and U.S. Fish and Wildlife Service (FWS) listed species.

Some draft CVFPP alternatives will result in a direct loss of vegetation as a result of implementing the USACE vegetation policy. NMFS agrees that this would lead to significant negative impacts to the environment, ecosystems, and numerous plant, fish, and wildlife species. NMFS recommends pursuing a formal vegetation variance or project alternatives (such as setback levees) that avoid the removal of waterside vegetation. Any large scale removal or significant net loss of riparian vegetation as compared to baseline conditions will not be mitigable. This situation could result in permitting difficulties which leads to project delays and increased costs. The potential for jeopardy biological opinions also exists. The CVFPP needs to propose how vegetation will be replaced in areas where it will be removed as part of the USACE Engineering Technical Letter 1110-2-571 "Guidelines For Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" adopted April 10, 2009 (ETL). It is important to note that any removed vegetation as part of the CVFPP will need in-place and in-kind replacement.

Aside from the possibility of a variance, the draft CVFPP offers little detail regarding how a project applicant will mitigate for resource impacts from implementation of the ETL. The final CVFPP should include a thorough mitigation plan in the event of full implementation of the ETL and in the absence of a variance.

STANDARDIZED ASSESSMENT METHODOLOGY (SAM) COMMENTS

The SAM is a modeling and tracking tool developed by Stillwater Sciences and was originally used by the USACE's analysis of the Sacramento River Bank Protection Project. The SAM evaluates bank protection alternatives affecting threatened and endangered fish species. The CVFFP should contain an analysis using SAM when specific projects are developed. That analysis should include the removal of any shaded riverine aquatic (SRA) habitat. NMFS recommends that prior to, and during the process of any construction that the project applicant use SAM to evaluate the response to habitat features affected by bank protection projects. By identifying and quantifying the response of fish species to habitat conditions over time, users can determine necessary measures to avoid, minimize, or fully compensate for fish impacts for various life stages.

SAM has been used at numerous levee sites along the mainstem Sacramento River and San Joaquin River. Modeling outcomes revealed long-term habitat losses and their impact on listed fish. SAM also demonstrated the need for commensurate compensation measures and habitat enhancement such as: installing in-stream wood material for habitat complexity, planting riparian vegetation to stabilize the bank, and providing a source of shade and cover for channel margin habitat.

MITIGATION COMMMENTS

The draft CVFPP contains an analysis of costs for various alternatives and options, including those that were considered but eliminated from further consideration. In this analysis, and elsewhere in the CVFPP, there is only generic discussion on potential mitigation costs. This is understandable as the draft does not have a specific list of proposed projects. However, mitigation costs can be significant and can play a major role in overall project costs. Implementation of the ETL may result in large-scale vegetation removal and will have high mitigation costs when compared to alternatives that maintain baseline vegetation conditions. For full disclosure, a hypothetical discussion of proposed project impacts and mitigation for those impacts and estimates of mitigation costs should be included in the analysis as part of the final CVFPP and Conservation Strategy.

The CVFPP should also include a discussion on what plans exist to mitigate for the potential for lost SRA habitat as a result of the potential removal due to ETL compliance. Not all impacts can be mitigated via mitigation banks. In area where setback levees will not occur and vegetation is to be removed, the CVFPP needs to contain a detailed plan on how to mitigate for these losses. The CVFPP should include a discussion of the potential implications of jeopardy biological opinions resulting from vegetation removal. This will add cost and time.

SETBACK LEVEES

An alternative that includes extensive setback levees should be considered as the preferred approach. NMFS feels that the preferred approach should be one that best protects, preserves, and enhances historic, cultural, and natural resources. If the CVFPP includes substantial areas of setback levees, it is possible that resource impacts could be decreased to less than significant or perhaps be considered beneficial. The CVFPP should make it clear that the project applicant will need to fully explore funding opportunities to pay for the costs of constructing setback levees.

The potential exists to integrate setback levees along a substantial percentage of the SPA. The present detail about the type and list of projects that will be included in the implementation of the CVFPP, their potential impacts, and mitigation including a full cost-benefit analysis have yet to be reviewed or evaluated. Setback levees will reduce mitigation costs, reduce future costs in the event of a flood, reduce time and money spent during consultation with the resource agencies, and reduce future maintenance costs. Setback levees also provide other benefits, such as an increase in recreational opportunities.

Section 4.2.9 of the CF discusses the merits of setback levees. NMFS acknowledges that the initial cost of setback levees is normally more costly than in-place levee repairs. The construction of new setback levees within the flood management system would provide multiple benefits both by improving ecosystems as well as improving flood control. Setback levees would allow for the retention of all levee vegetation. The preservation of SRA habitat in particular is of great importance for the recovery of listed fish species. From a flood management prospective, setback levees can reduce the overall flood risk of an area, potentially leading to a huge cost savings in the event of a flood. NMFS strongly encourages DWR and CVFPB to further explore the possibility of setback levees as part of the CVFPP and to fully explore all potential funding available for their construction. Furthermore, setback levees may still allow for agricultural use, thus preserving tax dollars for the respective counties.

BYPASS EXPANSION

NMFS supports the objective of the CVFPP to expand and create more floodplain habitat. The proposed bypass expansions should be engineered and designed to allow for adequate drainage after high flows have subsided in order to prevent fish entrainment from occurring. Any bypass expansion should be designed in order to avoid the introduction of fish barriers and should allow for unimpeded fish migration. Numerous studies have demonstrated that both aquatic and terrestrial ecosystems benefit from dynamic connectivity between rivers and their floodplains. Salmonids benefit by having access to the floodplain for foraging, spawning, and as a refuge from high velocities found in the river during high flow events (Moyle *et al.* 2007). Seasonal floodplain habitats have been shown to support higher growth rates for juvenile Chinook salmon than permanent in river habitats (Jeffres *et al.* 2008).

GOVERNANCE COMMENTS

The CVFPP and the CF discuss conservation and advanced mitigation as key components to the overall plan. NMFS supports this idea as it can help expedite project development and the permitting process. However, the CVFPP and CF do little to define how the conservation and mitigation projects will be funded and offers little assurance regarding the completion of these projects. There is mention of the Flood System Financing Plan, but detail on how funds will be appropriated for conservation and mitigation are lacking.

The CVFPP does not discuss the process for how resource conservation will be developed and implemented. At a minimum, the final CVFPP should have a general discussion on how conservation actions will be funded, what assurances will be provided to ensure completion, how they will be developed, and how they will be managed in the long-term. In order for conservation and mitigation actions to be successful, there needs to be money and a plan for long-term management and the ability to adaptively manage the resource.

SPECIFIC COMMENTS

2012 Public Draft CVFPP

Throughout the document it is stated that without the levee repairs and upgrades flood risk will continue. While NMFS agrees with this statement, it is important to note that even with the improvements that are a part of the proposed CVFPP, there will still be potential flooding and risk of levee failure in the proposed project area; this should be clearly stated in the final CVFPP.

Page 1-7: Is there a measure of the buildup of sediment in the Sacramento Basin over time since the gold mining began? What is the present accrual of sediment since these operations have stopped?

Page 1-26: Expand the primary goal to include "environmental" safety in addition to human and property safety. The concept of environmental safety would include added measures to protect the health of the environment.

Page 4-14: The Life Cycle Management (LCM) strategy helps to protect large woody vegetation on levee systems only for the near future. In the future this strategy will result in a loss of riparian habitat in the CV. The LCM strategy will ultimately result in a vast reduction of SRA habitat, as the major source for vegetative recruitment will be removed, thus eliminating vegetation. This will lead to a disruption in the food web productivity and consequently result in a decrcase of invertebrates available for listed fish species, as well as contributing to numerous other negative impacts to both aquatic and terrestrial species.

Page 4-16: It is stated, "as the SSIA is implemented, some features of the SPFC may prove to be obsolete and slated for removal, while other features may be added". NMFS and other Federal and state resource agencies will need to be consulted if any features that pertain to ecological restoration are slated to be removed or added.

Page 4-26: It is indicated, "one of the programs actions will be to isolate, stabilize or remove mercury and other heavy metals, polychlorinated biphenyles, and other long-lasting ecosystem contaminants." How will this be achieved? The techniques should be stated.

Page 4-27: It is specified, "the 2017 CVFPP update will be prepared in close coordination with USACE". Coordination should occur with the Resource and Regulatory Agencies during the 2012 CVFPP and Conservation Strategy update. It would benefit DWR to have all other agencies involved in close discussions.

Page 4-32: It is stated, "continued engagement with partners and stakeholders will occur." The continued engagement and coordination with the Resource and Regulatory Agencies should be added here.

Table 4-1: Cost estimates for ecological restoration should be included.

Table 4-2: This should include a map indicating each of the nine regions along with the estimated costs for that region's improvements.

Table 4-3: Estimates for ecological restoration need to be included.

Attachment 2: Conservation Framework

Page 1-7: It is stated, "environmental stewardship can reduce flood project regulatory delays, lower long-term operation and repair costs, provide greater public benefits, and strengthen public support". It should be added that environmental stewardship will help to restore ecological functions and have positive effects towards the recovery of listed species.

Page 2-12: In the second paragraph, changes to aquatic habitat are discussed. It should be added that when floodplains are inundated this also functions to slow river velocities, thus the loss of floodplain-river connectivity has resulted in increased river velocities.

Table 2-3: The state listing for delta smelt is incorrect. This fish species listing should be California listed as endangered and not threatened (1-20-2010).

Page 2-23: More should be added to the discussion of impacts from non-native species. It should be included that non-native fish species can prey on native fish and pose a threat to native species by competing with them for resources, such as food and habitat.

Page 4-14: It is advised that fish screens be added on all diversion structures.

Page 5-11: Develop and present information for suitable plants and trees for the lower waterside slope.

Page 5-19: Discuss how research on Best Management Practices would be carried out.

Page 5-28: Listed fish species should be included in the list of animal species.

This documents NMFS comments on the 2012 Public Draft CVFPP and CF. NMFS comments are intended to help guide the development of the final CVFPP and future ESA Consultations. If you have any questions regarding this correspondence contact Julie Wolford either by telephone at (916) 930-3710 or by email at Julie.Wolford@noaa.gov.

Sincerely,

Maria Rea
Supervisor, Central Valley Office

cc: Copy to file – ARN 151422SWR2011SA00378

NMFS-PRD, Long Beach, California

cc: Benjamin F. Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

cc: Jeremy Arrich, Chief
Californian Department of Water Resources
Central Valley Flood Planning Office
901 P Street, Room 411A
Sacramento, CA 95814

cc: David Carlson
California Department of Water Resources
901 P Street, Room 411A
Sacramento, CA 95814

cc: Marc Hoshovsky
Environmental Program Manager 1
California Department of Water Resources
Floodway Ecosystem Sustainability Branch, FloodSAFE
901 P Street, Room 411A
Sacramento, CA 95814

References

Jeffres CA, Opperman JJ, Moyle PB. 2008. Ephemeral floodplain habitats provide best growth conditions for juvenile Chinook salmon in a California river. Springer Science and Business Media B.V. 2008.

Moyle PB, Crain PK, Whitener K. 2007. Patterns in the use of a restored California floodplain by native and alien fishes. San Francisco Estuary and Watershed Science 5 (3):1–27. http://repositories.cdlib.org/jmie/sfews/vol5/iss3/art1

National Marine Fisheries Service. 2009. NMFS' Public Draft Recovery Plan for the Evolutionarily Significant Units of the Sacramento River Winter-Run Chinook Salmon, Central Valley Spring-Run Chinook Salmon, and the Distinct Population Segment of California Central Valley Steelhead, Sacramento, California. http://swr.nmfs.noaa.gov/ocap.htm. October 2009.

SAFCA
Sacramento
Area Flood
Control
Agency

April 4, 2012

William H. Edgar, President
CENTRAL VALLEY FLOOD PROTECTION BOARD
California Natural Resources Agency – State of California
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Subject: April 5, 2012 Hearing on Central Valley Flood Protection Plan

President Edgar:

Thank you for the opportunity to comment on the draft Central Valley Flood Protection Plan (CVFPP). SAFCA feels that the CVFPP is a comprehensive plan for minimizing loss of life and economic damages due to flooding, thereby reducing and limiting State and local liability for flood damages, and enhancing habitat and recreational values consistent with flood risk reduction. The CVFPP recognizes that the State Plan of Flood Control has evolved over the years into a system that must provide a very high level of flood protection for urban and urbanizing areas while maintaining the protection historically afforded to agricultural areas and offering a variety of structural and non-structural options for the small rural communities.

The CVFPP further recognizes that these flood risk reduction objectives can only be accomplished by strengthening and improving existing levee systems, expanding existing bypass channels (and creating new bypass channels where feasible), increasing the flood storage capacity of existing reservoirs through physical and operational improvements, and enlarging the space available in the flood control system for restoring the riparian and aquatic habitat values that have been historically marginalized.

SAFCA recognizes that while no plan can be considered perfect in all respects, we intend to work with our partners in the Central Valley Flood Control Association and regional stakeholders in providing comments that could make the plan even stronger. Accordingly, we encourage the Central Valley Flood Protection Board to keep the CVFPP adoption process moving forward in accordance with the schedule mandated by the legislature, recognizing that reasonable issues and concerns can and should be addressed as part of this process.

Sincerely,

Richard M. Johnson
Executive Director

Office 916-874-7606
Fax 916-874-8289

1007 - 7th Street, 7th Floor
Sacramento, CA 95814-3407

Gary M. Lindberg
PO Box 389
Richvale, CA 95974

March 28, 2012

RE: Draft Central Valley Flood Management Plan

Ms. Nancy Moricz
Central ValleyFlood Protection Board
3310 El CaminoAvenue, Room 151
Sacramento, CA 95821

Dear CVFP Board,

I am a farmer/landowner of property adjacent to Cherokee Canal in Butte County.

Proposing far reaching (one mile, either side?) setback levees and bypass expansions along this flood channel is just another example of the over-reaching bureaucratic mess into which our state government has evolved.

Maintenance Area 13 has done a good job of keeping the present system flowing thanks to some relaxed rules regarding the removal and control of vegetation. This could be enhanced if the sediment removal project DWR has been considering the past several years had come to fruition, in full or in part. And further vegetation removal.

Oroville and Shasta Dams were built allowing for the benefits of flood control and have proven their worth. Our efforts and dollars should be focused on building more storage rather than swapping productive farmland for swampland.

The Sacramento Valley is already a flood plain thanks to the paucity of rice straw burning allowed. California needs to wake up from its long sleep of bowing to the regressive politics of the environmental dreamers and get to work building storage/flood control reservoirs!

Sincerely,

Gary M. Lindberg

Manuel and Sally Kafkares
1830 Berry Road
Rio Oso, Ca 95674

RECEIVED
APR - 5 2012

April 3, 2012

Central Valley Protection Board
3310 El Camino Ave., Room 151
Sacramento, Ca 95821

Dear Nancy Moricz,

This letter is to voice our concerns regarding the current Flood Plan. Flood control and natural habitat is vital for survival, however farmland can never be replaced so we MUST have an efficient plan. We farm walnuts in the proposed area and feel our future is uncertain. The farmer needs to be considered in every phase of planning and development as our job is to feed the world.

Sincerely,

Manuel Kafkares

Sally Kafkares

April 5, 2012

Central Valley Flood Protection Board
California Natural Resources Agency – State of California
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Board Members:

This document is a letter of protest against the proposed "Central Valley Flood Protection Plan".

This plan does indeed protect those areas that have been irresponsibly built in natural flood areas—built by greedy land developers, who had full knowledge of the probable flooding consequences. However, it does NOT protect those who live in a highly productive agricultural area.

Your proposals include taking our land for widening levees, with the purpose of flooding our farm land, homes, equipment, and structures, in the event that the 'protected areas' are threatened.

The Sacrament and Feather rivers have not been dredged for many years and this has caused even shallower riverbeds each year. That, together with the lack of levee maintenance, has caused the increased potential for flooding. Why not do your jobs?—maintain the existing levees and dredge the rivers, which in our opinion is a more cost-effective option.

It is hard to imagine that your proposal is the overall most cost-effective, since it would entail the buying of vast quantities of land and spending multi-millions in the construction of new levees.

Sincerely,

Furlan Joint Venture
Sutter Basin Landowners

Jane Osborne

Jane Osborne

Ann C. Byrd

Ann C. Byrd

Marysville

Index No. 104

Butte County Rice Growers Association

P.O. Box 128
Richvale, CA 95974
(530) 882-4261

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

We are writing regarding the State of California's Draft Central Valley Flood Protection Plan. We have the following concerns regarding the plan and its impact to agriculture in our region.

As a Sacramento Valley agricultural stakeholder, we are concerned that agriculture is being subjected to new losses of land due to "Urban" build out in flood plains over which we had no control, but we now have to "sacrifice" land in the way of new or expanded bypasses to channel water away from these "Urban" areas. In your own document, you mention that agriculture will sustain an estimated 25% farming loss in bypass expansion areas.

Speaking specifically to our region in South Butte County, there is currently a plan to create a NEW bypass, called the Feather River Bypass. This new bypass concept was not discussed with local stakeholders during the planning process. This plan would widen the Cherokee Canal by building additional levees to handle up to 32,000 cfs of flows (*source: 2012 CVFPP page 2-12*). We do not believe the concept to transfer water from the east side of the valley to the west side is a common sense approach to this problem. This will impact productive Ag land, and endanger key assets to the rice industry that operate within close proximity to the Cherokee Canal, namely:

- The Rice Experiment Station, which is the research and development arm for a $2.0 billion industry, resides within ¼ mile of the Canal.
- The Butte County Rice Growers Association has a Fertilizer plant and a Rice Drying and Storage facility within ½ mile of the Canal.
- Lundberg Family Farms has a Rice Drying and Storage facility within ½ mile of the Canal.
- The Richvale Irrigation District has siphons running underneath the Canal, which would require retrofitting and expanding with changes to the existing size of the Canal.

Speaking specifically of the Cherokee Canal, it was originally built for flood control. However, over the years, due to inadequate maintenance and sediment buildup, this "flood channel" has

become overgrown with trees, bushes and weeds. Now it has been deemed to be riparian habitat, which further restricts the state agencies on when, where and how they can maintain the channel. Environmental law has changed over time since this channel was built, and now regulations such as the Endangered Species Act severely limit the ability of flood maintainers to keep the channel clear.

Our concern will be that increasing capacity through the region by widening the existing canal will only trade a small problem for a larger one. What safeguards will the Central Valley Flood Control Board receive from the Federal and State Dept. of Fish and Game and the Dept. of Fish and Wildlife on the ability to maintain channel capacity? Nothing we have seen over the past 30 years has given us confidence that safeguards can be maintained. In addition, budget cuts at the state level have left current maintenance efforts severely impacted. We believe that any new plan must have the funding designated in perpetuity to ensure maintenance efforts for channel clearance is fully funded

The CVFPP document states that adding bypasses would aid in providing habitat for various species. We believe that rice ground in production clearly provides habitat that is eco-friendly and yet still provides tax revenue to the State. Studies have been done and endangered species such as the giant garter snake have continued to thrive in rice production areas, whereas in Urban areas its population has declined.

This "new bypass would have the potential to reduce flood stages by as much as one foot in Yuba City and Marysville during a 100-year (1% annual chance) flood" (*source: 2012 CVFPP page 3-15)*. We believe a more cost-effective approach would be to add a foot of elevation to existing levees rather than to take existing productive farmland out of service, thereby reducing tax revenue to the State and local counties. Adding additional height to levees would have to be system-wide, to ensure no other areas would be impacted.

The second major concern that I would like to comment on is in the area of new flood storage. In the proposed plan, Section 3.5.4 states:

"Preliminary system-wide analyses have identified potential benefits and opportunities for reservoir flood storage and operational changes for flood management in the Sacramento River and San Joaquin river basins. Flood storage may reduce the need for some types of downstream actions, such as levee improvements, and can offset the hydraulic effects of system improvement on downstream reaches. Additional *flood storage can provide greater flexibility* in accommodating future hydrologic changes, including climate change, and provide greater system resiliency (similar to that provided by freeboard on levees) in the face of changing downstream conditions."

Also, on page 1-16, the effects of climate change is discussed, and the document states:

"In addition, as the moderating effect of snowpack on runoff decrease, there will be a *need* for more water supply storage, putting greater pressure on California's multipurpose flood control reservoirs."

However, given the stated benefits above of additional storage, the document does not recommend additional surface water storage except for the Folsom Dam Raise, which is already authorized. The document states "During future feasibility studies, the State may consider

partnering with other willing agencies on expanding existing reservoir storage" (*source: 2012 CVFPP page 3-16)*.

With the Statewide System Investment Approach estimated to cost between $13.92 billion and $16.91 billion (*source: 2012 CVFPP Table 3-5)*, why shouldn't some of that money be allocated to the building or expanding of additional reservoirs to capture flood runoff for later use? This would have a synergistic benefit as follows:

- Reliable supply of water for Agriculture which in turn provides stable tax revenue to State and local agencies (avoiding routine state water system cuts)
- Aid the Environment (use this banked water to assist in enhancing the ecosystem in the Delta)
- Increase flood protection without taking additional productive Ag land that contributes to the tax base

A perfect example is the proposed Sites Reservoir. With the building of a Sites Reservoir (estimated cost $2.3 -$3.2 billion), you would be able to siphon off water from the Sacramento River prior to and during peak flood events, thereby relieving downstream levee pressures. The California Department of Water Resources own website clearly state the benefits:

- Enhanced water supply reliability for urban, agricultural, and environmental uses
- Improved Delta water quality
- Mitigation of snowpack storage losses due to climate change
- Contribute to flood damage reduction in the Central Valley
- Ecosystem restoration actions in the Sacramento River
- Dedicated storage that can be adaptively managed to respond to Delta emergencies and help with restoration actions

We believe that adding to the document new reservoir storage would have more long-term benefit to the State than adding new bypasses, and would meet co-equal goals of flood protection and enhanced water supply reliability for urban, agricultural, and environmental uses.

In Summary, we believe that creating a new bypass using the Cherokee Canal is not the most cost-effective approach to flood control. We believe improving levees in the urban areas of Yuba City and Marysville is the right approach, thereby keeping the Feather River Watershed in its normal flow pattern. This would alleviate the issue of obtaining safeguards from the Depts. of Fish and Game/Fish and Wildlife on maintaining channel capacity with a new bypass. Lastly, new reservoir storage should be a key part to any flood plan, as reservoirs have been key to mitigating large flood events, and Sites Reservoir is a perfect candidate based upon DWR's own analysis.

Thank you for the opportunity to comment.

Sincerely,

Carl D. Hoff
President/CEO
Butte County Rice Growers Association

Marysville

Index No. 105

To: Central Valley Flood Protection Board (CVFPB)
From: James Sligar

My name is James Sligar and I own ground in Butte County in which the current Cherokee Canal crosses.

As I stated at both your Sacramento meeting in March and again at the Richvale town hall meeting in which both Jane Dolan and ~~Steve~~ Seth Carter were present, the process of involving those most affected i.e. the land owners, was completely lacking until the final phase of the discussion and then only by notification of the California Farm Bureau.

Since the final specifications of this Cherokee bypass are unknown, it is hard to intelligently discuss its impacts. The Department of Water Resources disavowed the 32,000 CSF flow requirements stated in the draft proposal and would not clarify the exact design flows required for the Cherokee bypass. Not knowing these design requirements, it is hard to propose alternative solutions but here are three that come to mind.

First increase water storage at Lake Oroville proportionate to the quantities of additional water that were to be moved by the new Cherokee bypass system, or at least increase the flood protection storage requirements at Lake Oroville to compensate for not building the Cherokee bypass.

Secondly, or in combination with the first proposal, clean and maintain the Cherokee canal to function as it was originally designed. It is currently filled with vegetation that does little to help with water flow. Third, or in conjunction with suggestions one and two, work with the Joint Districts and Western Canal to secure an agreement to convey flood waters through existing After Bay outlets and the "Sunset Pumps" at Live Oak (capacity 4,000 CFS) onto district lands. Land owners could be compensated by annually paid easements and participation would be voluntary.

By graduating easement payments based on the number of acre feet per acre a farmer is willing to agree to pond, the DWR could encourage land owners to make physical alterations to their properties in order to pond more water.

Given the combined districts involved cover more than 100,000 acres, a considerable quantity of water could be ponded at a significantly reduced price and with a lot better public relations.

Sincerely,
James S. Sligar

Index No. 106

M

State of California

California Natural Resources Agency

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date April 6, 2012 Name Roger Abe

Phone (optional) _____ E-mail (optional) rabe@co.yuba.ca.us

Affiliation Yuba Co. Supervisor, Yuba Co. Water Agency

Address (optional) 915 8th Street, Suite 109, Marysville, CA 95901

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☒

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☐ Both

See attached.

Please continue on back of this card, if needed.

ROGER ABE
SUPERVISOR - FOURTH DISTRICT
Yuba County Government Center
915 8th Street, Suite 109 · Marysville, California 95901
(530) 749-7510 · Fax (530) 749-7353

April 6, 2012

Central Valley Flood Protection Plan
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

Re: Comments to CVFPP

Dear Central Valley Flood Protection Board,

As the Yuba County 4th District Supervisor, and a Director of the Yuba County Water Agency, I would like to submit the following comments to the CVFPP.

Yuba County appreciates creating a rural levee program to improve levee systems, and also protect small communities. While we have strong concerns about the proposed Cherokee Bypass, we recognize the benefits of the bypass system. It is crucial that we work together to make sure this bypass makes sense.

Another element crucial to the success of the plan is to build trust and confidence within the agricultural community for the plan. That can only occur through the Board's commitment to minimizing adverse impacts to agriculture, and the completion of the rural levee program, including developing new funding mechanisms. Continued inclusion of local interests, especially landowners, is absolutely necessary to allay fears and concerns, and to allow input in the development and execution of the plan.

Thank you for the opportunity to comment on the plan.

Sincerely,

Roger Abe

State of California California Natural R

Index No. 107

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date _____ Name Gary Bell

Phone (optional) _____ E-mail (optional) _____

Affiliation 530-682-5266

Address (optional) _____

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☐ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☒ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☐ Both

Build more dams for flood control
up grade existing by-Pass by
dredging them deeper.
Leave the Farmer ground alone.
Don't try to steal what were
worked for generations to obtain
I'm not willing to sell at any price
Our farm is our grandchildren future

Please continue on back of this card, if needed.

State of California

California Natural Resources Agency

Index No. 107

Central Valley Flood Protection.
Hair Brain Idea.

FOLD HERE

Return address: _____

PLACE STAMP HERE

Post Office will not deliver without postage.

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

TAPE

California Cooperative Rice Research Foundation, Inc.
Rice Experiment Station
P. O. Box 306 • Biggs, California 95917-0306
Telephone: 530-868-5481 • Fax: 530-868-1730
ricestation@crrf.org

To: Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: State of California's Draft Central Valley Flood Protection Plan

The Rice Experiment Station (RES) is located on the banks of the Cherokee Canal at Highway162 West and the site of proposed Feather River Bypass. For 100 years we have developed rice varieties, conducted cooperative UC and USDA research, and are a cornerstone of the California Rice Industry. We believe the proposed plan, if enacted, will have a devastating impact on our institution and its support of the California Rice Industry as well as the agricultural health of the region.

RES

- RES is a 500 acre non-profit grower owned/funded research and seed production facility developing rice varieties, producing foundation seed, and conducting agronomic research with the UC and USDA since 1912. Over 90% of the varieties grown in California were developed at RES.
- Facilities include laboratories, greenhouses, seed drying, seed storage, seed cleaning, office and support buildings, research and production implements, and two solar arrays. Research production fields have been engineered to support these activities.
- Foundation Seed, the basic seed stock for the state's 550,000 acres, is produced, dried, cleaned, stored and distributed on site.
- Germplasm, the breeding lines and genetic stocks that are irreplaceable are stored in the breeding seedhouse that includes a refrigerated humidity controlled storage container.

The concept of expansion of the Cherokee levee to form a Feather River Bypass would appear to condemn this facility and relocation opportunities and cost could be fatal for this institution.

Agricultural Production

- The estimated 25% farming loss from this proposed bypass is unacceptable on many levels:
  - Financial impact on affected farming operations
  - Loss of revenue to related business and regional government
  - Need to protect very productive farm land for anticipated global food demands
- A component of habitat expansion has been inserted, under the guise of flood control.

Summary Statement

The Central Valley Flood Protection Board is charged with a formidable task. I have tried to provide some specific concerns from an agricultural perspective. Our organization is a member of the Butte County Rice Growers Association and has reviewed and support the written input provided from CEO Carl Hoff, especially the need for new or enhanced water storage.

The 100 year flood plain boundary passes through our research facility and we recognize that these are lowlands and subject to flooding. We have productive heavy clay soils, and this is why we are located here. There are flood risks associated with agricultural lands that have to be accepted. The Board is strongly urged to seriously consider:

1. The excavation of the Cherokee Canal to return it to a fully functioning flood control structure. Inadequate maintenance, sediment buildup, and environmental restrictions changing it into habitat, the designed flood control capabilities of the canal have been compromised. The narrow channel and trees and vegetation do not "buffer and guard" the levee but restricts flow and has the opposite effect. The adjacent lands are fertile, productive, profit making, tax generating, food producing, wildlife rich, and agricultural resources. They need to be supported and protected and not discarded to fulfill an environmental agenda for natural habitat merged with an extremely expansive and expensive flood control solution.

2. The existing canals and irrigation system and substantial acreage of rice fields in the region should be evaluated for their ability to help absorb a major flooding event. Release structures from the Cherokee could be installed that could be opened as needed to dissipate the pressure on the system at the occurrence of a "200 year flood event". Certainly there would be losses associated with releases, but clearly it would be an economically more feasible plan. It would have a significantly better cost benefit analysis for the State of California our agricultural productivity, as opposed to condemning acres of productive farm land to a bypass structure.

3. Finally, agriculture is a primary industry and resource for this region, the Central Valley, and the State. It needs to be preserved and protected.

Sincerely,

Kent S. McKenzie

Kent S. McKenzie
Director and Plant Breeder

Lauren Ward
P O Box 1205
Sonoma, CA 95476

April 5, 2012

Central Valley Flood Protection Board
Mark Cowin, Dept of Water Resources

Gentlemen:

Enclosed are my comments on the proposed 2012 Central Valley Flood Protection Plan. It is clear the department has done a great deal of work in putting forth this plan but it is equally clear that the plan is neither financially feasible nor does it address the critical supply issues facing the State.

I believe it is incumbent on the Flood Board to redirect DWR's efforts toward incorporating the issues of Delta Flows and augmented storage in its plans. Moreover, as any plan will require bond financing, the approach finally selected must be financially responsible.

Respectfully,

Lauren Ward

707-996-2631 lw1941@gmail.com cell: 415-264-2874

2012 Central Valley Flood Protection Plan -- Comments -- March 31, 2012

DWR has presented a conceptual flood control plan containing very little in the way of details and asked for comments. The risk is that the Flood Board will adopt this plan and the stakeholders will forever be limited to objecting to small pieces of projects when in fact, we should be arguing strongly with the plan concepts.

DWR's Plan: An overview of DWR's proposed plan shows that:

1. It is financially infeasible for the State to undertake any of the options presented. The plan omits entirely the interest burden that would be borne by taxpayers nor does it include any estimate of annual operating and maintenance costs. If you add interest charges on $10-40 Billion of debt, the increase in taxes necessary to fund the various options analyzed ranges from $360 million to over $1.3 Billion annually. The projected savings from any of the options are tiny in comparison to the added costs. None of the plan options presented is acceptable financially.

2. The plan is focused entirely on disposing of excess water during peak flow periods. It does nothing to augment Delta flows during low flow periods, nor does it augment storage which is critically needed during normal and dry years. Climatologists forecast California will suffer from a drier climate with longer dry periods between wet spells which increases the need for storage. We don't need to get rid of water; we need to save it.

3. The plan ignores Southern California's needs. The Colorado River system is overdrafted and Lake Mead is at its lowest level since Hoover Dam was built. As Southern California grows ever shorter of water, the pressure on Northern California water grows ever stronger. Rather than expediting the flow of fresh water to the ocean, we need to find ways to save and use that water. Northern California's water resources are needed for the San Joaquin Valley and Southern California. We do not have the luxury of pushing Northern California's excess water into the ocean while the rest of the State goes dry.

4. The plan proposes to abandon efforts to maintain existing flood control facilities at design capacity while simultaneously spending $15.5 billion more building new facilities. If DWR is unable to maintain the assets we already have, what will happen when the maintenance job is even greater? Moreover, many existing flood control projects were funded with Federal funds and the State is legally obligated to maintain them. If we give up on this effort, we risk having the Federal government demand repayment of those monies.

5. The plan proposes to take 10,000 acres of prime farmland permanently out of production with no mention or consideration of the economic consequences of that withdrawal. Agricultural production from another 30,000 acres would be compromised by inclusion in expanded bypasses.

Financial Analysis: Following is a financial analysis of the proposed plans. DWR's projections suggest the State would have to increase the burden on taxpayers from a low of $360 million/year to a high of $1.314 billion/year just to pay the interest costs on the various options. As the study provides no funds for Operations and Maintenance, that cost would be in addition.

This analysis also points out how insensitive to cost the plan is in its selection of a preferred option. The plan recommends the "State Systemwide Investment Approach" which is projected to cost $15.5 billion and save $220 million in flood costs each year. The obvious

choice should be "Protect High Risk Communities" with a projected cost of $10 billion and an estimated savings of $207 million.

In selecting the "System..." approach over "Protect...", DWR is proposing to spend an additional $5.5 billion in capital investment plus an additional $198 million in annual interest payments to save an incremental $13 million of flood damage. Note again that none of these calculations reflect the additional cost of operating and maintaining the new system.

	Achieve SFPC Design Capability	Protect High Risk Communities	Enhance Flood System Capacity	State Systemwide Investment Approach
Estimated Capital Cost	$19-23 Billion	$9-11 Billion	$32-41 Billion	$14-17 Billion
Mid-point of Est Cost Range	$21 Billion	$10 Billion	$36.5 Billion	$15.5 Billion
Est reduction in expected annual damages of $329 Million if no project	47%	63%	80%	67%
	$155 Million	$207 Million	$263 Million	$220 Million
Estimated annual costs:				
Interest on Capital Invested at 3.6%	$756 Million	$360 Million	$1.314 Billion	$558 Million
Net Annual Loss (Before Operations and Maintenance)	$601 Million	$153 Million	$1.051 Billion	$338 Million

If we fail in the effort to convince the Flood Board to pursue other options, we should press for the "Protect High Risk Communities" plan. It doesn't make financial sense either but it does the least damage.

Our Proposal: We want the Flood Board to reject this plan and redirect DWR's planning effort to a different conceptual framework that will:

1. Properly maintain and utilize existing flood control facilities. DWR's own plan estimates that existing facilities, if properly maintained and operated at original design capacity, will

prevent half of their projected flood damages.

2. Invest in new or expanded storage facilities which will reduce flooding during wet years and augment supplies during normal and dry years, and

3. Eliminate removal of highly productive farmland from agricultural use.

This approach would force DWR to consider flow requirements in the Delta and look at State water supply needs overall, not just the short-term task of getting rid of locally unwanted high water.

Feather River System: With respect to the Feather River system, following this approach could mean:

1. Cleaning out the existing Cherokee Canal to return its capacity to the 25,000 CFS it was designed to carry. DWR has publicly acknowledged the Cherokee is now capable of moving just half its design capacity. DWR was seeking 32,000 cfs of increased carrying capacity from the proposed Feather River Bypass, and this would achieve over 1/3 of that with no bypass expansion.

2. Increasing storage on the Feather River system. This might mean raising the Oroville Dam or increasing levee levels on the Forebay and the Afterbay or building additional storage on other feeder streams. We should also seek to have hydroelectric power generated from new or expanded storage facilities.

Usefulness of the current study: DWR staff have done a great deal of work in preparing this study and are no doubt, psychologically committed to moving forward with one of the options. Had they not done this study, and instead proposed some alternative, they would be justifiably criticized for failing to examine these possibilities. The present study is useful as it clearly shows that these options are not financially feasible. Our challenge is to get DWR back to the drawing boards. It's in our interest to get DWR to focus on increasing storage as a major component of any plan.

MS. SCHOHR: Good morning, Board. This is not the first time I've addressed this Board. I have in the past as well.

I have lived in the big squiggly area of the Cherokee Canal all of my life and so has my husband. In fact, our family has been there farming rice on the same ground, in the same area - this is our 101st rice crop.

The Cherokee Canal runs right through our

1 property. It was put there in 1962, much later than the
2 levees that you were talking about. I would hope that the
3 engineers at that time did something better. I was not
4 privy to watching it be built, but my husband and his
5 family most certainly were.
6 We farm about 2500 acres in this area. We farm
7 inside the levees. We farm outside the levees. And we
8 pay a massive amount of taxes on that ground to protect
9 it.
10 There's also habitat in that area. The State
11 also owns ground in that area.
12 The problems in the past are continuing and will
13 only continue if something is not done about the
14 maintenance. Very little maintenance happens in that
15 area. In fact, it's almost disgusting.
16 Earlier this week I had someone call me from the
17 flood control agency, an engineer, and tried to talk about
18 the Cherokee Canal. He had no idea where it was, but he
19 was trying to talk to me about it. I would hope that
20 wouldn't happen with the rest of the things in here.
21 I listened to a presentation by three of your
22 members last week in Richvale. Today only frustrates me
23 even further. I see how much really hasn't been
24 addressed.
25 If you plan on passing this, which Mr. Edgar

pretty much says you are, you have less than 50 days to get this information gathered up - 50 working days, not the 100 in lifetime years that the rest of us invested in our family farms.

Right now the Cherokee project, which I'm going to mainly speak to, is nothing, but looks like somebody took a yellow marker to the page. I would hope our lives are more than that.

We asked about how it's going to be paid for in the future, who's going to pay for it, who's going to take care of it, who's going to pay the taxes on it, the maintenance, easements or ownership, financing.

Right now, I have been told in the past 15 years, that there are 13 miles below the Gridley-Colusa Highway on Butte Creek that are non-maintenance areas by Department of Water Resources. That came out in a federal court case. My family was part of that. Reclamation District 833 also has a large area that is non-maintenance. This is where you were talking about taking the Cherokee Canal through, through the Butte Sink, and into the Sacramento River or wherever the bypass is you plan to take it.

I heard nothing today about the Shasta Dam or the Sacramento River when it goes backwards in the Moulton Weir, and then it goes backwards into the Butte Sink, and

then it goes backwards across Gridley-Colusa Highway and back into the towns of Gridley and Biggs. Our flooding will come more from the acts of this than what is already there.

I want to know if anyone has included in the part of this -- the Bureau of Reclamation district project for the Biggs/West Gridley Water District that's going to add something like 15,000 acre-feet of winter water to that area. There's a 1997 agreement with Department of Water Resources that got Biggs Water District for a management study. Was that ever finished? Was that ever included in this?

There's a 1922 agreement for the east side of Butte Creek in the sink area. Has that been addressed?

Does this include the State Reclamation Board Butte Basin Master Plan and Flood Control impacts and benefits?

In 1993, the State was 1.5 million acre-feet short of water for personal use. We need more dams. We don't need ways to get rid of the water. We need more ways to keep it.

And, finally - I have already presented this to two of your Board members, but I will present it to the rest of you Board members - my family and I will gladly take any one of you at any time, in an airplane which we

have access to or in a car, and show you these areas that aren't being maintained and where they end up and what happens.

And we'll also show you the benefits of the way things are being run currently, as well as others.

Thank you for your time.

PRESIDENT EDGAR: Ms. Schohr, you're aware that no one's going to start constructing a widening of the Cherokee Canal next week?

MS. SCHOHR: I understand that. But I have a grandson, he'll be the sixth generation. I'm trying to protect this for him in the future. In the '60s my family and my husband's family was told that's what the Cherokee Canal was for at that time. I was told the other day it's a bad design project. I don't want somebody to come back in 50 years and tell us this is a bad design project.

PRESIDENT EDGAR: Yeah. But --

MS. SCHOHR: We talked about history with Mr. MacDonald a little bit ago. This is history.

PRESIDENT EDGAR: Yeah. No, I understand what you're saying. I just want you to remember what Jeremy Arrich said. There's certain things that this Plan is, which is a framework with some options to look at. And, you know, we can talk to Joe Countryman, who knows quite a bit about this area. He says probably the Cherokee Canal,

is -- you know, that project's probably pretty marginal at this point because it would be very costly and it doesn't provide that much benefit.

But that has to be vetted out. All the questions you've asked, we don't have answers for - the cost, the actual design of the project and so on. What we're trying to do is put a framework in place so that we can get answers to your questions and move forward. That's all we're trying to do.

The problem that I'm having is that at the end of the day we don't want people to have spent all this money on this planning and this hydrology and this analysis and then walk away, and we'll start the same thing over again 20 years from now. You don't want to do that.

So how can we put a framework in place to start the process to engage the stakeholders, like yourself, and others in the area that know quite a bit about the system up there, and come to some sort of an agreement on how we move the ball down the field? That's what we've got to do. This system is an old system. It's a hundred years old. It's in dire need of repair. The question is, what exactly -- how do we do that? How do we move the ball forward? That's what we're trying to do here. We're trying to put in place flood improvements that will -- that will improve the public safety for everybody

in the Central Valley. That's what we're trying to do. And it's all integrated. But there's a lot more work to do than what we have before us.

So what we're trying to do is get everybody to understand that. And your description of the Cherokee Canal being a crayon on a map, that probably is. I mean we haven't had a design on it. We haven't had any engineering on it. We haven't moved through a feasibility study. It's an option that they're -- that we would be vetting with the stakeholders.

But please don't think that we're -- these kinds of systemwide improvements, to be honest, will not even come to construction probably for 10 to 15 years.

MS. SCHOHR: I would hope that it'd be a lifetime before they came and long after that.

PRESIDENT EDGAR: Well, that's fine. And it may be.

MS. SCHOHR: Because what you're saying to me is that there's no place for a storage in there. There's already been hundreds of thousands of dollars, millions of dollars spent on this study so far. And the maintenance could have had the money spent on it. And would we be in much better shape at that point? And I understand that's part of the process.

PRESIDENT EDGAR: Well, that's part of the

process. The maintenance is a big issue. The maintenance is a big issue.

MS. SCHOHR: It's been a big issue. As I said, I've been to this Board before concerning maintenance. And I know 833 and other reclamation districts have as well.

PRESIDENT EDGAR: Yeah.

MS. SCHOHR: Thank you.

PRESIDENT EDGAR: Thank you for your testimony.

Oh, Ms. Schohr, you asked for this.

(Laughter.)

PRESIDENT EDGAR: Mr. Countryman.

BOARD MEMBER COUNTRYMAN: You know, as a flood control engineer I can't resist asking. Did you have some specific storage project in mind that -- or is this just a general statement?

MS. SCHOHR: Well, Sites, for sure, which would help on the other side of the valley. That doesn't necessarily help ours. Improving some of the situations that we have now either on Oroville or Amador. I know one of the engineers working on raising Shasta Dam. I am actually really good friends and partners with the lady whose dad was the major engineer on Shasta Dam. So I have a lot of historical reference to all of these things.

We built those things in a short amount of time

and -- take the Western Canal Water District. That was overtaken and changed with the process in less than 18 months to benefit all of us as landowners. And it seems like some of these things take a lot of big projects to get done and cost a lot of money and don't go anywhere in the end. And I'd like to see some of this stuff come to fruition, put particularly some storage issues someplace.

BOARD MEMBER COUNTRYMAN: Thank you.

MR. CAIN: Good morning.

PRESIDENT EDGAR: Good to see you.

MR. CAIN: Thank you.

Welcome to some of the new Board members. I'm going to give you my speech about who I am - some of the other Board members have heard it - and what my organization does.

My name is John Cain. I am Conservation Director for Flood Management for the Central Valley and Bay-Delta for American Rivers. American Rivers is a not-for-profit environmental organization. Our mission is to protect and restore rivers for fish, wildlife and people.

One of our three top priorities is flood

management nationally. And we recognize as part of our culture that public safety has to be the number one priority when it comes to flood management. Because if it's not and there's a conflict between public safety and the other values that rivers provide, it would be very unfortunate but that kind of conflict would not be good for rivers.

That said, we're confident that the best way to protect public safety is to give rivers more room so that they can safely convey flood flows. And in the process of giving rivers more room, we create a lot of other benefits, including fish and wildlife habitat, parks, clean water, et cetera.

I wanted to say, I'm going to try to speak on multiple points here today and it's going to take me a little more than five minutes. But I'll try to do my best to move quickly.

PRESIDENT EDGAR: Thank you.

MR. CAIN: I wanted to recognize the staff for the report. That was very useful, and I was glad to see that done. That was a useful resource, and I hope to see more of that kind of resource in the future.

We know that you're going into a difficult period of public hearings. And we have heard loud and clear that the agricultural community -- many in the agricultural

community are very upset about this plan and they see it as a grab for the environment, not paying adequate attention to agriculture. I personally think that's an unfortunate situation.

I don't think that the environmental community, the conservation community is at war with agriculture or should be at war with agriculture. In fact, I think there's a lot of common ground. And one of the big problems and one of the reasons we're here today is not because of agriculture or because of the environment, it's because humans built too many buildings in deep floodplains. And it's really the uncontrolled urban development of deep floodplains has created the crisis that needs to be addressed with this Plan, not agriculture and not the environment.

We've been doing a lot of thinking about how to -- the value of agriculture. And I just wanted to go on the record as being clear that we think agriculture is an important part of the economy and that farmlands provide important habitat. We support a plan that conserves farmland while also improving wildlife populations for hunters and anglers.

We support a plan that provides more economic and regulatory certainty for agriculture. And we think that expanding bypasses and setting levees back actually

1 provides that.
2 I learned that in the Mississippi the flood
3 bypass system prevented 2.5 million acres of farmland from
4 being inundated last summer. That flood bypass system in
5 many ways was modeled after California's Central Valley
6 flood bypass system.
7 And the bypass system is really important for the
8 urban -- for better protection for the urban communities.
9 And if the urban communities were to flood
10 catastrophically, the impacts for everyone in the Central
11 Valley and everyone in California would be catastrophic.
12 And that includes the agriculture community.
13 We think that expanding the capacity of the
14 floodways will -- in general, will increase flexibility
15 for upstream reservoir management. And that potentially
16 improves opportunities for more reliable water supply. It
17 also improves opportunities for more reliable water supply
18 by reducing conflicts between endangered species and water
19 supply.
20 So these are other ways that we think giving the
21 river more room actually improves conditions for
22 agriculture through water supply.
23 We want to work together with the farmers to
24 define a plan that can meet both the needs of agriculture
25 and the environment, and we support a plan that uses the

shared interests and common vision to marshal the political and fiscal resources that will be needed for implementation.

We need to work together on this. If it's just about -- if there's no -- well, I'll say more as we go forward.

I'll say that we have been in discussions with representatives from the Central Valley Flood Control Association to identify a suite of measures that can better address the needs of all stakeholders including agriculture. And I'm optimistic that we're going to be able to provide some details in the weeks ahead about what kind of packet that package might look like that really does begin to address some of the concerns you're hearing about from agriculture as well as from the conservation community in general.

Let me move to -- there was an element that you didn't ask for in the nine points. But it was, which alternative do you support? And I will not -- I'll simply say that we're doing an in-depth analysis of the Plan and the appendices. And we think that the idea of a hybrid approach like the State Systemwide Investment Approach makes sense. But unfortunately we're not sure that the statewide investment approach is really optimized for costs or for benefits. And we'll provide more information

on that as we continue to go through the analysis.

Part of the problem with picking one alternative versus another is that we're not -- well, in the Plan they weren't described as alternatives. They were described as themes. But we're not sure that they are really developed as fair or realistic stand-alone alternatives.

Let me just say a few things about some of the problems with some of them. And hopefully in our comments in the future we'll provide more details about how to improve it.

We're concerned that the State Systemwide Investment Approach could actually increase risk, particularly in Sutter and Yuba counties in the Natomas Basin, by creating this idea that because they have 200-year levees, that there can be uncontrolled development behind them. Now, it's possible that there won't be uncontrolled development behind it. But it's not really clear in the Plan. And if indeed the State helps fund the construction of these larger levees, and then there is uncontrolled development behind the levees, we are simply back in the same situation we're in now. And it will -- actually those levees will provide a higher level of protection in terms of the probability of flooding. But when the levee breaks and during a large event, those people would be at a huge danger.

The cost estimate accounting is just not transparent, and that makes it very difficult to understand how the -- you asked the question, President Edgar, about what's, you know, the restore -- protect high risk communities compared to the enhanced system capacity, you know, what's the difference? One costs a whole lot more. But in terms of reduction of risk, it didn't seem like that large a difference. Well, we can't really -- we haven't been able to get to the bottom because it's not transparent what's being paid for or where in these different alternatives.

Now, as we learn more, we might realize that it's somewhere in the appendices.

One other example of how these alternatives are a little bit artificial is, one of the alternatives is protect high risk communities; and it's basically about spending most of the money on preventing -- improving levees around urban areas, to protect these urban areas where most of the assets that could be flooded exist.

Well, why didn't the protect high risk communities consider expanding bypasses? Expanding a bypass in south Delta can significantly lower flood stages for a Stockton-Lathrop corridor, and extending the Yolo Bypass can significantly lower flood stages for Sacramento. But yet that wasn't really considered as a

1 risk reduction in the protect high risk community. So we
2 think it ends up creating an artificial analysis because
3 the alternatives are not really alternatives, they're not
4 really necessarily logical alternatives. They're thematic
5 comparisons.
6 Let me move on to statement of vision and
7 purpose. I am very glad that you have picked this up. I
8 think it's absolutely essential that you state a vision
9 and that that -- being able to articulate a clear vision,
10 not just you, not just me, but all of us as a community,
11 is essential for convincing voters and other decision
12 makers that they should invest in the Central Valley Flood
13 Management Plan.
14 In thinking about that vision, we think that
15 there should be four elements to that vision statement,
16 and it should be relatively brief, a sound bite or an
17 elevator speech. But those four elements are:
18 You have to describe the problem.
19 You have to describe the solution.
20 You have to describe goals and objectives for the
21 plan, including specific measurable objectives.
22 And, lastly, you need to be able to articulate
23 the benefits of the overall solution.
24 In the interests of -- well, in the -- I'll just
25 say in terms of the problem statement, our view is that

1 the flood flows are -- just trying to just distill down
2 the problem statement. Remember, this has three elements:
3 One, is the flood flows are too high in the Delta
4 and lower part of the system. And in part, because levees
5 have constrained the flow of water and channeled it
6 downstream.
7 The second part of the problem is that too many
8 people live in high risk, deep, often urban floodplains
9 that are a levee failure away from catastrophe. Levees
10 alone do not eliminate this risk. They only control the
11 probability of flooding. And when they fail - when they
12 fail, not if - the consequences are very large.
13 Three, the third part of the problem, is that the
14 complexity of the regulatory process along with competing
15 interests from different stakeholders, including upstream
16 versus downstream, the environment, water supply,
17 agriculture, urban stakeholders, that these competing
18 interests have become dependent on the existing system.
19 And it makes making any fixes to this clearly deficient
20 system difficult, expensive, and unacceptably slow.
21 So the solution statement might be:
22 Number one, to expand the floodway to better
23 accommodate floods, reduce velocities, and lower flood
24 stages particularly in the lower end of the system where
25 most of the people are at risk.

Two, prevent additional urban development of undeveloped floodplains; reduce risk for people that already live on floodplains through flood system improvements like levee improvements, also emergency preparedness, building codes, flood insurance, and other residual risk strategies. A lot of this is in the Plan but it's not boiled down in a concise vision statement.

And I realize my vision statement is taking longer than I've said we need to do it. But I'm practicing in front of you in the hope that I can boil it down faster, and that you might provide some feedback to me.

Three, design -- and the third part of the solution is design the flood system improvements to achieve multiple objectives. So that all the stakeholders get better together and are willing to pay for it together.

It's harder to actually specify what the objectives should be of the Plan. But I will say that the Plan itself doesn't actually have any specific measurable objectives. And because it doesn't, it will be impossible to say with any certainty what the Plan will do or to measure whether it's actually achieved that as you begin to go through implementation.

I'll give one example of an objective. The

1 objective -- the measurable objective could be the lower
2 flood stages for the 100-year flood near urban areas by
3 two feet. Now, that's a measurable objective - can we do
4 that?
5 In the planning process with DWR we heard about
6 we're going to develop specific measurable, achievable,
7 relevant, and time-bound objectives, smart objectives.
8 Well, unfortunately the Plan fell short of that. And I
9 think it's really important for the Board to either try to
10 do that in the plan or commit to doing that in the near
11 future, not in the distant future for the 2017 Plan.
12 The lack of the objectives is the biggest flaw
13 both in the plan and the analysis, because it's hard to
14 know whether one alternative or another alternative is
15 really better because you're not measuring them against
16 specific objectives.
17 Giving you an example, we heard a lot last week
18 about how much the different alternatives would reduce
19 risk. Well, it would reduce risk by 68 percent or 52
20 percent. But does that reduce risk to an acceptable
21 level? Well, we haven't discussed what's an acceptable
22 level of risk. And 200-year flood protection is not a
23 risk standard. That's a probability standard. The
24 reducing risk is a different concept.
25 PRESIDENT CARTER: John, could we speed it up

here a little bit.

MR. CAIN: Okay.

PRESIDENT EDGAR: Thanks.

MR. CAIN: Multiple benefit projects. We think that the Plan has gone a long way towards this idea of integration that Director Cowin talked about. But we don't really lack the confidence that the projects will actually be implemented in a way that achieves multiple benefits. We harbor the same concerns that the agricultural community feels, that there's some promises in the plan but there's not necessarily commitments.

I'll provide some more specifics on the parts of the Plan that we really like with regard to that.

I will say, and I've already said, that projects like expanding the Yolo Bypass or the new South Delta Flood Bypass are the kind of multiple objective projects we would like to see. There's other ones on a smaller scale and we'll provide a list of the kind of projects we would like to see.

Existing system maintenance, improvements in utilization of existing storage facilities. We think that the plan correctly concludes that simply fixing the existing system in place will not meet the objectives of the legislation. That's in Table 2-5. And in fact, it would increase flood stage and risks for urban areas.

Fixing the levees in place would only funnel the waters -- the flood waters downstream towards Sacramento and Stockton and the Delta, very important statewide resources.

The plan does not analyze how the strategy of replacing existing facilities in place would work under increased floods associated with climate change. So we think the Plan makes the point that it's not good enough. But we think if they actually analyze it under climate change, it would even be stronger reason to conclude that simply fixing the levees in place is not a viable alternative. I will leave it at that for that point.

Urban and urbanizing areas. We believe that the Plan and the documents and tools, like models, provide enough information for local agencies to develop maps of areas protected from the 200-year flood plan. The Plan provides the 100- and 200-year water surface elevations at various reaches, provides information in the appendices about the conditions of different levees. With this information, we see no reason why local jurisdictions cannot make the local maps necessary to comply with provisions of SB 5.

We know that they want to delay. We know that they want the State funding. But we don't think the State is obligated. And we don't think it's a good idea to --

1 well, let me put it a different way. Changing the trigger
2 dates for compliance is completely unacceptable to
3 American Rivers. The idea that these local jurisdictions
4 can't afford to develop the maps on their own, yet they
5 can go forward with permitting new development in
6 floodplains, is really problematic to us.
7 Now, that said, we have been in discussions with
8 some of the urban flood districts and want to find some
9 sort of solution that makes provisions of SB 5 really work
10 for the intended purposes. But we think extending the
11 trigger dates and allowing people to continue to permit
12 development in floodplains because of an argument that
13 they don't have maps is not correct.
14 We have also heard that DWR plans to provide the
15 200-year flood maps by March of 2013.
16 With regard to the trade-offs between urban and
17 rural flood protection, we think that urban areas are
18 correctly prioritized for flood protection. That's where
19 the greatest risk is to the state economy, particularly in
20 the deep urban floodplains. The reason voters voted for
21 Proposition 1E is because they wanted to stop -- they
22 wanted to make sure something like Hurricane Katrina
23 didn't happen in California. That's why they voted for
24 it, and that's what we should focus on making sure it
25 doesn't happen.

PRESIDENT EDGAR: John we're going to need your final comments please.

Thank you.

MR. CAIN: I've got a little bit more.

PRESIDENT EDGAR: Well, we've got a lot of people here.

MR. CAIN: Our review of the Plan to date suggests that the Plan underestimates risk to urban areas in the following ways: It uses the comp study hydrology rather than the updated hydrology. It assumes a hundred percent willingness to evacuate in a short period of time, which we don't think is realistic, and it's not consistent with what we've seen in many areas. It's based on the 2000 census date. It assumes the remaining -- it does not consider build-out risk. It assumes build out at the 2000 level. And it also doesn't assume risk to the Delta, it doesn't calculate the cost of massive Delta failures, because those are outside of the Central Valley Flood Plan. So there's a Number of reasons why the risk is understated here.

PRESIDENT EDGAR: You're going to submit those comments to us in writing, right?

MR. CAIN: I will submit those comments. I'm sorry to take so long. As you can see, we're spending a lot of time and resources trying to understand the plan,

work with other stakeholders, make it better. I apologize to you and others if I've taken up more time than was available. But --

PRESIDENT EDGAR: Well, we appreciate it.

MR. CAIN: Thank you.

PRESIDENT EDGAR: The comments were very good and we appreciate it. Thank you.

MR. CAIN: Okay.

BOARD MEMBER SUAREZ: Mr. President, can I ask a quick question to clarify?

PRESIDENT EDGAR: Yeah, sure.

BOARD MEMBER SUAREZ: Mr. Cain, originally we received a letter from a group called the Bay-Delta Central Valley Conservation Coalition, which I believe you were a part of. And I just want to clarify, are today's comments that you provided part of the Coalition comments or just American Rivers?

MR. CAIN: These comments are just on behalf of American Rivers. We are coordinating with a coalition or what we call a group -- it's a loose coalition of about 15 environmental organizations.

PRESIDENT EDGAR: John, Clyde has a comment.

BOARD MEMBER MacDONALD: Yeah, I'd just like to make one comment. I thought your presentation was very good.

When you talked about reducing stage in, say, like the Yolo Bypass as benefiting Sacramento, it's true that it protects that side. But if you look at things like the American River, the American River upstream is not tremendously benefited by a lowering of stage in the Sacramento, because you've got to get the -- all that water has to come down through those levees.

So the details are important, but I appreciate your thought.

MR. CAIN: Well, we certainly look forward to seeing the details. And that's part of the problem. I will say that there's -- SAFCA did a report in 2003 that shows that expanding the Yolo Bypass in combination with the joint federal project lowers flood stage in the Sacramento River by four feet. And why wasn't that evaluated as part of the high risk reduction alternative.

And I'll also say that the idea of treating the Folsom joint federal projects as part of the baseline is potentially really problematic. And since it's funded in large part by Prop 1E and many other projects funded by 1E are included as part of the Central Valley Flood Plan, we really think it's very important to include the joint federal project as part of the Plan, not as part of the base.

PRESIDENT EDGAR: Thanks, John.

1
2
3 MS. TATAYON: Hello, President Edgar.
4 PRESIDENT EDGAR: Good morning.
5 MS. TATAYON: And welcome to all the new Board
6 members. Congratulations on your appointment.
7 I'm Susan Tatayon, Associate Director of the
8 California Water Program for The Nature Conservancy. The
9 Nature Conservancy's mission is to protect the lands and
10 waters on which all life depends.
11 I'll start by reiterating something that John
12 Cain said. And, that is, that many of us recognize that
13 the agricultural community is unhappy with the draft plan,
14 especially given the input from folks during Phases 1 and
15 2 of development of the Plan.
16 I learned -- I participated in the agricultural
17 stewardship working group during Phase 1, and I learned a
18 tremendous amount from that experience. And one of the
19 things I learned is how critical agriculture is to not
20 only California's economy but the nation's. You probably
21 know that California is viewed as the breadbasket of the
22 nation. In 2010 dollars, California was number 1 in cash
23 receipts with $37 1/2 billion in revenue, according to the
24 Department of Food and Ag. And we have nine of the top
25 ten producing counties in the nation.

And so I just want to point out that these farmlands provide tremendous economic benefits, but they also provide very important wildlife habitat. And much of the land is, for example, important to migratory birds along the Pacific flyway. And from our work with the Rice Commission and several growers, I can say that working with agriculture is very important to The Nature Conservancy.

Growers and farmers are often our partners in conserving land. So I ask that you consider asking the farmers what is workable in terms of agriculture community -- you know, actually contributing to improvement of our flood management system. I know that they have some specific thoughts on what could be workable. I think that they can contribute to improving the flood management system. And by working with them, we can come up with refinements to the flood plan that benefit them as well as the entire system.

So I look forward to working with you and farmers and businesses and flood managers to do that.

As John said, a number of us are working with representatives of the Central Valley Flood Control Association. And I also hope that we can get a comprehensive package to you that has the support of many stakeholders.

I'll focus my remaining comments on three of the issue areas that you specified, the vision, the multiple benefit, and regional planning.

So on the issue of the vision statement, I -- yes, I think that the proposed plan needs a clear vision statement that compels the political will and resources needed to implement the Plan. Such a statement would help obtain future funding and would also guide updates of the Plan.

Now, I looked for a vision statement in the Plan and there are elements of a vision statement. On page 226, the Plan states, quote, "As configured the State Systemwide Investment Approach is rooted in the vision for the Central Valley Flood Plan and is designed for efficient conveyance of flood flows from existing watershed reservoirs through the Delta." That's one reference to a vision.

On page 2-29, the plan shows a box that contains a sort of overarching vision and some goals. And there in that box it states, "The vision of an integrated systemwide and sustainable flood management plan for the Central Valley is to develop a flood management system that provides the following:" And rather than read the bullets to you, I'll just refer you to 2-29. And there is mention of one item in rural areas in terms of

1 improvements in that box.
2 Now, on page 4-40 there's a paragraph that
3 states, "It is the intent of the State that all major
4 flood management programs and projects in the Central
5 Valley be planned and implemented consistent with the
6 vision, overall goals, and provisions of the evolving
7 Central Valley Flood Plan." However, that vision is not
8 clearly stated up front.
9 Now, this is not to say that DWR has no vision
10 for flood management in California. In fact, the
11 Department published a vision for flood protection in
12 California. And I'm a bit puzzled why that vision wasn't
13 incorporated in the draft flood plan. In the 2008 the
14 FloodSAFE initiative obtained public comments, did quite
15 an outreach on their strategic plan. And in that
16 strategic plan the stated vision is: "A sustainable
17 integrated flood management and emergency response system
18 throughout California that improves public safety,
19 protects and enhances environmental and cultural
20 resources, and supports economic growth by reducing the
21 probability of destructive floods, promoting beneficial
22 floodplain processes, and lowering damages caused by
23 flooding."
24 And I think that's a pretty good vision. It's
25 short. It would allow development of overarching goals as

1 something to aspire to. And from a vision statement such
2 as that one, you could develop the specific measurable,
3 attainable, relevant and time-bound objectives that John
4 referred to.
5 I'll move to the multiple benefits question now.
6 I think that there are some good elements, some good
7 concepts in there. The draft plan subscription of the
8 enhanced system capacity approach in section 2-5 contains
9 some good ideas.
10 However, I haven't had the time to delve into how
11 the benefits and costs were calculated for that approach
12 and I have not seen an analysis that includes linkages to
13 water supply benefits, for example. So I think there is
14 some improvement for a clearer explanation of the multiple
15 benefits that would be expected from the State Systemwide
16 Investment Approach.
17 And I would also like to see the conservation
18 framework integrated into the Plan rather than be viewed
19 as an attachment. Flood projects can be designed in a
20 manner that incorporates green infrastructure that
21 augments gray infrastructure. And in some cases those
22 projects can be self-mitigating. So rather than have the
23 conversation framework be merely a mitigation strategy, I
24 think that the Plan could integrated several of the
25 actions named in the conservation framework into multiple

1 benefit projects.
2 So, lastly, on the question of should the Board
3 consider adopting all supporting documents and should the
4 Board adopt a schedule relating to regional planning and
5 implementation: I haven't been able to read all the
6 attachments to the draft plan, so I can't answer the first
7 part of this issue, other than to say that I really would
8 like the conservation framework integrated into the Plan.
9 Now, on the topic of regional plans, I'll refer
10 back to the need for a clear and compelling vision from
11 which you can develop specific goals and smart objectives.
12 Without such a vision, it would be very difficult for
13 local and regional entities to determine whether their
14 flood management efforts are in line with a flood plan.
15 And it would also be difficult for DWR to work with these
16 regional entities in creating the vision that guides
17 regional flood plans.
18 So in other words, without a clear vision,
19 something that actually the regional entities can aspire
20 to, I doubt that the regional plans will magically all
21 come together and provide the intended systemwide benefits
22 that the State intends.
23 So clarity on the vision and objectives can
24 provide the guidelines that local and regional entities
25 can use during the regional development phase. And I

1 think it would be a good idea to have a schedule.
2 PRESIDENT EDGAR: Thank you.
3 MS. TATAYON: Thank you for the opportunity to
4 talk to you.
5 PRESIDENT EDGAR: Thank you, Susan.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. JOHNSON: Good morning. How are you doing? Good.

Mr. President, members of the Board. Rick Johnson. I'm the Executive Director for SAFCA, Sacramento Area Flood Control Agency.

Welcome to the new Board. And I don't envy your first major task that you're undertaking here.

Take a moment to give a little kudos to your Board. They don't get it often enough. Your Board staff, they're very hard working and very good to work with. So I just wanted to say that.

Thank you for the opportunity to comment on the Plan. I have some written comments here which I'll submit. I'll just highlight a couple. A lot of hard work has gone into this by DWR, the Board and others to get it this far.

1 SAFCA recognizes and feels that the Plan is a
2 comprehensive framework for minimizing loss of life and
3 economic damages due to flooding, for reducing and
4 limiting state and local liability due to flooding, and
5 for enhancing habitat and recreational values consistent
6 with flood risk reduction.
7 The Plan recognizes that the system needs to
8 provide a very high level of protection for urban and
9 urbanizing areas, while maintaining the protection
10 historically afforded to the agricultural areas. And it
11 also offers a variety of structural and nonstructural
12 options for the small rural communities.
13 Now, we recognize that no plan is ever perfect.
14 And SAFCA is working with its partners at the Central
15 Valley Flood Control Association. We'll be providing some
16 additional comments that hopefully will help strengthen
17 the Plan. We know you're going to be receiving a lot of
18 issues and concerns, already have and will get more. But
19 SAFCA supports the Board's plan of keeping the adoption
20 process moving forward on the mandated schedule and
21 recognizing that there's a lot of issues and concerns that
22 will need to be addressed as part of the process in the
23 future.
24 Thank you for the opportunity to comment.
25 PRESIDENT EDGAR: Thank you very much, Rick. And

1 we'll certainly welcome your comments -- written comments
2 and we'll certainly take those into consideration.
3 Appreciate it.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BABER: Yes. And thank you for the opportunity to speak today to the Board.

What I'm here for -- My name is Jack Baber. I'm Chairman of RD 1004. We're a reclamation district up in Colusa County. We're about 23,000 acres up there.

What I'm here for is that you're anticipating putting water down Cherokee Canal into our basin. And if that happens in the amount that you're talking about, it will just wipe us out. We'll go under. It'll break our levees and that will be it. So we want go on record to objecting to put water into Cherokee.

PRESIDENT EDGAR: Does that conclude your comments?

MR. BABER: That's it.

PRESIDENT EDGAR: Okay. Joe, would you mind commenting on that please.

(Laughter.)

PRESIDENT EDGAR: Because I think Joe has a lot of credibility in the RD communities; and as an engineer, has been doing this for a long time.

But have at it.

BOARD MEMBER COUNTRYMAN: Thanks for putting me on the spot here, Bill.

(Laughter.)

BOARD MEMBER COUNTRYMAN: Well, I did tell Bill confidentially --

(Laughter.)

BOARD MEMBER COUNTRYMAN: -- that I felt there was a very low probability that that bypass, Cherokee bypass, whatever penciled out or worked out, just from my basic knowledge of the flood system and when it would take water off of the Feather River, it just doesn't add up for me.

But, you know, I haven't done a detailed analysis and I'm not ready to pound DWR over the head yet about it. But that's just my gut reaction. I don't think it's going anywhere.

MR. BABER: We hope not, because Cherokee comes right into our district, right in where the floodplain is there. And you can't get through there unless you do something. We don't know what you'll do, but you'd have to do something. And then you just build head against it and it would probably break the side of my levee.

PRESIDENT EDGAR: Jack, I think what I tried to do is emphasize, with Joe's underscoring, emphasize that

these are options to look at. Nobody's going to start the backhoes next week on any of these projects. It's going to be a long time before any of them are ready for design and construction. It has to go through an extensive feasibility process, a lot of engineering studies. And I believe Mr. Countryman has the right idea. I mean we just don't have a lot of the answers to the questions yet until those studies are performed.

But if we don't put something in place, a framework to begin to work together to solve these problems, we'll continue to be stalled, which we've been over a long period of time. And we just need to move the process forward so we can get some successful flood improvements done that everybody can agree upon. But it's a process more than it is approval or disapproval of some options that are on the table right now.

So please don't get the idea that we're going to -- you know, that the Cherokee Canal's going to be widened next week, because it's not going to happen. And it couldn't under the processes that we have.

So that's the only point I wanted to make here. And the former -- or another speaker is concerned about the same issue.

MR. BABER: We understand that. We understand about the project. We think it's a great project if they

can move in the right direction. But put Cherokee in our back door would cause lots of problems, more than you think.

PRESIDENT EDGAR: Yeah, I understand that. But I'd just encourage you to stay the course and be a stakeholder and be a part of the process. That's --

MR. BABER: We will. We're not knocking it out. But we're just saying that it's not in the cards today we're going to do this.

PRESIDENT EDGAR: Thank you.

MR. BABER: Thank you.

MR. PORGANS: Yes, Mr. Chairman and members of the Board. I also have a vision issue here. I'm under doctor's care at the moment. So I have a vision impairment with my vision and I'd have a vision impairment with the Plan.

So just so you understand, my name is Patrick Porgans. I'm independent. I am not now nor will I ever be a stakeholder. Okay? So we have that straight. I'm a citizen. And I'm here as a taxpayer and as person to inform you that this plan is so grandiose. And I don't know what the objectives are, because I don't see any numbers, yeah. And I don't know where the money's coming

from. And if you want to talk numbers, we can talk numbers. And if you want to talk about conditions, we can talk about conditions.

This was inland sea at one time. The gentleman there knows that - Mr. Countryman. The operations of these reservoirs, they're sometime in the conflict. I brought that to your attention too, Mr. Countryman, quite frankly.

And what I'm seeing here is that we have a flood control system that, as far as I'm concerned, is a masterful one. And it works -- when it works according to the master flood control manual, it's divine. Okay? I'm saying that about the government, because it does work.

But there are times when the government, like the Department of Water Resources, has a conflict of interest. It's a water purveyor and then it's a public trustee. We have stored water, more water in protracted periods of time at Oroville. And similar conditions were happening at New Bullards Bar. And, you know, I documented the fact that they held back too much water on two major flood events, which compounded downstream flooding problems and exceeded the flood control design capacity, undocumented.

So when we lost lives and we talked about money and we talked about going forward and getting more money, remember that the State has an $80 billion deficit right

now from the general obligation bonds. That's 80 billion in addition to that for the interest.

I'm almost done, Mr. Chairman.

PRESIDENT EDGAR: No, that's fine.

MR. PORGANS: I don't want to take too much of you're time.

PRESIDENT EDGAR: No, no. You're doing fine.

MR. PORGANS: I have 40 years in water. Now, maybe that's why I'm inundated with it and my wife doesn't want to talk about it any longer. I mean that's all possible.

But what I'm saying to you now is that you need to look at the system you have and make sure the system that you have, the 600,000 capacity, second fee capacity, unless it's changed, is still up to speed. And then I'd look at, you know, going back and making sure that's intact.

Then I make sure that the agencies were complying and that the federal law required that they take an action when they fail to comply. Of course all they do is write a letter. I don't have to force them to write the letter.

So, lastly, I'm saying the Plan is too vague. There's not enough information in there. Right now the bond debt is eating up about 11 percent of the General Fund. That's 11 percent. There's another 80 billion out

there. When that's issued, you add another 80 billion in interest. You're talking about 320 billion.

This infrastructure deals -- starting to sound fishy to me -- I heard something about groundwater. And I know it could be used in the bypass from the dam and I know it can allow DWR to keep more water up there. I know all of that. They know that too.

But I'm saying to you, let's not move too fast. If you want to put a framework together, that's good. There's 4 or 5 billion sitting out there in the 1E. I'm saying to you let's not rush forward and do that. We don't have the flood conditions. We already know when the pineapple express is coming before it gets here. We know what the wetness index is before they do that. We know how projects are supposed to be jointly operated. And I stand here before you -- Mr. Countryman did a good job. I mean remember, one of the biggest clients of the Corps is DWR. And this is another way to increase the water supply reliability for the Department's state water contractors.

And, lastly, I had to stop DWR from putting the proposed flood control center in the hundred-year floodplain. They were going to put it over at Jibboom Street. We showed them that the levees would liquefact. And when I tried to testify before the Senate, Mr. Costa denied me and my attorney and -- excuse me -- my engineer

the opportunity to show how they failed to comply with the reservoir control manual during that flood at Marysville. Then when they lost the case, we're paying that money back, the people, from the General Fund.

Thank you very much. I have to go because I'm a little sick.

And I want to thank this man, Eric, and you, Mr. Chairman. If you're really sincere and you want to do something, get control of the reservoirs.

Thank you. Is there anything else?

PRESIDENT EDGAR: No. I Thank you for your testimony. Appreciate it very much.

MR. PORGANS: Very best to you. And if anyone celebrates this holiday, holy season, bless you.

PRESIDENT EDGAR: Thank you.

MS. TERRY: Hi. Melinda Terry, Executive Director of the Central Valley Flood Control Association. And we do represent more than 70 local flood control agencies, cities and counties, reclamation districts, levee districts.

And, first, I do want to say welcome to the new members and thank you for your willingness to serve, and

1 especially jumping in at this point in the process.
2 We do appreciate the work that DWR has done up to
3 this point. But we also appreciate the fact that the
4 Legislature really provided the opportunity for the Board
5 to refine and improve the Plan through the public input
6 process that we're in right now.
7 I particularly found the Board staff presentation
8 just so helpful today. Eric, that was just such a good
9 job. Honestly it's kind of what I thought I was going to
10 get on March 22nd when we had that thing. I was hoping
11 DWR was going to explain here was what behind and how we
12 kind of did it. But, Eric, you provided that today.
13 I agree with you, Mr. Chairman, to repeat it
14 again at the other public hearings, we're going to have so
15 many people show up, it will be difficult. So, Eric, I
16 think you are going to have to condense it down the
17 recommendations. But I think it will help them understand
18 the different roles, if you will, that DWR had in
19 preparing it, your role, and now kind of taking a step
20 back looking at it, taking the public input, and then
21 doing that so if those recommendations are condensed. But
22 that was really a good job.
23 Because essentially, you know, I heard them
24 really kind of saying here's what we noticed and what we
25 want to highlight for you, the Board. So I'm really

1 looking forward to that staff report at the end of the
2 month.
3 But as you heard, the Association of course is
4 working on comments that we will submit on behalf of the
5 Association and our members. But we also, have you heard,
6 been working with some of the environmental organizations
7 to identify some of the things that we had in common in
8 terms of things that we looked at at the plan.
9 So we may diverge in what our individual comments
10 that are submitted based on particularly some of the
11 testimony I've heard so far. But we eventually will have
12 some common areas that we hope to look at. And they kind
13 of evolve around some basic premises, if you will. Kind
14 of one of them was, we're not sure the Plan is quite
15 realistic particularly for a forward-looking plan, if you
16 think about the realities of whether it's federal funding.
17 We're just even -- our federal partners on how effective
18 or fast they are, we do think there's an opportunity for
19 the state and locals that we've proven over the last few
20 years with some of this Prop 1E and 84 funding that we
21 tend to be more nimble and quick and cost effective
22 essentially.
23 So we're hoping to kind of look at ways to
24 improve that process, regulatory burden timeline, and the
25 opportunities that are there.

The other thing I think that we've looked at and in common areas to look at are these rural-ag issues that you've heard from a lot of public testimony and what the opportunities are there in terms of the funding commitments that we'd like to see beefed up to create some parity and equity and level playing fields. So we'll have some suggestions on the compensation and the cost-share kind of things to be considered.

And as well as exploring some additional -- I don't know what the right wording may be -- templates methodologies for the through local stakeholder development of opportunities and benefits that may exist for expanding and improving our flood bypasses and other facilities. But it's really critical that those are developed from the stakeholders up in our -- and then the other thing really that we found in common was concerns with timelines and more specific goals and the process for achieving some of these areas that I've identified. Otherwise the plan does end up a little too vague and empty. I agree. I've worked on -- it seems to be a common theme, frankly, with some of the other planning efforts in the Delta that I'm working with DWR.

So I do agree with John Cain's comment that you do have to have some measurable goals -- you have to have that vision. But you have to measurable goals and

objectives ultimately. And I describe it as a GPS system. My car can only get me to the location if I actually input the address where I need to go. Okay. So you have to know where you're going. And then hopefully the measurable goals and objectives are really the turn-by-turn directions so that you can reach five-year increment, determine if what you were doing is making progress towards what those goals are.

Now, the hard part is what those goals and objectives are, because different stakeholder groups are going to see those differently. So that's where we need to figure out what those are. But it is important in the early timeline as 2012-2015 to try to get there.

And I will close with that. And thank you very much.

PRESIDENT EDGAR: Thanks very much, Melinda.

BOARD MEMBER SUAREZ: Mr. President, could I interrupt for a second?

PRESIDENT EDGAR: Yes.

BOARD MEMBER SUAREZ: Ms. Terry?

Actually I just want to take the opportunity to thank you and your organization for help us facilitate discussion with other groups such as the environmental community and the agricultural community.

The common areas that we can find -- and you can

1 find and share with us will go a long way in helping us as
2 we deliberate.
3 MS. TERRY: Yeah, we just figured it was really
4 important, because the Legislature unfortunately gave you
5 such a short timeline to try to do your part of this
6 process. And so we thought to the extent we can really
7 identify some of those areas and offer actual suggestions,
8 that will help you because there's just so much with 8,000
9 pages or what have you. So we're hoping that will provide
10 that.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. STALLING: Yes. Well, thank you, Chairman and the Board, for allowing me to address you with some comments. My name's Dave Stalling and I'm the Communications Director for Trout Unlimited in California. Trout Unlimited is a national nonprofit group made primarily up of anglers, fishermen who are working to protect and restore native trout, salmon, steelhead and their watersheds and their habitat.

In fact, Trout Unlimited leads agriculture. It's very important to the California economy. And in fact, we work all over the state with loggers and grape growers and wineries and farmers cooperatively to protect and improve habitat for trout, salmon, and steelhead.

So with that, we do support a plan that conserves

farmland while improving fish and wildlife habitat for hundreds of anglers and others.

With that said, we think it's critically important that this plan incorporate floodplains, flood bypasses, and levee setbacks to give rivers room to breathe and spread out during high waters. This will help protect lives and property. It will increase reliability and quality of water supply by protecting the Delta and recharging groundwater. It'll give more certainty to local governments in their decisions particularly on where and when they can and can't build. It will reduce flood risk. And it will improve and enhance fish habitat, wildlife and recreation.

You know, salmon and steelhead in particular we've seen a lot of research now that shows that floodplains, because they're in that critical time of year, they're shallow and they get more warm and there's more nutrients in there, that salmon and steelhead grow a lot faster and are, therefore, healthier and stronger; because it's part of the way they evolve with the natural ebbs and flows and letting the river breathe and allowing these salmon and steelhead to, you know, live the way they adapted to and adjusted to.

So with that said, we look very forward to working with you on ways to incorporate floodplains,

bypasses, and levee setbacks.

And I want to thank you for this opportunity to comment.

BOARD MEMBER MacDONALD: Thank you.

ASSEMBLYMAN NIELSEN: Chairman Edgar and esteemed members, I do thank you for the opportunity to come and comment before you today.

PRESIDENT EDGAR: Good to see you, Jim.

ASSEMBLYMAN NIELSEN: I'm again Jim Nielsen and I represent the Second Assembly District.

I come from one perspective as a farmer from the Sacramento and San Joaquin valleys who has farmed up and

1 down those valleys and been an agricultural consultant
2 therein, who has represented in the State Legislature
3 north and central Delta and all of the Sacramento River
4 and its watersheds, and is author of major legislation
5 affecting this area, including Senate Bill 1086, the
6 management plan for the Sacramento River, the Sacramento
7 valley studies legislation, and the Colusa Basin Drainage
8 District.
9 And I want to thank Board Member Dolan in her new
10 duties for redirecting the focus at the forum back on the
11 intent of the author. Oftentimes, whatever the author
12 intended gets drifted off over the years in
13 implementation. And that's a clear and present danger
14 even with what we are discussing right here.
15 Senate Bill 1086, the Sacramento Forum, was a
16 management plan for the Sacramento River, but one that was
17 promulgated to be particularly sensitive to local
18 communities, to local elected officials, local landowners,
19 and agricultural, and particularly focused on a forum and
20 means to get the competing and contradictory often
21 agencies of State and federal government together with
22 those local parties with the intent of fostering
23 communication and cooperation. And I think that largely
24 has happened over the years with that construct, because
25 it's been applied elsewhere. That's one of my

perspectives.

I also come before you again as a legislator in that regard, but also as the founding president of the California Alliance to Protect Private Property Rights. We were founded, first, to stop the County of Yolo from, by eminent domain taking over a 17,000-acre ranch, most of when was in the bypass. And all of the designs that were purported to be applied to that bypass in the future were contradictory and would compromise the flood control purposes, and put many people at risk, and also destroy agricultural. We must not let that happen.

I would speak of process too briefly. And I compliment you. This is off to a very good start. What I've heard hear so far, Mr. Chairman, I much appreciate. But government now has done so much more behind closed doors, particularly the California State Legislature. And the limiting of input in public, even at forum like this, is disturbing to me. The issues that are before you, us, other bodies, affect their lives in enormous and drastic ways, and they deserve full latitude, the public does, to know. And again, the Legislature now is the first and worst cooperator.

I would actually ask you to do -- aggressively be engaged in the front end, bringing people to the bear. I'm aware of Yolo County's concern about the Fremont Weir

and not being involved early enough in the development of those ideas. To the degree that you can with your limited resources, I would encourage you to do as much of that as you possibly could.

One of the landmark treatises on this, it's one of my favorite books, the battle for the inland sea. I study it all the time and I keep going back to it, almost like the Bible for water. And I'm delighted to have had my small part in it as a successor in some of that vision.

But we must learn the lessons of history. And I will argue that the levees and the bypasses have a more specific purpose of protecting life and property. They ought not have, other than as a de minimis purpose, other things, such as habitat, recreating, et cetera.

The accumulation of debris in our bypasses has long been a problem, and the removal of those is critically important to preserve the integrity of them, as well as the levees. Sometimes we've been successful in accomplishing that over years and sometimes we haven't.

But it disturbed me the great glee that so many of embraced taking over the Conway Ranch and putting all these parks and all these pathways and all this habitat at the south end of the Yolo Bypass, the bottle stopper of all bottle stoppers.

Those purposes must be de minimis. And it

somewhat concerns me taking some 40,000 acres out of agricultural land, increasing habitat by some 10,000 acres in these areas. I argue that should be a very de minimis reason and purpose and action item in the future, because those are not compatible with the flood control purposes and the integrity of those levees and those bypasses that are so important.

And if you want to have a classic picture of it, drive between Davis and Sacramento on I-80. You have the Yolo Causeway, quite an impediment, a necessary impediment, to flows. But embracing that bypass on either side is a marvelous wildlife habitat. As I drive by it frequently, I see the accumulation of material in this wonderful wildlife habitat area.

I argue that's not sound flood control management or use of that bypass. And even the County of Yolo is very concerned of the designs that the Delta Stewardship Council and the Bay Delta Conservation Plan has for mitigation of environmental concerns in the Delta applied to the southern end of the Yolo Bypass. That does not make good sense.

I'm encouraged by what I've seen here today in terms of your sensitivity to that local input, the local control, but not only to have that input, but that that input be heeded.

1 One of the greatest problems we have in
2 government is the lack of trust in government. Now, I'll
3 argue that the Public Trust Doctrine applied in water has
4 been overextended considerably over the years. That's not
5 the one I'm talking about. I'm talking about people being
6 able to trust the Government that represents them, and
7 they have good cause not to, particularly with the
8 development of a massive impediment of bureaucracy.
9 I mentioned one of the purposes of 1086 was the
10 cooperation between State, federal, local, individuals and
11 authorities. That's always a problem. I would hope at
12 all levels we can achieve better in the future, with the
13 federal government not arrogantly saying to the State you
14 must do it our way; the State telling local government you
15 must do it our way; but to see a much more cooperative
16 attitude ahead.
17 I think that we do have some great opportunity
18 here, ladies and gentlemen. We certainly have a crisis.
19 It's not the crisis to end all crises. And by the way,
20 the Delta has always been in a crisis, ever since I've
21 been around.
22 I have to give you something that gives me a
23 smile about science. And I appreciate the fastidiousness
24 of Mr. Villines and Ms. Suarez heeding and mindful of some
25 of the economic impacts and the interpretations and such

and good science.

In the water debate a couple years ago, the issue was that one of the scientists came and said the problem with the Delta is we needed more salt water coming up the river, and that would solve the problem with the Delta if more salt -- and I was stunned. I said Dr. -- I want name him -- all my years as being involved in the Delta, I have never heard that theory espoused. In fact, to the contrary. What magic has occurred to change this dynamic and paradigm? I must, sir, question your science.

But be careful and be fastidious about it, ladies and gentlemen. These are legitimate concerns, and I will indicate to you that a lot of folks around California are very concerned about their government. And therefore, everything that goes on, they're concerned and distrustful about.

You've shown them here today an openmindedness and a respect for that. I ask you to continue to be so sensitive, so concerned, and inculcate and incorporate some of their suggestions and ideas in what you ultimately recommend.

And I thank you very much for your dedication. You are stewards of the future for our grandchildren. This is not about now. It's about 25 and 50 years from now.

1 Thank you for the opportunity.
2 PRESIDENT EDGAR: Thank you very much, Jim.
3 Thank you.
4 (Applause.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Assemblyman Dan Logue.

MS. RYAN: Mr. Chair and members. My name is Tiffany Ryan, Legislative Aide for Senator Doug LaMalfa. And I am here today on behalf of the Senator to comment on the draft flood plan.

The plan jeopardizes thousands of acres of farm land that is some of the best in the world. In fact, on DWR's website, they indicate that the affected counties in this plan account for almost 40 percent of the agricultural economy in California.

If that is the case, why weren't agriculture and its interests included in the drafting of this plan?

The amount of time from the very loose draft to an adoption date is very short and shortchanges the public's input and ability to come to grips with the plan's effects on their lands, and the ability to farm the crops of their choice not what the State allows them to grow.

This is in addition to the establishment of habitat on all levees and bypasses, which risks the breach

of another levee similar to the breach in Yuba County in 1997.

The State has little ability to borrow $17 billion with the crisis of the State budget, down economy, silly costly pursuits, like the high-speed rail, and an impending vote on a water bond this November to not have a well thought-out plan that truly addresses the handling and flow of flood water, and not a bait and switch that is just more environmental and habitat spending masquerading as flood control.

This while also taking productive agricultural land out of production, and even being seized from landowners. What was the purpose of this project?

In conclusion, Senator LaMalfa expects farmers and agricultural to have a firm place at the table and not be an afterthought and asks that this Board convey that message to DWR that a hasty, arbitrary timeline is neither productive nor fair, and will not be tolerated by our constituents or my office whose lives are directly affected by this proposal.

Thank you.

PRESIDENT EDGAR: Thank you very much.

ASSEMBLYMAN LOGUE: Thank you for coming today. I appreciate your efforts. I just want to reemphasize the fact that you're sitting in a county that has flooded twice in 10 years. And I know what it means to see a community destroyed by it. If you have a fire in a community, you can recover within a year or two. When you have a flood, it takes five years that it destroys the economy and the base. So I've seen firsthand cars up in trees. I know what it does.

My concern here today is that we work hand-in-hand with the local communities and the elected officials on the ground. They understand the dynamics better than anybody from Sacramento.

Number two, I believe that it's absolutely necessary that the solution for our problem will be offstream storage flood control dams. I mean that more than any other area we can solve this problem. We can have water for the north State, and we could even provide water for the south State. I believe that that is going to be the main solution. We cannot afford to continue to take good ag land out of production. We're already doing that right now.

In the last 20 years, the farmers and the

1 businesses in the north State have lost over two-thirds of
2 the water supply in the north State. So I would hope that
3 you will strongly consider that.
4 As a member of the Yuba County Water Board and
5 chairman of Three Rivers, one of the proposals that were
6 among the best that we had was in order to control flood
7 waters, we were considering building mini dams throughout
8 the north State, where they would hold the water back for
9 90 days and release it gently throughout the year. That
10 would restore the aquifer in the ground. It would keep
11 our communities safe. And I believe there's money and
12 resources available to do that. That would also allow us
13 to keep the farm land in production.
14 So the hope and dreams of the north State is to
15 protect agricultural. There's a lot of businesses leaving
16 California today. The last five years -- the last year
17 alone, we've had five times more businesses leaving
18 California than ever before. The ag industry is probably
19 the last business standing in this State. We have to make
20 sure that we provide the water and the resources for them
21 to produce, to feed the world, and to make sure that their
22 land is not taken out of production.
23 I'm not sure what the definition of urban is. I
24 wish somebody would tell me what that is. But I want to
25 make sure that the definition of urban is not to protect

1 Sacramento at the cost of the north State.
2 Thank you very much.
3 (Applause.)
4 PRESIDENT EDGAR: Thank you, Dan.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUTTER COUNTY SUPERVISOR GALLAGHER: Thank you, Mr. Chairman and members of the Board.

This morning I wish to offer my comments, individual comments, on the Draft Central Valley Flood Protection Plan, from I think the unique perspective of someone who's been intimately involved in flood control in the Sacramento valley, having served on two urban levee improvement agencies, the Sacramento Area Flood Control Association, and currently Vice Chairman of the Sutter Butte Flood Control agency, and also as a County Supervisor who represents areas protected by over 100 miles of rural levees.

First, I wish to identify for the Board three areas in the plan, which I do believe are very positive developments, and are worthy of support.

First, I'm encouraged and supportive of the plan setting aside $100 million for a rural levee program. This will be vital to ensuring that our rural levees and

areas receive flood improvements under the plan, and that we all get better together.

Second, I am also very much appreciative of DWR's support in the plan of a much needed -- of much needed reforms to FEMA's National Flood Insurance Program, especially as it pertains to our agricultural basins, who are struggling to remain viable after being remapped into special flood hazard areas.

And third, Sutter and Butte County are very supportive of the commitment in the plan to fund vital urban levee projects, and specifically to incorporate the West Feather River Levee Project which will provide urban levels of protection to Yuba City, Live Oak, Gridley and Biggs.

However, there are significant concerns with this plan that I hope will be addressed before final adoption by the Board. First, your conceptual plans and conservation framework will have a tremendous negative impact on agriculture. And I assume you're going to hear a lot of that today.

The taking of 40,000 acres of prime productive agricultural land would be a tragedy and should be reconsidered in the final plan. Please understand that under the current draft plan, agriculture would be severely impacted by, one, ecological mitigation that is

either incompatible with or takes productive agricultural lands out of production; two, agriculture bearing the sole burden of FEMA floodplain insurance and regulations; three, taking out -- taking of ag lands for setbacks or bypass expansions, and; four, increased risk of flood if rural levees are not also improved at the same time.

Secondly, I would also encourage you to increase the funding for and make a more firm commitment to the rural levee program. Without a more firm commitment, our region remains at substantial risk without any mechanism with which to fund critical levee repairs.

We would also encourage the Board and DWR to join the Agricultural Floodplain Management Alliance, and become a supporter, financial and otherwise, of much needed reforms to the National Flood Insurance Program.

Third, before considering bypass expansions, the plan must provide for the maximization of the existing bypasses and channels to ensure that we are getting the most out of what we already have. If a need for bypass expansions are identified, the project should begin at the bottom of the system and should provide for substantial local direction and input.

We're willing to work with the State on providing enhancement to the system. I would remind the Board that we have been and will continue to be your partners in

flood protection, and in preserving and protecting our vital water resources.

For well over a hundred years, we have given a lot to this partnership with the State of California. Sutter County was the site of the very first levee districts, Levee District number 1, in which local citizens taxed themselves to build the very first levees in the system.

Landowners in Sutter County, Colusa County, and Yolo County were the very first to give up their land to develop the bypass system, which is the keystone of our current flood protection in the Sacramento Valley. Our reclamation districts, our levee districts, our water districts have contributed scarce resources to vital projects, including pump stations, fish screens, weirs, channels, dams, conservation easements, all with the goal to help water resources, flood protection, and ecological sustainability. We've also kept our floodplains in agriculture, and kept risks low in the floodplain.

The question for us as your partners under this plan is this, are we valued?

We are worth so much more to the State than incidental flood protection, and our farms are already providing the ecological sustainability that is needed to achieve the mission of the plan. Under this current plan,

it appears that urban environmental interests get better at the expense of agriculture and the rurals

That is not getting better together. We need a commitment that our rural levees will also be improved. We need recognition and credit for the fact that our farming operations and agricultural lands are ecological. We want the plan to prioritize enhancement through removal of vegetation and sediment from the river channels and the bypasses that we have already given up to the mission of capacity. Setback and expansion proposals need a lot more study, and they should be driven by local input and concerns.

These are the things that we must have and need from the plan. Considering all that we have given and will continue to give to the mission of flood protection in the Central Valley, it seems a pretty small ask.

Thank you for your time.

PRESIDENT EDGAR: Thank you, James.

(Applause.)

YUBA COUNTY SUPERVISOR NICOLETTI: Good morning. I'm John Nicoletti. I'm on the Board of Supervisor for the County of Yuba. I'm also a director for Three Rivers Levee Improvement Authority. I'm also a director for Yuba

County Water Agency.

PRESIDENT EDGAR: Thank you for hosting the facilities today, John. Appreciate it.

YUBA COUNTY SUPERVISOR NICOLETTI: We understand very well that we get two-thirds of the annual rainfall in California here, and that two-thirds of the population lives at the other end. There's a lot of pressure in those water systems, mainly man caused, to get the conveyance and to get environmental considerations involved.

I think the draft plan that you're putting forward includes elements that will benefit Yuba County, including the rural levee program, and especially for us, the modifications to the outlets at New Bullards Bar, goes a long way to helping the mission that we've been working on.

I also think we have an excellent opportunity to work together and improve public safety in the Yuba and Sutter region. Having come though the Lower Yuba Accord process, we feel that there is a way forward. I do share the concerns about the Cherokee Bypass and the widening of the Sutter Bypass as well.

We really just want to make sure that we can work closely with, you know, your Board, with DWR to confirm that these projects do continue to make sense for all of

us involved.

We've had great successes. We absolutely appreciate our partnerships. We've had good projects here in Yuba County, both with your Board and with DWR. We want to use that strength and share that strength. And we hope that we can work closely together to help implement this plan.

Thanks.

PRESIDENT EDGAR: Thank you.

MR. MERKLEY: Thank you, Chairman Edgar, members of the Board. Danny Merkley with the California Farm Bureau. Let me just briefly explain. My family personally is very aware of the flood concerns and issues. Our family has been farming in the Sacramento valley for five generations. My great grandfather grew hops before prohibition. There was a little bit of a problem after that.

(Laughter.)

MR. MERKLEY: But his home still sits at the corner of 22nd and V in Sacramento what's called Poverty Ridge. That's where people would move when Sacramento would flood to high ground until the waters would reside and they'd go back and rebuild their homes or continue

working on building the Capitol.

My comments will be very brief. We've submitted detailed written comments, and you're going to hear an awful lot today, so let me be as brief as possible.

I'd like to first thank DWR staff, Jeremy, Keith Swanson, Paul Marshall, Matt Reeve who have made extra efforts to reach out to the Farm Bureau. They came last month to meet with the Farm Bureau president, our administrator, myself, and another member of our staff. And so I appreciate that.

We understand this is a system level plan. However, Chairman, even in your words, this is a beginning. I feel this beginning has set the forms. The next step, adoption of this, is setting the foundation. It's going to be real difficult to move this house once those forms and that foundation is set. And so we have concerns about this being deemed as just a beginning. And there's lots of room for work. But once that gets set, it's going to be tough to move things, to change some things, as we get more into the detail.

We would ask that you take a little closer look at the enabling legislation to balance flood protection with habitat. We have concerns about the 10,000 acres of habitat that would come out of productive farm land, in addition to the 30,000 acres of farm land that would be

impacted. I have seen firsthand, and our members have seen firsthand, what a bad neighbor habitat can become if it's not managed properly. And I don't think I need to get into the details of that.

We would also ask that any of the land that does come out of production that -- or that is impacted by these things, that our members are fairly compensated. And that takes into consideration the increased costs of their farming operations as a result of having neighbors like new habitat and so on.

Agricultural is a very complex symphony of activities. The public, environmental organizations, engineers don't truly understand, unless they've been there and done that. It looks great, and you think you understand what's going on when you drive up and down Highway 99 or I-5. But until you have actually lived that, you don't understand the impacts of some of these things on what it takes to actually get a crop from seed to harvest.

Lastly, I'd like to say that I commend you on trying to meet timelines. That's a very rare thing this day and age for State agencies and organizations to meet their legislative timelines. However, I would like to point out that getting this right is -- should be the highest priority, so we would hope you would look at that

1 and make sure that if you need to do a little more
2 outreach, you need to get a little more input from folks
3 on the ground, that you consider that.
4 I'll end there. Thank you.
5 PRESIDENT EDGAR: Thanks very much.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. AKIN: Good morning, ladies and gentlemen of the Board. Thank you for being here. This project that's before us is so broad and thick. If you look -- I've looked at it on the Internet and you can't even -- you can't read the document. You couldn't read it in three weeks. What scares most of us here is are the conservation easements that are talked about within the bypass channels.

As a former Sutter County Supervisor that was in office during the 1997 flood in Meridian, I'm very concerned, because what happened there was the fault of the Department of Water Resources, and it was the fault of the Department of Fish and Wildlife. Fish and Wildlife was allowed to have vegetation grow within the floodplain channel. Department of Water Resources did not buck Fish and Wildlife.

Consequently, during the flood of '97, there was a three foot jump north of the Sutter Refuge in the water

level in the system. That forced and broke the levee in the Meridian Basin.

If you do not think that vegetation or habitat, or whatever you want to call it, within a floodplain system has an effect on water, and has an effect on elevations, just take a couple of pebbles and put them in your driveway and turn your water hose on and direct it down towards the pebbles and watch the water back up. The same thing happens to a much greater magnitude when there's vegetation within a floodplain.

So, you know, it is with great concern that we're here today looking at things, because everybody here lives with high water every year that there's a great amount of rain. We have a system that was designed and it's a very good system, if it's allowed to operate at design specs.

The Sutter Bypass, the Moulton Weir, the Colusa Weir, the Fremont Weir, Sacramento Weir have not always been allowed to operate at design specs because of the buildup of sediment within the channels. They have not been allowed to be removed because of environmental issues over the years. If those -- if this system is allowed to work as designed, and if it's maintained as designed, we'll have a good system, and it will provide flood control, but we have to be able to work on our tired levees without such a great amount of environmental impact

studies and so forth. We could cut the cost of levee repair by two-thirds if we could just work on current levees without environmental impact studies. And I know that there has to be some, but where you have a current levee, I don't think it's -- it shouldn't undergo the same scrutiny as a levee that you would to have build where there's never been a levee.

So let's look at cutting costs on environmental issues and let's look at building and repairing the levees that we have and getting this system back to working like it was designed to work. If we can do that, we have a good system that will protect everybody.

And I think that in the end what we need to do is develop a system here that will protect all and damage none.

Thank you.

PRESIDENT EDGAR: Thank you, Dick.

(Applause.)

MR. CARLON: Good morning, Chairman, members of the Board. My name is John Carlon. I'm president of River Partners.

And I just want to start by stating that River Partners' top priority in this flood plan is public

safety. We have employees who live in this community whose families, farms, and homes would be in harm's way if these levees fail. And we believe the best way to protect public safety is through expanding bypasses and moving levees back. And we think there is some excellent examples of that right here in this community with TRLIA's Bear River setback and the Feather River setback. So I think just right here in this community, there's excellent examples of how this can work and work well.

In addition to the benefits of improved public safety and flood protection, moving levees back and expanding bypasses has several other benefits. And some of those other previous speakers have touched on. We need to improve water supply reliability for agriculture. And I think that can be done with levee setbacks. They also improve water quality.

There is an increase in wildlife populations, decreased needs for mitigation in the future. We have increased opportunities for hunting, fishing, recreation. And those are all important to the local economies.

And I think another really critical factor is reduced operation and maintenance, because if we can expand the capacity of the floodway, our annual operating costs have the opportunity to go down.

And another critical factor is leveraging State

and federal funding to get more dollars into flood control. There's an example of a project we're working on that's going to protect about 1,600 -- there's going to be a flood easement over 1,600 acres down in the San Joaquin, and flood control dollars is roughly 10 percent of the total budget cost.

So if we can follow the example of what's been done up here in this community with TRLIA with Bear River and Feather River setbacks, where everybody can work together, elected officials, State and federal agencies, levee districts, farmers and conservationists, then I think we have the benefit of leveraging those fundings and bringing those resources to bear and getting more work done.

And in terms of the flood plan, I just want to make sure that the Board is aware that there are many viable multi-benefit projects ready to go. Many of those have not been captured in the plan. And I would be encourage you to consider those and make those a priority in the first five years of this effort.

Thank you.

PRESIDENT EDGAR: Thank you.

MR. ELLIS: Good morning, Mr. Edgar, members of the Board. I Tom Ellis. I'm here today speaking on behalf of my wife and I as concerned landowners in the Colusa Basin. I have submitted my comments to you earlier, in written form.

But my first concern today is the two tiered level of flood protection that was mandated by Senate Bill 5 requiring a 200-year level of flood protection for urban and urbanizing areas and 100-year level of protection for rural communities. And I'm not certain what level for rural, agricultural areas.

When the Sacramento River Flood Control Project was built, it is my understanding that there was no such distinction made. And later, a memorandum of understanding was executed assuring rural areas of the protection provided by the '57 profile. As a result of SB 5, rural areas have been put in an untenable position, uncertain of their future flood protection.

The Sacramento River Flood Control Project has kept us relatively free from significant flooding since its completion, and we have become accustomed to that level of protection.

Also, it appears to me the new flood plan is more

of an ecosystem restoration plan than a flood protection plan, which brings to the forefront the need for landowner assurances, so we in production agricultural have some recourse when we find ourselves neighboring a restoration project.

I think conflicts are inevitable in such a situation, and believe that we should have a grievance procedure and a good neighbor fund in place to address these conflicts. Discussion of this issue was squelched in the ag stewardship committee by plan leadership because they maintain the plan is definitely a flood protection plan and not an ecosystem plan. However, I would point out that a good portion of the number of pages in this plan is devoted to ecosystem issues.

Another area of concern with the plan involves the development of the 90-plus management actions that were under consideration for inclusion in the 2012 plan. These actions were divided into about 11 category based workshops, and I attended three of these workshops where we discussed about 10 or 12 of these action items in two hours, or about 10 or 12 minutes per item, which is not much time for such a significant issue as transitory storage. For those of us in the Colusa Basin, Sutter Basin, these basin areas, transitory storage is a huge issue.

1 Facilitators hustled us along to meet the time
2 limits with the explanation that we would go into more
3 detailed discussion in Phase 3 and Phase 4 of the planning
4 process, and then Phase 3 and Phase 4 were cancelled. I'm
5 encouraged to hear that they will be reinstated down the
6 line, but it kind of was an awkward situation. It
7 certainly caused us to lose a little faith and trust in
8 the plan, because we were told that when we had the
9 opportunity to discuss them in these workshops that we
10 couldn't do a thorough job of it, but we would have this
11 opportunity later on, and then it was cancelled. It
12 really challenged us to put much faith in the plan.
13 And then when I got the final plan, I happened to
14 notice I didn't know how these management actions would be
15 handled in the final edition of the plan. And, lo and
16 behold, here they are all nice and neat about that far
17 down in the plan. So I would think the casual reader of
18 the plan would assume that all of the participants had a
19 chance to put their two bits worth in on these management
20 actions, and that was not the case. So I want the folks
21 in the audience that read this document to understand that
22 those of us who participated really didn't have a chance
23 to review those issues.
24 A special issue in my mind, it was Management
25 Action number 82 in the revenue and finance workshop. It

was to compensate rural areas for accepting a lesser flood protection than the urban areas. And then I see it was deleted in the final plan. And this is a huge issue for us, as we believe flood risk is being shifted to the rural areas, and we firmly believe we should be made whole.

And then a slight comment on the alignment of the Cherokee Canal that's mentioned on page 2-12 of the plan in the -- this Cherokee Canal in the Butte Basin. And I'm really concerned, because I attended all of the upper Sacramento region meetings, and never heard this item mentioned. I also know some folks in the lower Sacramento region meetings, and I don't think it was mentioned there.

And, Mr. Edgar, I know you were part of that. I don't -- anyway. It was really unfortunate when we saw that it was in the plan, and I think it presents some real problems, because I think you're transferring risk from the east side of the Buttes to the west side of the Buttes, and we already have some issues over that there as Mr. Akin referred to with the Sutter Bypass unable to handle some of the huge flood flows now because of vegetation build up within that channel.

So if we bring that water across behind the Buttes and dump it down on the west side, we're going to have problems. And it's a significant amount of water. I would point out to you that they want to increase it to a

capacity of, what I think mentioned is, 32,000 cubic feet per second. The main stem of the Sacramento River from Tisdale to Fremont, the capacity is only 30,000 -- or is 30,000 and that's a lot of water.

Another issue that I have is I don't see a history document accompanying this plan. And there were several of us in the Upper Sacramento region group that felt quite strongly about the inclusion of a good history document with the plan. And I'm concerned about the period from the gold rush when things really started happening, and the reasons why things are the way they are and. And I think such a plan -- or this plan should have such a document.

So with that, I would like to also comment on Mr. Akin's comment about the bypass channels. And I would tell you that we finally -- he'd skipped over the Tisdale Bypass. Dick, a little concerned about that.

(Laughter.)

MR. ELLIS: But anyway, we had a considerable problem there. And we finally got it cleaned out in 2007, and it had made a remarkable improvement in the Sacramento River below Tisdale down through Knights Landing.

So with that, I thank you.

PRESIDENT EDGAR: Thank you, Tom.

(Applause.)

MR. SLIGAR: Thank you, Chairman, Board. I'm Jim Sligar. I farm in Butte County. And the proposed -- the Cherokee Canal, which I guess is being proposed to be the Cherokee Bypass runs through my property. I have just a short little letter here I wanted to read to you.

As I stated in both your Sacramento meeting in March and again in your Richvale town hall meeting, in which both Jane Dolan and Ben Carter were present, the process of involving the most affected, i.e. landowners, was completely lacking until the final phase of the discussion. And then only by notification by the California Farm Bureau.

Since the spinal -- final specifications of this Cherokee Canal Bypass are unknown, it is hard to intelligently discuss its impact. The Department of Water Resources disavowed the 32,000 cubic feet per second flow requirements stated in the draft proposal and would not clarify the exact design flows required for the Cherokee Bypass. Not knowing these design requirements, it is hard to propose alternative solutions, but here are a few that come to mind.

And the reason I gave you these alternative solutions is because Jane -- Mrs. Dolan asked us to not just state negative comments, but to state alternate proposals. So this is some that I cam up with.

First, I think increased water storage at Oroville proportionate to the quantities of additional water that were to be moved by the new Cherokee Canal system, or bypass system, or at least increase the flood protection storage requirements at Lake Oroville to compensate for not building the Cherokee Bypass.

Secondly or in combination with the first proposal, clean and maintain the Cherokee Canal to function as it was originally designed. It is currently filled with vegetation which does little to help with water flow.

Third, or in conjunction with the suggestions 1

and 2, work with the joint districts and western canal to secure an agreement to convey water -- flood waters through existing afterbay outlets and the sunset pumps at Live Oak. They have the capacity presently to move about 4,000 cubic feet per second without any additional modifications.

On the district lands. Landowners could be compensated by annually paid easements and participation would be voluntary. By graduating easement payments based on the number of acre feet per acre a farmer is willing to agree to pawn, the DWR could encourage landowners to make physical alterations to their properties in order to pawn more water.

Given the combined districts involvement -- involved include -- cover more than 100,000 acres, a considerable quantity of water could be pawned at a significantly reduced price and a lot better public relations.

Thank you.

PRESIDENT EDGAR: Thank you very much.

MR. HOPPIN: Chairman Edgar, Board Members. It's nice to be before you. I'm Charlie Hoppin. I've farmed in and around the Sutter Bypass in the Sacramento River

for the last 40 years. And for the last five years, I've had the pleasure, I believe, of Chairing the State Water Resources Control Board. But I'm not here today to speak to you in that capacity, but in the former.

I'm concerned that this Board is being drug into a habitat enhancement issue. I fully appreciate, problem more than most, the role that all of you play, and I appreciate it a great deal. I was reminded of this last night when I looked at our local paper, and there was a list of three supporters Trout Unlimited, Environmental Defense, and The Nature Conservancy. And I understand why they would be supportive of habitat enhancement activities. But I need to remind all of you that habitat and flood control don't necessarily go hand in hand.

I'd like to speak to you specifically about the Sutter Bypass. Dick Akin and Tom Ellis have touched on it. In 1997, I had the pleasure of serving as an advisor to Governor Wilson on his flood recovery plan. And so I have an opportunity to see firsthand what had happened.

And what Mr. Akin said is exactly right, when you looked at it from a helicopter from the air, what had happened was the barrier of trees on the upstream side of the Sutter Wildlife Refuge acted as a dam with all the flotsam that was coming out of the Butte Sink. And unfortunately, it was a bit of a diagonal. It created an

eddy that headed right for the west bank of the bypass. And the bypass actually breached at the site of the old Wadsworth Slough, which is next to the Department of Water Resources office in Sutter.

But when we looked at the 2000 -- or the 19 -- early 1900s maps where the breach was, was in a weak spot in the levee anyhow, and it was enhanced by the refuge.

So my concern is that the bypass system isn't inadequate, the big problem to me really is the agencies that are involved. And I'll name U.S. Fish and Wildlife, Fish and Game, DWR to an extent, the Corps of Engineers, Bureau of Reclamation, and CalTrans. And I'll give you an example of that as it relates to the 1997 flood.

Mr. Ellis mentioned that in 2007 the Tisdale neck of the bypass was cleaned. I'm very well aware of that, because I farm immediately adjacent to it. What he didn't mention is that it had been cleaned of approximately the same amount of spoil about 10 years prior to that. And what had happened in the initial cleaning was that Fish and Game controls the center of the Tisdale portion of bypass. They allowed vegetation to grow, cottonwood trees, vines, and reeds. And on the uphill side or the upstream side of the bypass, silt began to accumulate at almost at a diagonal from these barriers, and they didn't clean the flotsam out of the system after flooding and it

1 just gradually build up.
2 And in a 10 or 12 year period, there was the same
3 amount of debris that needed to be cleaned out of the
4 bypass. To their credit, and to the credit of Mr. Beckley
5 at the Sutter Yard, they're now maintaining the center of
6 the bypass since it's been cleaned. They're keeping the
7 vegetation on the periphery of the bypass where it
8 protects and buffers from flood flows, but they're keeping
9 the center clean and allowing for flows.
10 There isn't a visual difference today between
11 today and 2007 when it was cleaned. But, you know,
12 getting to other agencies. I mentioned CalTrans. There
13 was a bridge put over the Tisdale portion of the bypass in
14 the last couple of years. It has six pillars underneath
15 it. Four of them are in the center of the floodplain, and
16 they allow for flotsam to go through the bypass pretty
17 much unobstructed.
18 If you go a couple of miles down on Reclamation
19 Road, CalTrans put a bridge in, I'm going to say, five
20 years prior to that. It has four pillars on it. It's a
21 little narrower portion of the bypass. But several years
22 after that, there were funds available to retrofit
23 something in the Sutter County for earthquake protection.
24 CalTrans came in and basically put another bridge beneath
25 that. And instead of having four pilings on it, they

1 added another -- there's 17 now -- or an additional 17 for
2 a total of 21 pilings.
3 Last year, the bypass almost breached by that
4 bridge, because there was so much flotsam that had abutted
5 it that it created a redirection of the current to the
6 Sutter Basin side. They cleaned it out, but that dynamic
7 still exists. And it concerns me that we're in a process
8 potentially of abandoning the flood control system that we
9 have, when a goodly portion of the problem is maintaining
10 the system that's functioned for a long period of time.
11 And I don't want to say this as I'm -- that I'm
12 opposed to the habitat. I enjoy going through the Sutter
13 Wildlife Refuge probably as much as anybody and seeing
14 what's there, but when the Department of Water
15 Resources -- or excuse me, when the Bureau of Fish and
16 Wildlife is allowed to plant cottonwood trees in the
17 center of the bypass and plant tules, it looks nice to
18 people that are driving through and looking at it. But
19 I'll leave you with one message, you don't push water
20 through a dirty ditch. And that's exactly what had
21 happened there. And I hope you take all that into
22 consideration as you move forward.
23 Thank you for your time.
24 PRESIDENT EDGAR: Thank you, Charlie, very much.
25 (Applause.)

MR. KLEVER: My name is Dale Klever, and I work for the City of Colusa, Public Works Director. Thank you for your consideration, Board Members, and your concerns.

I would like to share a little bit of policy and technical. Most of what I'll say probably has been said, I just would like to reiterate it for the City of Colusa.

I know we have a dilemma of holding water for agricultural and drinking water, keeping it clean and safe, as well as the flood concern of getting rid of water. And so the whole flood control system, like Assemblymember Nielsen reiterated, is for protection of life and property. And so the biggest concern I think I have is the two-tier system with the 100-year versus the 200-year flood protection.

Until the recent Assembly Bill, Senate Bill and the flood protection plan, everything was a hundred year flood protection and everyone was looked at equally. And within the last year or so, now we have a 200-year elevation of certain urban areas, because the City of Colusa, although a small urban area, albeit very small maybe in some people's eyes, it was incorporated over a hundred years ago near the time of the Gold Rush and the incorporation of California. And so it has a wastewater

treatment plant, $15 million dollar new wastewater treatment plant for the community, a drinking water system that's approaching a hundred years old, and police and fire. It is an urban area, and it is looked at as maybe getting a hundred year protection.

And so that said, the Cherokee Creek issue looks like a increased bypass from the Feather River, like the gentleman said that lives in the Butte Sink area, that you're looking to shift water from the east side of the Buttes over to the west side into the Colusa Basin. And so the whole system was designed for -- the Butte Sink was mainly a relief for the Sacramento. And if we're going to increase the risk -- increase the flow from the Feather River, now those people are looking at having more floods in the Butte Sink pointed right at the City of Colusa, that's not even considered an urban area that's going to look at a 200-year flood protection.

And so I would suggest -- while being in the public works sector in mostly water and wastewater for the last 30 years, I know that the whole flood system is basically a storm drain system. It's a gravity sewer, a storm sewer. And so you don't bring mains together into a main line. When you bring mains together, it turns into a trunk line into an interceptor it gets bigger and bigger.

And as they've said before, you fly over with a

helicopter, you get an aerial view of the flood system. And you can see where the levees are plenty wide for a certain amount of time, and then for whatever reason when they were built by farmers or whatever, they'll meander and get eddies. They'll pinch together where somebody's house was. You'll have pinch points and backup points. And so it's as bad, if not worse, than doing poor maintenance and letting trees and debris fill up.

You actually -- even if it's clean, you've got this pinch point where the flow will back up. And so to use Cherokee Creek way up above Live Oak to try to relieve the pressure where historically we've had a lot of problems in the Yuba City, Marysville area, because the Feather River has the increased flow of the Yuba River, and then the increased flow of the Bear River, and the levee system doesn't, in effect, turn from a main line into a trunk line. It doesn't increase proportionately with the increase of flow, so you have all this pressure. And to try to relieve it with Cherokee Creek and send it over to Colusa County seems ill-advised at best, bad policy.

And so I would agree with the River Partners that improving the bypasses and setting back the levees at appropriate places to appropriate levels would be a much better system to control floods in the future and protect

1 the people that live in this prone area.
2 Thank you.
3 PRESIDENT EDGAR: Thank you.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CAIN: Thank you. My name is John Cain. I'm with American Rivers. We're a national conservation organization. Our mission is to protect and restore rivers for fish, wildlife, and people. I'm -- I've said often in public meetings, and I'll say it again, flood management is an important part of the work we do across the country. And part of our culture is recognizing that when it comes to flood management, public safety has to be the number one priority. And we believe that in this system as well.

Although I was at the meeting yesterday where I spoke too long, I'll try to be brief. And I'm mostly here today just to hear the concerns of agricultural and acknowledge that American Rivers thinks agricultural is an important part of the solution, not the problem. And that protecting and conserving the agricultural economy is a big part of what we need to do here. In fact, the problem is actually losing land from agricultural to urban areas on deep floodplains that should not be developed.

In short, we want to work with agricultural. We

1 want to be a partner, not an adversary. And we think that
2 as partners, we can achieve far more than going at it
3 alone.
4 We've had a successful partnership -- American
5 Rivers has had a successful partnership in the south Delta
6 and San Joaquin County working with the local South Delta
7 Water District, and a developer, and some agricultural
8 landowners to develop a new flood bypass there. And the
9 way that would worked is it would route water out of the
10 main stem San Joaquin River, so it doesn't have to flow by
11 the urbanizing areas of Lathrop and Stockton, and it would
12 route it into an undeveloped where there's enough
13 conveyance capacity.
14 We've had a lot of success working with partners
15 there and we'd like to do the same here. We think that
16 we -- I've heard other people say that bypasses -- if
17 you're going to look at bypasses, you need to start at the
18 bottom end of the system, we couldn't agree more with
19 that. There's a lot of logic to that.
20 Going forward, we're going to have to figure out
21 how to actually make those general ideas more specific and
22 how to get local input. And so I'd recommend much more of
23 a local planning model where the State's role is to
24 establish clear goals and objectives for how the different
25 regions will sum up into a statewide plan, and then

1 empower the locals, and I want to help the locals, develop
2 a good plan that has a good prospect of getting funding
3 and permitting.
4 Thank you very much.
5 PRESIDENT EDGAR: Thank you, John.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GARNER: Mr. Edgar and Board, thank you for coming uphill to us. I only wish that we had this hearing two years ago, a little more time in between your deadline to adopt this plan.

A couple things in your staff's presentation bothered me. One was that the engineering and science studies were acceptable and within the bounds of whatever the wording was. But I've personally been involved with some of the Sacramento in the Colusa area. We went in and did a conservation plan, in that -- and in that plan, we did a modeling, a 3D hydraulic modeling on the river.

And what that indicated is that the bypass system, as originally designed, really is quite sufficient to maintain the flood control in the Sacramento valley. And that was before Oroville was built. And so now, it just seems the people in the local area who understand the river and seen the flooding things happen, that it seems fairly evident, and you've heard that today. I'm not

1 going to reiterate what Assembly Nielsen said or Dick Akin
2 or Tom Ellis, because what we're really talking about is
3 maintenance in the bypass system.
4 And one of the things that becomes evident is
5 that the system is in disrepair. And not only -- and I
6 have nothing against habitat. The thing that bothers me
7 the most is the fact that when they did clean out the
8 Tisdale Weir, they had to go and mitigate for all the
9 habitat that they removed.
10 And, quite frankly, it's a flood control
11 structure. And to have to spend more money to go upstream
12 or downstream to mitigate what they did there, just seemed
13 like a waste of money. There's a lot of habitat
14 restoration going on in the Sacramento River, and as you
15 all know the San Joaquin River. And it's done with funds
16 that come from different sources.
17 But it doesn't -- it seems to me if your agency
18 is concerned about flood control, then you shouldn't be --
19 should spending your resources on flood control, and not
20 necessarily being a habitat board. You're a flood control
21 board.
22 And I think that's the thing that bothers a lot
23 of people, is that the system we've been told that
24 California has lost 80 percent of its habitat from 1,800
25 to whenever it was, pre-levees. And the reality of it is

is certainly the native habitat is gone. But agriculture is never given one acre of credit for the habitat that we've created with a half million acres of rice, all the other fields, orchards, or whatever that accommodates all the critters out there, birds, that -- you know, it's like we're just -- we're not like the city. It's not just asphalt jungle. We've got habitat there. We can bring you out to those farms and show you the critters.

And so, at any rate, I think in your plan, I would like you to acknowledge that the habitat contribution of agricultural has to be weighed in to how you spend your resources, and that you should focus on floods, flood control maintenance versus habitat.

I'm sorry. And I don't have a thing against habitat. I reiterate that. I've been involved with processes where they create habitat, and it's great, but it should not be in a flood bypass.

And as far as the Cherokee, we've heard a lot about the Cherokee drainage ditch over there. It's my understanding that you review this plan every five years. And so just for the sake of a little trust from the public, why not take that whole Cherokee wording out of there, with the footnote that you'll look at it for the next five years and talk to the local people involved. And then if it warrants it in five years, put it back in.

1 But right now, it really does leave a bad taste.
2 And so I guess my parting words are please act
3 like a flood control board and not a habitat board.
4 Thank you.
5 PRESIDENT EDGAR: Thank you.
6 (Applause.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CONANT: Good morning, Mr. President, Board members. Thank you for coming and listening to our comments today. I really appreciate being able to address this Board.

My family has farmed in the Rio Oso area since 1921. My grandparents and their parents built a mule barn to build the levees built by Natomas Company in the 1920s.

I also support what James Gallagher talked about, the three issues the plan that do make a lot of sense for our local communities. However, I have real concerns about the rest of the plan.

A little bit of my history. I serve on the California Farm Bureau Board. I serve on the Yuba Sutter Farm Bureau Board, South Sutter Water District Board, and I am president of our local high school. So I'm going to put my emphasis on those issues.

First of all, the area of land that will be

affected by that will reduce our ADA in our local schools, because we're going to lose a lot of homes. A nice community that we are going to disrupt. We're going to lose tax base to the County and the school districts. We're going to lose jobs, because this agricultural land is -- 10,000 is not going to be farmed at all. The other 30,000 acres is not going to be farmed intensively as it is today. Most of that land that's being talked about doing developed is prime agricultural land. In many cases, right next to rivers are our best orchard ground. My family has farmed orchards since the 20s in that area.

Those non-intensely farmed acres are going to be -- people are not going to be working as hard. What are you going to raise on there? What is a flood-tolerant crop? Certainly not orchards. It's not any -- it wouldn't -- we wouldn't want that in our flood basin anyway. It's probably not rice, because you probably won't be able to plant it. Maybe some beans. And it's not going to be alfalfa. It won't stand the flood.

What are we going to raise? Beans and dry land grazing? That's probably about all you're going to be able to raise in that area. It's not -- those are not intensely farmed crops. Therefore, we're going to lose all the jobs in the habitat, plus a lot of the jobs in that area. So those farmers won't be hiring people to run

1 that ground.
2 Plus, think of how many other jobs are lost in
3 their local communities here. You won't have tractor
4 dealers selling tractors. You won't have chemical dealers
5 selling chemicals. You won't have the local restaurants
6 waiting on tables to support the people that work there,
7 because there won't be as many jobs.
8 Those are the concerns I have. This system we
9 have has worked for over a hundred years. Maybe not
10 perfectly, but pretty well. There can be some
11 improvements, absolutely. We can improve the structures
12 that we have and build more storage. Those would be
13 better flood protection ideas in my mind.
14 The -- so any kind of flood storage reduces the
15 flood damage to -- and it reduces the risk. Some storage
16 ideas would be maybe raising Shasta. I read a report
17 probably 20 years ago by the Army Corps that talked about
18 raising Shasta 150 feet. It would more than double the
19 size of Shasta. You would create more water for more
20 habitat, more water for fish, more water for farming and
21 for rural communities to the south. You would have more
22 hydropower. But most important, you would have a huge
23 amount of flood protection.
24 That study also showed that if you raise that
25 base flood elevation of that dam 150 feet, that it would

make the entire Sacramento valley with no levee improvements -- and this is 20 years ago, with no levee improvement into a hundred year floodplain.

Those are some things that would be very beneficial. Maybe some other storage projects throughout the State in the north State would be beneficial as well as the south.

We cannot afford a project that costs 15 to 17 billion dollars. What is the real cost of that project by the time we're done with it? We've all noticed what high speed rail has done in the last few years where the price of that rail project has gone up astronomically.

Will our project cost 25 or 50 billion? I don't know that. I just know that we probably won't be able to do it for what we're talking about today, and we can't afford what we're talking about today.

Thank you for your time and listening to me. I really appreciate it. And thank you for being here.

(Applause.)

PRESIDENT EDGAR: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 MR. PETERSON: Good morning, Mr. Chairman,
25 members of the Board. My name is Dan Peterson, and I'm

representing myself today as a property owner and resident in Sutter County.

I commend the Board and its staff for putting together this plan. However, in reading the plan, its attachments and the EIR, I discovered a number of areas that raised concerns. And I'd like to briefly go over a number of those areas today. I will be following up with written comments by next week.

The first concern that I have is that this is a draft plan. And staff has been up here testifying that there's going to be at least two basinwide feasibility studies required. There's going to be a number of hydraulic and hydrology studies required before this plan is fleshed out and fully evaluated.

So the first concern that I have is will this plan be used to evaluate local projects, such as repair in place projects of existing levees to determine whether or not those projects are going to be a "no regrets" project. That's a very large concern, because we have a number of ongoing projects, both from the Sutter Butte Flood Control Agency, the Sacramento Area Flood Control Agency, and other agencies that could be affected if this Central Valley Flood Protection Plan is going to be used to determine whether these local projects are going to be "no regrets" projects.

One of the stated co-objectives, or goals, of the Central Valley Flood Protection Plan was to reduce the extent and expense of operations and maintenance of the flood control system. However, I submit to you that when we consider widening the Sutter Bypass by a thousand feet, by widening and lowering the weirs, the Moulton, the Colusa and the Tisdale Weirs that feed the Sutter Bypass, by constructing the new Feather River Bypass, and then dedicating 25 percent of the new lands to habitat, and establishing vegetation goals for the remainder of those channels, what we're going to do is increase the frequency, lengthen the duration and slow the flows through those bypasses. And any hydraulics engineer will tell you that that is a recipe for sedimentation.

I submit to the Board that the plan as currently proposed is going to increase operations and maintenance efforts and expenses, not decrease them as what was the stated goal of the plan.

Going back to the original FloodSAFE Program. The FloodSAFE Program stated that part of their goals were economic sustainability and also water supply. However, none of the alternatives identified in the Central Valley Flood Protection Plan included any additional storage nor did it improve water supply in any instance that I could find.

1 Furthermore, as proposed, the Central Valley
2 Flood Protection Plan discusses an increase of 40,000
3 acres of quote unquote flood facilities, and then an
4 additional 25,000 acres of easements. Now, once again,
5 going back to the proposed use of the bypasses, to
6 increase the frequency and lengthen the duration of the
7 flows, you're going to eliminate agricultural activities
8 within those bypasses because farmers are not going to be
9 able to get in there to get the ground prepared, plant the
10 crops, and harvest the crops because of the frequent and
11 longer durations of the inundations.
12 Furthermore, you're also looking at the
13 mitigation or activities -- or management activities that
14 will further restrict the types of agricultural activities
15 that will go on in those easements and within the
16 bypasses, so that they're habitat friendly. And those
17 additional restraints upon agriculture are further going
18 to impact ag.
19 So as Mr. Conant previously said, what we're
20 going to see is an extensive loss of tax base. We're
21 going to see a loss in the number of jobs. And we're
22 going to see an enormous impact, not only on the
23 individual farmers, but on the entire economy of Sutter
24 County and the other northern California counties.
25 When a person sits down and reads through this

1 plan in one sitting, which I unfortunately did --
2 (Laughter.)
3 MR. PETERSON: -- one comes away with the
4 impression that this plan actually is promoting ecosystem
5 restoration over flood protection and water supply. And
6 definitely by virtue of there being no mention of
7 increased water storage or any specific instance where
8 water supply is benefited from this project, that is
9 carried out, but the flood protection issues becomes a
10 very big issue.
11 Once again, absent any hydraulic modeling, it's
12 going to be very difficult to see what the benefits are of
13 the setback levees and widening the bypasses and putting
14 in the new Feather River Bypass. However, when one goes
15 through and looks at the 25 percent set-aside for habitat
16 between the levees, and then, once again, looking at the
17 encouraged use of the remaining land for revegetation
18 purposes, going back to very basic engineering and the
19 Chezy Manning equation, you're going to buildup such a
20 resistance to flow that you're not going to gain any
21 hydraulic benefit. And therefore, you're not going to
22 gain the amount of flood protection that one would expect
23 from setting back the levees or from widening the
24 bypasses.
25 So that makes it a very questionable investment

of the taxpayer's dollars, if this is indeed supposed to be a flood protection plan.

There's also a very big concern about the ongoing environmental and agricultural stewardship, which is mentioned throughout the plan in its attachments, the plan often refers to habitat conservation plans, corridor management plans, and the RAMP idea, the Regional Advanced Management -- or Mitigation Planning.

All of those contain restraints on activities, such that they are habitat friendly. And very often those restraints can make agriculture infeasible. So that is something that I definitely would encourage the Board to look at and it needs to be mentioned in the EIR, because what could, in effect, end up happening is an inverse condemnation of tens of thousands of acres of agricultural land.

And I know that there's been a big issue, even in the Natomas Basin, where the largest irrigation water purveyor had not ever joined the habitat conservation plan, because the restrictions on their maintenance at their high line canals would have made it impossible for them to ever maintain their system.

And the Central Valley Flood Protection Plan in its attachments specifically say that these anticipated management activities would affect groundwater pumping.

It would affect access roads for farming. It would affect how the plants are actually -- you know, the land is tilled and when it's prepared. It would affect the high line canal operations for irrigation water, and it would even affect what types of crops are planted.

So there's a definite concern that this could lead to an inverse condemnation of lands, even outside of the levees.

There's definitely a potential for a decrease in local land use authority within this plan. Throughout the plan, it talks about the State having an interest in the ongoing management activities, including the Designation of land use for certain areas to preclude future development. And it also specifically says that projects that could have a potential for being growth inducing in rural areas would be prohibited from being considered as part of this plan, which leads to a very big question, who is going to be condemning the property once the land acquisition process begins? Because I'm certain that the locals are not going to want to be condemning property for their property owners.

A big concern is the Regional Advanced Mitigation Planning process, which I mentioned earlier. One of the attachments to the Central Valley Flood Protection Plan identified that there is a RAMP work group, and that this

1 work group has been involved in a pilot project, and that
2 the product of this pilot project is going to be the first
3 regional assessment. And that this first regional
4 assessment will be completed in spring of 2012.
5 It is now spring of 2012, this regional
6 assessment includes most of Sutter County, and yet none of
7 the Supervisors from Sutter County with whom I spoke knew
8 of this pilot project, nor did the head of the Sutter
9 Butte Flood Control Agency. So I'm very concerned that
10 the locals have not been involved at all in this Regional
11 Advanced Mitigation Planning.
12 Going on. A concern about the cost. It was
13 mentioned earlier that no construction would begin for the
14 next 10 years. And yet the plan identifies that there
15 would be a local contribution of half a billion dollars by
16 the year 2017. So that's going to be a very contentious
17 issue with the locals. I question whether some of that
18 money is money that's already being raised by assessments
19 for local flood protection projects, such as SAFCA or the
20 Sutter Butte Flood Control Agency.
21 But it is also going to lead to a question as to
22 whether or not there's going to be true federal interest
23 in cost sharing in the future if when the benefit cost
24 analysis is done, based upon the final H&H studies it's
25 determined that the expanse really does not produce the

flood protection we anticipated, because so much of the money went to habitat restoration, some of which is actually counterproductive to the goal of flood protection.

Finally, I'd like to speak to the timeline. There were, you know, years spent preparing this plan and in public outreach. And yet once the final plan came out, the public had very little time to review it. In fact, there are still documents being released as recently as a few days ago that are considered part of the Central Valley Flood Protection Plan.

So it may be a little bit of a constricted timeline for the public to review and comment on this project and have this Central Valley Flood Protection Plan actually approved by July 1st.

Thank you.

PRESIDENT EDGAR: Thank you, Dan.

(Applause.)

MR. HENNELLY: Hello, President Edgar and members of the Board. I'm Mark Hennelly with the California Waterfowl Association. We're a wetland and waterfowl conservation group. Restore habitats up and down the valley, both on private and public land. And I, myself,

do a lot of my hunting and fishing up in these areas in the Sacramento Valley. So I know it quite well, and enjoy it.

Just a couple of general comments. You know, historically flood control projects, you know, while necessary for public safety and the protection of public property, were also a major cause in the decline of riparian and wetland habitat in California. And these are habitats that are very near and dear to the species we care about, which are waterfowl and other game species.

Those habitats have been reduced by about 90 percent. Fortunately, our partners in the agricultural sector have been very good at providing surrogate habitat on their ground. Particularly rice, corn, and wheat cultivation has provided a real good benefit for waterfowl and other wildlife.

As an instance, wintering waterfowl rely heavily on flooded rice in the fall for about half of their caloric needs. And then in the spring, you'd see local mallards will go into the rice fields and use them as brooding areas. So the agricultural sector really, from a waterfowl standpoint, is a great partner. And obviously anything that impacts them we have concerns on as well too.

Fortunately, though, I think this plan, rather

1 than, you know, as in the past, adversely affecting
2 wildlife habitat, we have a good opportunity to try to do
3 some good things for wetlands and for riparian habitat,
4 and as well to help to protect farm land from catastrophic
5 flooding. So I think there are some good opportunities
6 here that need to be looked at.
7 Specifically, a couple of things in the plan that
8 kind of caught our attention mostly, was the multiple
9 benefits projects. We agree that flood control should
10 remain the primary purpose of this plan, but do support
11 multiple benefits. We didn't see a whole lot of detail in
12 the plan as to how those benefits would be provided, so we
13 wanted to provide a little input on that.
14 One thing we'd like to see is integration with
15 existing fish and wildlife conservation plans for the
16 Central Valley. Particularly, the 2006 Central Valley
17 Joint Venture Implementation Plan, which focuses on the
18 protection of wetlands and riparian habitats, as well as
19 flooded agriculture in a non-regulatory landowner friendly
20 manner. That plan provides immeasurable habitat, goals,
21 and objectives for restoring migratory bird populations.
22 And it's also supported by a number of government
23 agencies, including the Department of Water Resources,
24 U.S. Fish and Wildlife Service, Department of Fish and
25 Game, and then a host of non-governmental partners in the

conservation world. So it's definitely something worth looking into to incorporate into the plan.

We'd also like to see the increased -- we'd like to see increased and enhanced wildlife dependent recreational opportunities, particularly hunting and fishing, which are the traditional uses of the rural parts of the Central Valley. And those uses also, of course, generate a lot of local economic activity that's important to the communities around here.

We believe this can be done by, if there are cases where fee title acquisition is involved for habitat purposes, just making sure that hunting and fishing opportunities are apart of those acquisition. That's probably best done by the participation of the Department of Fish and Game. They are usually the ones that handle hunting and fishing public access programs. So it would be nice to see more participation from the Department with this plan.

You can also integrate what are existing State and federal landowner incentive programs into the plan. These are administered by the Department of Fish and Game, U.S. Fish and Wildlife Service, Department of Agriculture. And they're all done, again, in an incentive based landowner friendly manner, and would fit in well, I think, with this plan.

We'd also like to see more clarity on creating a more reliable water supply, which, of course, supports water deliveries for both managed wetlands and wildlife friendly agricultural. We believe this can be accomplished by expanded floodways and setback levees, which allow for more flexibility in upstream reservoir operations. That was touched on a little bit in the plan, but it would probably be good to provide a little more detail on it.

And then on some of the agricultural impacts, we don't believe that there's enough detail in the plan to determine the extent to which and where farm land would be taken out of production, nor is the draft plan adequately identified land how landowners would be compensated for farmland conversion.

We feel the draft plan should consider agriculture's, again, important role in conserving wildlife and achieving ecosystem restoration goals and objectives, and recommend steps to avoid or minimize impacts to farm lands with the high -- with the highest wildlife habitat value, such as flooded rice.

In addition, there needs to be some more discussion, I think, in the draft on the potential third party impacts to local agricultural communities that are going to be affected.

Any acquisition of farm land, you know, for flood control purposes, we believe should occur on a willing seller basis. Where that's not possible, they should also, nevertheless, be fairly compensated that's really important. The agricultural community needs to make sure that they are compensated to the extent possible should they be impacted by this.

And I would also, you know, urge that we try to use some of these activities in flood control projects on a -- focus them on flood prone or marginal crop lands. Don't be taking out the best ag out there. Don't be taken out the highest value crops. Focus where farming is difficult or it's flood prone.

Finally, I know the Cherokee Canal issue has come up. I just wanted to reiterate our concerns with that project. There's number of State, federal, national wildlife refuges and wildlife areas that would be impacted as well as a number of duck clubs. We have a lot of wildlife friendly rice in the Butte Basin, and in the Sutter bypass. So anything you can do to minimize impacts to those folks would be much appreciated.

Thank you.

PRESIDENT EDGAR: Thank you.

1 MR. BELL: Good morning, President Edgar and
2 Board members. Really appreciate the opportunity to talk
3 with you this morning, and your efforts in protecting
4 people.
5 You know flooding does not recognize political
6 boundaries. And one of the concerns we have, of course,
7 is that the weakest area can be that which actually does
8 receive damage. And that's the concern we would have. We
9 do appreciate that a systemwide approach is really a best
10 plan looking at all aspects of this flood protection
11 program. So we definitely appreciate the staff
12 presentation this morning, especially that they were
13 looking at thinking of all-weather access road protection,
14 and also mitigation for improvements. I think the
15 mitigation for improvements is really important.
16 Bypasses. I think the bypass has been in
17 operation for some time proved very successful. I think
18 we've heard some comments this morning on ways to
19 optimize, and I'll get into that a little bit later. But
20 if we're putting in new bypasses that really form
21 diversions, diversions without an adequate receiving
22 system, can present some issues.
23 Part of the planning we would like to see is
24 really taking a look at the inflow, controlling the
25 inflow. And I think some of the plan components of really

value there are trying to take some of that impact off the entire system. Also, improving the outflow at the lower end. The middle sections of the areas that if we just include those improvements could see some impacts. So some of the comments regarding this is definitely we do applaud that storage concept. And so one of the components that could be even looked at, we encourage consider the Sites Reservoir. There's an area that could be stored off the central system increasing flexibility.

The other is the further analysis and optimization of the existing bypass systems, before we dive into expanding new bypass systems. And that we've heard some comments about the impacts of increasing habitat. Well, if we're seeing more debris in the current systems, that would present a capacity issue.

Develop the rural levee standards, another aspect we would like to be considering. You know, and that's something that may have even funding in the Prop 1E, so that could be an area to look at.

And then given that this could be a 25-year ambitious plan, really look at -- and I know that earlier said that was not a funding part, but really when we think about addressing impacts or mitigating there will probably have to be some dedication to funds. And the rural areas now exposed as the weaker links really are the areas that

need that consideration in our view.

One of the concerns is the transitory storage envisioned as 200,000 acre of feet. But not really fully understood is the depth of impoundment. And if that were just one foot deep, for example, we're talking about an impacted area directly of over 300 square miles. And if you think in terms of not knowing exactly how those areas would fall out, let's just suppose you had a corridor five miles wide, that would be basically 60 miles long of impact. So you can see that would be quite an impact.

These kinds of things should really be looked at as a systemwide approach. We sure approve, and we applaud the partnership role mentioned earlier, and would like to be a partner in that.

Thank you very much.

PRESIDENT EDGAR: Thank you, sir.

MS. FALES: -- President Edgar -- Hi, Bill -- Board, Mr. Punia. My name is Diane Fales and I'm the manager of Reclamation District 1001. And I'm here today representing our Board, and what appears to be a large

portion of our landowners in the District. They have been streaming into my office now for days concerned about what's happening with their property. And with that in mind then, I'd like to make these comments.

First of all, the Reclamation District staff has reviewed the Central Valley Flood Protection Board Plan. We are appreciative that the plan is trying to put a framework in place. And we do support the concept of making systemwide improvements, but we are vehemently opposed to the inclusion of specific projects, namely the Feather, Bear River Setback Levee, which you can -- which I'm sure you viewed on Figure E8.

These projects do not appear to have been developed with consideration of the impacts on the rural areas and property owners, and we could have severe negative impacts to our district. I did some tallying and this represents six percent of our entire district. Our district is 45 miles of project levees, 15 miles of nonproject levees and represents 30,000 acres in south Sutter County.

We are disappointed that these projects were included in the plan without coordination with our local agencies that are responsible for the operation and maintenance of these areas. We could, however, I believe, support in place fixes of the levees. We encourage the

Central Valley Flood Protection Board to prioritize development of a rural levee repair standard to ensure that levee improvements provide cost effective protection of rural areas.

We also ask that you advocate to FEMA the need for changes that would ease the financial burden of flood insurance to our rural area landowners.

Further, this conceptual project would remove prime agricultural land and residential structures in our district. I hope that you will be mindful in consideration of this plan that this represents generations of family farms. Generations. They have worked hard since the mid-1850's, 1860's. We urge you to not take away the future of these families in our, what you term and we are now terming, our legacy communities.

Please don't use our small legacy community as a scapegoat for the large urban areas. Some of us are now working on our seventh generation of family farmers there. Thank you for your time.

PRESIDENT EDGAR: Thank you.

(Applause.)

SUTTER COUNTY SUPERVISOR MUNGER: That's fine. I know it's very busy. So thank you, Mr. Edgar, Chairman, and Board for having us here and having this forum today. I think it's very informational. Everything brought before us is very informational. I don't care from one side to another, we need all the aspects brought out here and we can weigh it.

Having been on the Board when Dick Akin spoke earlier, I was there in the flood in 1997 in Meridian, and the hydraulics above the refuge was three feet like he said. And we're going to have the same scenario at Mossen Bridge if we come in with Cherokee Creek coming into the north and filling into that Butte Sink.

We've got an area at Mossen Bridge where it chokes down and you have habitat just below the bridge there, which is probably about 200 acres of habitat right there now. So we're going to have another area choked that will actually bring the flow higher up into the basin that we're going to have.

At that time, we also talked with the Corps about dredging. And anybody -- and like most of your farmers out here, if they have a problem with a ditch, they dredge. But we had a colonel come in to talk to us about it. He didn't really understand this farmer's aspect if you've got a plugged ditch that to clean it is only common

sense. You don't let it -- you choke it up and come back and flood your agriculture.

And a lot of this is, what we're working for, if we can go back in and dredge, and open our capacity instead of spending billions, you know, on what we want to do now by widening. Go in and spend millions and clean it up. Like our Sacramento River, you can't hardly bring a boat up the Sacramento river. You used to bring barges clear up to Colusa. And they're used to be, at one time - I tried to explain to this Colonel - that you could bring a paddle boat to Yuba City. And you cannot bring a paddle boat to Yuba City. You can't hardly bring a boat to Yuba City. And that cleans the channel ways, then you've got the clean flows.

And a lot of it goes along with habitat and we know what the mitigation is now. What's the mitigation going to be in 20 or 30 years with our children? Every time we do something we have to have habitat mitigation.

And it's so costly. And that's -- two-thirds of our projects are mitigation, and that's a sad thing about it. And we need to work towards doing the job and replacing it. If we're going to replace the levee in place, let's do it, but why do we have to mitigate for something that's already there.

Thank you.

MR. HOFF: Thank you very much to the Board for being willing to hear the comments of landowners and stakeholders in the north valley here. I wanted to -- I've submitted my comments in a letter form, but I also wanted to take maybe a more stepback approach, because we talked about, at the beginning, that this is a conceptual plan, and that we're going to be looking at providing more details down the road.

And I guess if I was going to look at a conceptual plan and I wanted to step back and see what are the issues that we face here in California. Well, this State is in dire need of revenue. It is in dire need of water, and it does need flood protection. And if you look at those three goals and you say, well, how can we accomplish that?

In reading this document, I see that we're going to take ag land out of production, which is going to reduce tax revenue to the State. And it's also going to hit -- impact the local communities, because we're going to lower property tax values because they're going to be taken into habitat or to expanding the bypasses, and

they'll be reduced tax revenues there.

And I said secondly, a lack of water has caused Idle acreage in this State, which causes unemployment. So you've got only not a lost tax revenue base to the State, but we've increased unemployment costs to the State by idle acreage, especially in the San Joaquin Valley, when you look at areas like Mendota.

And then I looked at the document, it says that climate change models are going to -- are at least projecting the fact that the snowpack is going to go away and we're going to have additional rainfall. And the snowpack has been kind of our added reservoir storage over the last few years.

So again, keeping in concept with that, the big issues of this State, I said why can't we focus on reservoir storage as part of this flood control package? We've done that in the past with Shasta and with Oroville. And the document specifically speaks to that on several pages in the document. Just one it talks about on page 116, "In addition as a monitoring effect of snowpack on runoff decrease, there will be a need for more water supply storage putting greater pressure on California's multipurpose flood control reservoirs".

And I looked on DWR's own website, and if flood control is key to this whole message that we want to

1 impact, I look at Sites Reservoir as an example. It talks
2 about this would provide enhanced water supply reliability
3 for urban agricultural and environmental uses, improve
4 Delta water quality, mitigation of snowpack storage losses
5 due to climate change, contribution to flood damage,
6 reduction in the Central Valley.
7 And we believe adding to the new reservoir
8 storage would be key to this document. It talks about the
9 Folsom Dam raise, but it doesn't talk -- but that was
10 already allocated. And so, in my mind, the effect of tax
11 revenue losses to the State, which is key -- we need
12 revenue from this State, so we've got to keep ag land in a
13 productive state. We need more water, so that will
14 generate more tax revenue and help restore the Delta
15 through environmental flows, and I think that it will add
16 the flood protection.
17 So again, conceptually, I think these are areas
18 that could be focused on that could enhance the value down
19 the road.
20 Thank you.
21 PRESIDENT EDGAR: Thank you.
22 (Applause.)
23
24
25

COLUSA COUNTY SUPERVISOR CARTER: Oh, that's quite all right, President Edgar. Denise Carter, Colusa County Supervisor.

Thank you very much for making these public hearings available for all of us to comment. It's very important obviously to us. As I stated at a previous meeting, our communities have basically survived and grown slowly as result of the protection that levees have provided.

As for the plan, I think you probably understand that we really feel there needs to be a firm commitment to a rural levee program, and the plan needs to address the development of the rural levee standard and allocate the appropriate funding from Prop 1E to develop the program.

Future funding as well should contain specific funding for the rural communities. Colusa County hasn't had the pleasure of being remapped into the FEMA floodplains yet, but it's on its way. We need assistance and support from the State to push for reform of the FEMA National Flood Insurance Plan floodplain regulations for the ag basins.

As the plan states, farming is good for -- a good use for the floodplain. It's important to the viability of our county that we continue our agricultural economy. The plan needs to fully recognize the important role that

agricultural plays.

Finally, this plan must be built on trust. Trust is only built by giving those impacted by these projects a voice in the ultimate implementation of these projects.

And on a personal note, I'm also a landowner and resident that happens to be in the Butte Basin. But in the plan, you reference using conservation, flood easements, and outright purchase of land that's required for bypass modifications. As a landowner, who hopes to stay on our land the rest of our lives and pass it on to our children, there are additional risks and expenses when farming in the floodways or bypasses. Landowners need to be compensated fairly for their enormous benefit that they're providing for the rest of the State.

Additionally, these lands are much more likely to be maintained if they are in private ownership, even those that are converted to habitat. Pay that local farmer to maintain those lands wherever possible. They have the knowledge of the region. They know the dirt. They're there to stay, and they can do it for less money.

This keeps our residents employed, keeps the property on those tax rolls, and keeps it local. We are an integral part of the flood protection system, and I hope you'll make the commitment to allow us to work together with you.

1 Thank you.
2 PRESIDENT EDGAR: Thank you.
3 (Applause.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. YOUNG: Thank you for coming up today and hearing all the comments. And I'm quite sure you'll hear a lot more of them. Everything that I had to say has already been said, but there is one thing I'd like to reiterate -- two things.

One is the lack of public input up till now. We have been held in the dark, and I do not think it's right.

The second thing is I want to make sure that the funding for this program is in your plan that's adopted, and to make sure that the funding is based on benefit cost. Those who benefit the most, pay the most. I see this plan as a instrument to protect the City of Sacramento at the expense of agriculture.

Thank you.

PRESIDENT EDGAR: Thank you.

(Applause.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 MS. BROCKER: President Edgar, Board Members,

thank you for holding this public hearing today, and thank you for having more public hearings than required by law. My name is Tara Brocker. I'm President of the Yuba Sutter Farm Bureau, and I'm honored to be here today to speak on behalf of local agriculture.

I've heard a lot of good comments today, a lot of comments from farmers. I hope that you will take into consideration their concerns. I heard a lot of good comments from Dan Peterson. I thought he really articulated how farming in a floodplain can be very difficult, and it's nice to hear from agency people that understand that concerns of agriculture.

First, I'm here to encourage -- I am encouraged by Jeremy's comments as well this morning about improving the plan to incorporate more local stakeholder involvement. We really need that to happen, if we're going to regain trust from the locals.

And what Farm Bureau would like to see, in addition to that, is a change in attitude that will show a commitment to preserve, protect, and respect agriculture and rural communities. That means we want to avoid conversion of our very valuable, non-renewable, productive ag ground. A loss of 40,000 acres is treated like it's nothing, like it's no big deal. But to a small community that relies on agriculture to support its economic basis

and its future, that is a huge deal.

According to the American Farmland Trust, 40,000 acres is the same amount of ground that is converted every year to development. So we don't take that lightly that we're going to convert another 40,000 towards flood protection.

And I think that the respect towards agriculture has been something that's really been overlooked. We bring a lot of value to the table, and we're experts at farming. And so often the government comes with its we're-here-to-help motto, and tries to tell us how we could better manage the land or what we need to be doing differently. And it would be really nice if, in this plan, there was an air of respect, and we were treated as the experts that know how to farm and manage that resource.

Second, even though staff has indicated they are going to include locals, I feel it's so important that I want to restate that in order for there to be any chance to build trust, you must include local agencies, landowners, and stakeholders in the planning and development, as well as the implementation of this plan.

Third, I want to encourage the Board to recognize the need for a FEMA Ag Zone to keep language in the plan that recognizes -- or that addresses flood insurance and

building restrictions in the remapping of rural areas.

Fourth, we need a plan to show agriculture they are committed to protecting us. And the first step in the right direction would be to make a hard commitment of funding resources to rural levee projects. For instance, monies from Prop 1E. We need the plan to show hard dollars to things that matter to us like preserving legacy communities, which are vital for agricultural communities to survive. This is where farmers send their children to school, buy gas and groceries, take their mail, attend church, and have their volunteer fire departments.

Fifth, we'd like to talk about bypass expansion. Levee setbacks and bypass expansions are bad for agricultural. We believe the focus should be on fixing the bypass system we have. The environmental interests have managed to negatively interfere with what we have currently, and we no longer receive the relief from the system because of the encroachment of habitat to a system that priority is to provide flood protection not habitat.

And here we are today talking about a plan that answers to the problem is to take more ground, convert it from a positive economic impact to increase the size of a system, and add more habitat.

We want to see you go to the local ground-up driven plan that focuses on fixing what we have and not

appeasing environmental interests. If by the local process it had decided that expansion is necessary, it should start at the bottom and work up the system. It must include a formal rural levee standard, and it must find a way to work with locals to place habitat and environmental impacts outside of the system.

It shouldn't be an either/or program. We should be able to come together with local communities and develop a program that can include habitat and environment in a positive way that would work well with agricultural.

So just to recap, my five main points today are preserve, protect, and respect agricultural; have a local driven ground-up planning and implementation process; support a FEMA ag zone; commit to hard monies for rural areas, such as the 1E funds; and let's fix what we have and limit environmental impacts.

On behalf of the Yuba Sutter Farm Bureau, I want to thank you for giving our commitments full consideration and taking the time to hear our concerns today.

Thank you.

PRESIDENT EDGAR: Thanks very much. Good to see you.

(Applause.)

1 MR. WARD: Thank you. My name is Lauren Ward. I
2 do business as Ward Farms. I own land adjacent to the
3 Cherokee Canal, and clearly I'm not excited about owning
4 land in a bypass, but that's not what I want to talk
5 about.
6 I am concerned that the plan that you have before
7 you has not given the Board sufficient financial
8 information to let you make a decision about the
9 allocation of resources that you're being asked to make.
10 So I took the plan and I did a financial analysis of the
11 four options that are presented, and I have copies of that
12 analysis that are here for today, which I will -- can I
13 hand these out.
14 PRESIDENT EDGAR: Just give them to the clerk,
15 please. No, her.
16 MR. WARD: You can hand them out now, if you
17 would, please.
18 And I'm going to refer you to the third page of
19 that analysis, which gives you a spreadsheet and shows you
20 the financial effects of the four options that you have
21 been presented.
22 I want to talk about just two of those options,
23 because there's no need to run through anyone other than
24 the one that's been recommended, which is the systemwide
25 investment or the least expensive option, which is

1 protected high risk communities.
2 The mid-point of the cost range on the State
3 Systemwide Investment Approach is 15 and a half billion
4 dollars. And that is projected to save annually $220
5 million in flood damages. But, of course, that does not
6 take into account the interest cost on the monies that
7 would be necessary to spend that 15 and a half billion nor
8 does it take into account any of the operations and
9 maintenance costs to the system.
10 Two years ago, the State sold bonds at 3.6
11 percent. So if I use that same 3.6 percent on 15 and a
12 half billion dollars, the annual interest charge that the
13 State taxpayers would have to bear is $558 million under
14 the systemwide approach. And in exchange for that, they
15 would save $220 million. So the State would suffer a net
16 loss of $338 million, if you are to adopt this option.
17 If I look at the least expensive option, which is
18 protect high risk communities, we spend five and a half
19 billion dollars less. The mid-point of the range being
20 $10 billion. The projected savings are 207 million, which
21 is almost the same as under the systemwide approach. The
22 interest is considerably lower. It's only 360 million.
23 And the loss is considerably less, it's only 153 million.
24 Now, this information should have been presented
25 to you in the report that you were given, because it's

1 necessary. You're being asked to allocate the resources
2 of the State of California. What this analysis shows,
3 quite simply, ladies and gentlemen, is that this plan is
4 neither financially feasible for the State of California
5 nor is it fiscally responsible.
6 Second point I want to make is that there's been
7 a lot of discussion about environmental benefits from this
8 proposal. And I happen to be a strong environmentalist
9 and have worked very hard to create a lot of wildlife
10 refuges in this State. If we were to spend $10,000 acre
11 for prime rice ground, and we wanted to save 10,000 acres
12 of habitat, which is what these plans -- this recommended
13 plan proposes, it would cost $100 million. It should not
14 be part of your thinking that you're going to spend 15 and
15 a half billion dollars for something that we could achieve
16 for $100 million. And if we did do it that way, we could
17 buy habitat that the Department of Fish and Game wants in
18 locations that they want from willing sellers and do
19 considerably less damage.
20 So I would encourage you, as you look at the
21 conceptual plans before you, to take into account what the
22 fiscal effects are. We're not going to get this money
23 free the Feds. The federal government requires 1 to 1
24 benefit ratio. The benefits that are set forth in those
25 plans in no way will justify us obtaining funds from the

1 federal government to do this. You're going to have to
2 raise bond money to do this. And, quite frankly, I don't
3 think the citizens of California are going to vote for a
4 plan that shows the losses that this plan shows.
5 Thank you very much.
6 (Applause.)
7 PRESIDENT EDGAR: Thank you, Mr. Ward.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BAIR: Chairman Edgar, members of the Board, Mr. Punia, thanks for the opportunity to speak with you today.

I, too, will again submit written comments. But I'm speaking to you today as a manager of three levee maintaining agencies. We maintain about 90 miles of levee on the Sacramento River system. And it protects about a hundred thousand acres of agricultural land, including the Cities of Colusa, Grimes, and Knights Landing.

I also serve as the Vice President for the Central Valley Flood Control Association and have had the opportunity to work with several colleagues on the Flood Control Action Work Group. And I would like to express our appreciation that DWR certainly made a substantial effort, Jeremy and others, to engage the Flood Control Action Work Group and to work collaboratively in trying to develop this plan.

I heard Jeremy mention something earlier today

that -- and I think what he said was that the plan looks for responsible flood control investments. And I think the plan is larger than that. And the State is charged with this plan, because the investments need to be responsible State investments.

If it's a responsible flood control investment, I think what you'd see is you'd see protect the urban areas and very little else. And I think we're a little bit removed from that with this plan, but I'd suggest today and I'll try to explain it, that we're not investing enough in the rural areas at this point.

So I'd like to touch on a couple of topics. First, is the small communities. And I have read through the small community plan. I think it's Attachment 8J. And when you review the intent of the plan and the strategy, I have some real concerns that it can be carried out.

Some of the proposals that are in there are certainly rough, but they consider a 25 percent local cost share. As somebody who's been trying to do rural flood projects in the -- currently now and in the past, I would contend that you'll have a very difficult time getting federal cost share in these small communities.

And why this is important, because that means that the locals are actually paying 25 percent. In

1 Knights Landing this means approximately a third of
2 everybody's home value will need to be invested to reach a
3 hundred percent -- or a hundred year flood protection.
4 Most urban projects, on the other hand, have a
5 similar State/local cost share, but then there's a huge
6 portion of that funding that's paid for by the federal
7 government. So in the urban areas, you're asking a much
8 smaller investment from each individual house. Yet, in
9 these rural areas, where it's often, you know, farmworker
10 housing, lower income folks, you're asking a full 25
11 percent of their home's value, or even a third in Knights
12 Landing's case. And I contend that it would be very, very
13 difficult to ask each of those homeowners to pay that kind
14 of money for their homes or for their flood protection.
15 And therefore, does the small community program
16 actually deliver flood protection for these small
17 communities? I question that, and I think it needs the
18 attention of the Board.
19 The FEMA program, I certainly appreciate the
20 language that's in the plan. I think it needs to be
21 strengthened. We need leadership from the State. This is
22 going to be a very challenging endeavor. It may require
23 federal action. It may have a State solution that can
24 work within the framework of FEMA. But what I suggest to
25 you is that what I've seen from the State so far is

1 probably not going to be sufficient as far as leading that
2 effort for us to be successful.
3 You've heard of the AFMO organization. I think
4 the State should be front and center in investing in that
5 process. If we want to protect these deep floodplains for
6 urbanization, that should be our number one strategy is to
7 make them viable, vibrant agricultural areas.
8 And then thirdly, the rural levee standard that's
9 proposed in there, I appreciate that it's in there. It's
10 certainly one of the things that I thought was very
11 important, because right now we're in a situation where
12 the rural levees are forced to go through the only process
13 that's available for a project levee. Those are federal
14 project levees. It's the Corps' process. It's evolved to
15 the point now where it's essentially an urban process and
16 it's unaffordable for rural levee repairs.
17 Having said that, you're asking the rural area to
18 depart from the design promise of the project. You state
19 that in the tables. You say that that will no longer be
20 the standard. Yet, we don't know what the rural levee
21 standard is going to be in the future. For us, that means
22 substantial investment in that rural levee program. We
23 have 75 percent of the levees would be considered rural
24 levees, and yet we have $100 million of investment shown
25 in the table in the plan. Sounds like a lot of money. I

1 mean, to me, it's got a lot of zeros and a lot of commas,
2 but when you look at the -- even just Prop 1E, we're
3 talking of, you know, a very, very small fraction of
4 Proposition 1E and three-quarters of the levee system.
5 From here forward, $100 million of the $2 million that's
6 remaining is five percent of the funding for the project.
7 And 75 percent of the leveed area, if you look at all of
8 Prop 1E, it's only two percent.
9 So, to me, I don't want to look, you know, $100
10 million in the face and say that that's not a lot of
11 money. I think it is. But proportionally, I don't think
12 it's commensurate with the balance in the system.
13 I think that's especially true when you consider
14 the two tier level of flood protection that was
15 established in SB 5. SB 5 said that the urban areas shall
16 assume that there are no flood -- you know, levee failures
17 upstream and they shall achieve 200-year flood protection
18 according to the design standards that are currently in
19 place for the urban levees.
20 So when you look at the 75 percent of the system
21 having a much lower level of flood protection, what
22 actually plays out is that the urban levees are so much
23 higher, have such a higher level of protection. The rural
24 levees would probably have protection equal to maybe 20
25 year level of protection. So the way the system would

actually perform is that the urban areas wouldn't fail, which we all agree with, but the transitory storage from the failure in the rural areas provides significant benefit to those urban areas giving them much higher than 200-year level of protection. I think that has a ton of value, and I think there should be an exchange of resources from the State -- from the urban areas to compensate the rural areas for that benefit.

I wanted to touch on a couple of other things. One is certainly the federal funding that is part of this program. Right now, it assumes 46 percent of this program is going to be paid for federally. I'd suggest to you that that's especially problematic in the rural areas. We don't meet Corps cost-benefit programs. And therefore, you're going to have a very, very difficult time ever getting federal funding in those rural areas. So that needs to be called into question. And if that's called into question, how are you financing the plan and how can you think beyond the current existing Prop 1E funds that are available.

Certainly, for the rural areas, our goal would be that you would talk about those five billion -- or the remaining $2 billion there, and you'd start allocating those proportionally.

Currently, the plan talks about investments in

rural areas. And it always talks about if funding available and where feasible. So I try to -- it doesn't have that same language for the urban investments. I tried a little experiment last night. I asked my two children to, they had to feed the dogs and if they had enough energy available, they could clean their room. I think you know the results of that, and I want to make sure that --

(Laughter.)

MR. BAIR: -- rural area isn't left hanging like their rooms were.

(Laughter.)

MR. BAIR: So a couple of comments on the bypass. You know, we've got to clean the bottom of the ditch first. I think you've all heard that. I think it was somewhat irresponsible of DWR to include large specific projects like they did with the Cherokee Canal that hadn't been vetted. Imagine one of your homes being proposed for a railroad or a freeway and then imagine that you were going to be selling that home in the next five years. Even though Cherokee Bypass may be 20 years out, you, by including that in this plan, have had very, very significant real impacts on people's properties today. And I'd suggest that removing that and just suggesting that some solution needs to be brought up from a local

level in the future would be a good step forward and a good leap of faith.

I also wanted to kind of give a little glimpse into something that we hope will be forthcoming. The Executive Committee of the Central Valley Flood Control Association has been working with some of the NGOs, some of which you've heard speak today, that we think are cooperative and that might be able to come up with a combination of recommendations that we think could positively impact the plan, and we hope you'll be open to suppose.

So thank you very much.

PRESIDENT EDGAR: Thank you, Lewis.

(Applause.)

PRESIDENT EDGAR: Lewis, could you come back for a minute. Joe would like to ask you a question.

MR. BAIR: This isn't fair, Joe. Nobody else had questions.

(Laughter.)

BOARD MEMBER COUNTRYMAN: Thank you for -- I'm wondering, do you have a suggestion for a reasonable or attainable cost share for the rural -- not a cost share, but an allocation for the rural levee program. If a hundred million isn't adequate, and it doesn't sound like a lot considering the number of miles of levee, have you

1 thought at all about what might be a reasonable level?
2 MR. BAIR: Well, I think there's two things.
3 There's what's the total pot of money? I wouldn't expect
4 that it would be commensurate with the miles of levee, but
5 I think somewhere, you know, in the 15 percent to 25
6 percent, to me, seems like it might have a chance.
7 And, you know, when you look at even just small
8 communities, $100 million. The proposal for Knights
9 Landing is $26 million. There's 19 small communities in
10 that plan. If you start adding it up, you know, how do
11 you ever get through something like that. So to me that
12 seems the range.
13 I think the other challenge is the cost share
14 locally. And it's so different depending on your
15 situation. As an example, I mentioned we have 90 miles of
16 levee, but we protect over 100,000 acres of ground. So we
17 have a huge area in which we protect. There are basins
18 which have, you know, half that many miles but protect
19 only a fraction of the period of the land -- or as big of
20 an area of land.
21 And so while we might be able to afford a cost
22 share that's 10 percent, 15 percent of the total project,
23 which -- you know, right now through the Corps process,
24 it's more like seven and a half, eight percent. So it's
25 still an increased cost share. You know, areas with more

levees and a smaller basin are going to have a really hard time even doing that. So to me it's in the, you know, 10 to 25 percent would be reasonable.

BOARD MEMBER COUNTRYMAN: Thank you.

I'm also wondering, I think you are correct when you talk about the likelihood of federal participation in these rural projects. Would you want to consider something like the local share would be as if there was a federal participation. In other -- you know what I'm saying? In other words, it would be seven and a half percent with federal participation, but because the rural area doesn't meet the federal BC ratio requirements that you would still be limited to say the seven and a half percent at the local.

MR. BAIR: Yeah, I think that's where we're headed. I think the Association might be recommending something in that range as well.

BOARD MEMBER COUNTRYMAN: Thank you.

PRESIDENT EDGAR: Thanks very much.

MS. SCHOHR: Hi, Chairman Edgar. My name is Susan Schohr, for those who didn't hear me yesterday. I sat through this whole hearing yesterday. Chairman Edgar, would you please do a couple of things that you promised yesterday. The first would be that you told us at the beginning that -- or yesterday at the end you suggested that your staff would tell those in the audience that their comments would be included in the DPEIR later today, even if they didn't make them later today. Did I hear that correctly, yesterday?

PRESIDENT EDGAR: Yes. And I said that --

MS. SCHOHR: I fear a lot of these people are going to leave and not realize that at noon.

PRESIDENT EDGAR: No, I said that earlier today too also.

MS. SCHOHR: Okay. I did not hear that and I don't think other people in the audience did either.

The second thing is Emma went through a little presentation of dates and requirements and when things were done. Would you please go through those quickly before this group leaves? It should only take you a couple of minutes. The meetings and the dates like you

1 had May 27th -- the April 27th meeting, the May 27th
2 meeting, and the June meeting. Jane is nodding yes.
3 SECRETARY DOLAN: We're going to do that.
4 MS. SCHOHR: Okay. Thank you.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SHANNON: Good afternoon. I'm sorry, I didn't get my comments in earlier, but I didn't have anything written down, so I hope I don't stumble too much.

But a couple things that bother me. One thing when I first read about this project, I got it through the California Farm Bureau Magazine. And they had a map that I've seen two or three times, but it's very general. And I farm right next to the Sutter Bypass and I can't get any information on the exact distances you're going to widen the bypass. And that's --

PRESIDENT EDGAR: Yeah. Mr. Shannon, we talked a little bit about that today. With those large system -- proposed system project, such as the Sutter, Cherokee

Canal and so on, they -- those -- I think the way I think about them is that they are in the plan. They're designated as possible options that would be looked at in detailed engineering analysis and studies that would take place after this framework be put in place.

So we couldn't, at this time, without doing that detailed work and involving you and other local people, would not know how it was going to be designed, what the stake lines are and so on. It's just not that -- we can't answer those questions.

SECRETARY DOLAN: We don't know.

MR. SHANNON: So it makes it kind of difficult to come up and make comments on a project that is this big, this large, and this expensive that can be awfully terribly effective to a lot of growers without knowing exactly what we're commenting on. And so that statement being made, I hope that in the future as we go on, the decisions that are made on this project are made very clearly and make it very easily so the public can get ahold of them.

PRESIDENT EDGAR: Yeah. What we're trying to do is, and as we talked about this morning, is put in place a framework that has a number of priorities, one of which is that the system needs to be repaired. It's a hundred years hold, and there are problems with it, and we need to

make some systemwide improvements. And we're putting in place a framework that we'll get us started on the detailed designs of individual projects in these regional areas that might make sense from a systemwide standpoint and from a local standpoint. That's all we're trying to do.

MR. SHANNON: So I don't mean to reiterate or to repeat what was said earlier this morning, but I think it needs to be said, again, kind of in a different way, is that my family -- I'm a fourth generation -- third generation farmer. My son is a fourth. My dad is 91 years old. He helped build -- he worked on the levee built at Star Bend. That's where my original family is from.

And I've heard it for many years from him that there was one big mistake when they built the levee at Star Bend, which is south of Yuba City, that they put a 95 -- a 45 degree bend in the river, which backed the river up and that's why it flooded at Shanghai Bend in 1955. That's the only flood that's been in Yuba City since then.

So that being said, they straightened out the levee, which it needed to do. And that went right through my grandfather's original ranch. That needed to be done. That got straightened out. But there was two other things

that were very important when they built that levee for flood protection and that was to keep the river dredged and keep the bypass clean.

And I know dredging the river is a very bad opinion. You don't dare say that, because the environmentalists don't like it. And what I've read about dredging the rivers out is they said it causes too much silt for the Steelhead and the Salmon.

Well, Mr. Munger said paddle boats came up the river. Well, until I got into high school, barges came up the Feather River to 2nd Street, right by our property. I saw them every day -- every week, I should say. These barges drew a lot of water, and when the river went down, there was a 20-foot swath -- or a channel that was 20 feet deep, went up the entire length of the Feather River. The river is up right now, and if you go to those same exact spots, there's five feet of water. I was out there Tuesday.

So my grandfather's old property now has trees and brush so thick, that's it 20 feet high. You can't walk through it. So before you start making a new project and saying that our own project is a hundred years old and is not feasible and not going to work, maybe all the individuals, including you, should get in a boat and go down the rivers and see what's happened in the last 40

1 years.
2 I was born and raised at Star Bend. I know what
3 it used to look like, and it was a sand dune. And now it
4 is cluttered with 20 feet tall trees and willows. Water
5 can't pass through.
6 And the other thing that bothers me that no one
7 has ever talked about in these meetings about what
8 happened in '97. We flooded in '97, but I think there was
9 some mismanagement by the dams. There was 80 percent --
10 each reservoir was 80 percent full in January, and there
11 was 15 feet of snow at the 4,500 foot level, and we got 32
12 inches of rain in the month of December, and they
13 didn't -- they refused to release water early.
14 So instead of going backward and trying to decide
15 what went wrong and why we're flooding, and fix what we
16 have, we've decided to come up with this huge expensive
17 project, and disregard what's been done in the past.
18 There has been nothing wrong with what we have here
19 before. It's mismanagement and not taking care of what we
20 have.
21 And I know the environmentalists do not like to
22 dredge out the rivers, because they said it's too much
23 silt. But if you go back to the history in the sixties
24 and seventies, and before, when they did dredge out every
25 year, there were record runs of Steelhead and Salmon

coming up those same rivers that got dredged every year.

So I think the argument is kind of moot also. But if it's a give and take program that we're going to put this big project in, but then we're going to take -- and take 10,000 acres from agriculture and put it into natural habitat, but then we're going to destroy 60 miles of levee and move it over, what have we gained? We haven't -- we're still doing the same amount of damage. We're not replacing anything. We're doing more damage.

When you want to say that a friend of mine put a well in, he put four telephone poles in. They had to carry the telephone poles down a dirt road. If they drug, they were destroying garter snake habitat. Had two people employed sit there for two days to make sure a telephone pole would not hit the dirt when it got moved 30 feet or 40 yards down a road to be put in a hole.

But we're going to destroy how many feet of levee and move it over? How much habitat are we going to destroy there?

So I think that the Endangered Species Act can just be manipulated anyway it wants. They put a Calpine plant out by my place and they found 11 garter snakes in 14 days in two traps. They disregarded that. That got thrown out the window, because they wanted the cogeneration plant in.

1 You see my point, it seems like we're going to
2 take 10,000 acres out of agricultural to mitigate what
3 we're going to do to two levees. We don't need to do it.
4 It's just like, well, we can handle Endangered Species
5 Act. All we've got to do is move it over here.
6 PRESIDENT EDGAR: Okay. I think we understand
7 what you're talking about.
8 MR. SHANNON: I would really think that instead
9 of making a plan first, maybe we should look at what we
10 have already and make a in-depth study there and then
11 decide whether it's going to work or not.
12 But I'm almost sure that anybody, including your
13 panel, has been up and down that river, you'll know what
14 I'm talking about. Spend the time to go do that.
15 Investigate what we have. To spend 200 billion or 14
16 billion or whatever this project is going to cost, just
17 because we're going to spend the money, doesn't fix the
18 problem, and it takes people out of their homes.
19 And you can't -- if you're going to take a
20 person's ranch away from them, they're not going to be
21 able to go down the road and build another house and buy
22 more farm ground. They're done. It's over. It's not
23 like you can move a car lot and start selling cars down
24 the road. And to buy a person's ground on eminent domain
25 and give them a one-time payment, doesn't make it either.

1 That's not how they make their living.
2 So this is pretty important to the people that
3 farm and live by the bypass. And for the cost we're
4 getting for a project that's not guaranteed, I don't
5 understand. We should be looking at we already have.
6 All right. Thank you very much.
7 PRESIDENT EDGAR: Thank you.
8 (Applause.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

McKENZIE: Thank you very much. I hope this is the appropriate place, but I'll make my comments succinct and brief. You will get them in writing as well on that.

PRESIDENT EDGAR: Thank you.

MR. McKENZIE: I'm the Director of the Rice Experiment Station, which is located in the banks of the

1 Cherokee Canal, Highway 162, the site of the proposed
2 Feather River Bypass.
3 Experiment Station is 500-acre nonprofit facility
4 owned and funded by growers. We've developed rice
5 varieties, do research since 1912.
6 Our facilities include laboratories, greenhouses,
7 solar arrays. We produce foundation seed, basic seed
8 stock for the State's 550,000 acres. We have germplasm
9 and breeding material that are irreplaceable and stored in
10 our seed house on site.
11 The concept of the expansion of the Cherokee to
12 form a Feather River Bypass would appear to condemn the
13 facility. And relocation opportunities could be fatal for
14 our institution. You've heard earlier this morning our --
15 we can reflect the concerns, in terms of agricultural
16 productivity. Loss of farming land, I think, is critical.
17 And you've heard of this in terms of affecting farming
18 operations, revenues for the regional and local
19 governments, and also the ability to support an industry
20 in terms of bringing the products from elsewhere,
21 including effective new pesticides and herbicides, which
22 are environmentally more friendly. You need to have a
23 base acreage to support that.
24 And certainly, there's a component of habitat.
25 The 100-year floodplain runs through our station. We're

very aware of that. We realize we're subject to flooding. We have heavy clay soils, and that's why we're located there. There is a flood risk associated with agriculture, and we appreciate that.

To give specific comments. As was suggested in our earlier meeting, we believe that the excavation of Cherokee Canal to return it to its fully functioning flood control, adequate maintenance would be a good decision for the Board to consider. The narrow channel and the tree vegetations, in fact, do not buffer the levees, as they exist now. And the adjacent lands are productive, profit making, fertile, tax generating, rich in wildlife and in agricultural resource.

The existing canals and irrigation systems of the rice acreage in the area have a tremendous capacity, I think, to absorb a rare flooding event as it would happen. I think it needs to be examined about their ability to do that consideration of putting in structures that would allow a controlled release under some of the large acreages that exist in the valley.

Finally, agriculture is a primary industry. I think still for California and Resources, the Central Valley and the State needs to be preserved. We also have looked at the information provided by the Butte County Rice Growers with Mr. Carl Hoff who spoke early and

1 especially support the concepts aligned by them or
2 mentioned, including the need for new water storage.
3 Thank you very much.
4 PRESIDENT EDGAR: Thank you for your comments.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATOR LaMALFA: Thank you.

PRESIDENT EDGAR: We just received your speaker's slip or I would have called you earlier.

SENATOR LaMALFA: It wouldn't have been possible, because I haven't been here that long. I just filled out the slip, but I appreciate that.

Thank you.

(Laughter.)

SECRETARY DOLAN: Hard to hide.

SENATOR LaMALFA: Thanks for the opportunity to speak here. And my staff member, Tiffany, had a chance to address you this morning here. So I'm sure she did a good job. And thank you again for holding the hearings up here in the affected area and giving the chance for the local, because my conversations with people is a lot of folks have been caught by surprise. And other than what Farm Bureau has been able to inform them, they're playing

catch-up here.

So, and I understand also because of Senate Bill 5, which I voted against, but nonetheless here we are, this task has been put upon you to carry out for the DWR to come up with a plan and adopt a plan.

And I think I'll say right out of the chute that it's my view it's okay to not adopt a plan. So I hope you continue that as one of your options, and especially given the timeline here of having to jump from no plan to a plan sometime this summer. And given some of the controversy about it -- around it that's going to be facing the landowners, the farmers, those most directly affected by what's going to happen with that land.

A question I would have and hope to receive answers on are the goals of the plan. How were they established, what criteria, such as the 32,000 cfs? Who came up with that number? Why is it the number for the shifting of possible flood water from the Feather to the west through the proposed bypass? When will we know what the actual maps would look like, other than the preliminary ones, which aren't very defined from everything we can tell, who it's going to affect and what its goals are?

The area of land use that would be in a proposed bypass. You know, we're talking about the acres that are

1 going to be setback. Now, there seems to be an
2 inconsistency with the use for farmers of that land. It
3 would be very, very limited as to what crop type they
4 could use, if at all, in some cases, such as areas that
5 might be appropriate for orchard, for trees, would be
6 limited to not having that use anymore.
7 On the other hand, some of these same lands will
8 be planted up with habitat type trees, shrubs, and other
9 things that would be a direct impediment on the flow of
10 water? How is that consistent is a question that keeps
11 coming up?
12 Also, with the stalling of the delisting of the
13 elderberry beetle, but one that is on the horizon, how has
14 that been taken into account? With possible mitigations
15 that are being looked at is the elderberry bush, as the
16 habitat for the elderberry beetle, considered an integral
17 part of this proposal or is it one that is being set aside
18 as the elderberry beetle process of delisting right now,
19 which is in court, because of foot dragging, but one that
20 is likely to happen. Is this an area that is going to be
21 looked at and take into account? And would that require
22 then under the fullest extent of the habitat and
23 mitigation, et cetera, would that cause a lesser amount of
24 habitat to be needed if that delisting is accomplished?
25 And then the one that keeps coming back, and the

one that I've shared too being near some of these facilities, is why would not a greater effort to maintain the systems we do have and make them flow, as opposed to having to go through the pain of condemning property, making wider zones, why aren't we doing more to clean up the waterways that we have, and have the water flow to its maximum as designed when these systems were first made?

In deed, some efforts have been made in Cherokee in the past. And we had discussions for awhile there, they were looking to purchase property in order to put the spoils on looking for neighbors that would maybe sell some property to put the spoils of cleaning Cherokee. Now, we've shifted from that to more setback.

Interestingly, I note that rice lands that would be in this area here, would that continue to be seen as a habitat zone or is it something that has to be replaced with a more direct habitat, as seen fit by those that would create the trees, the shrub type?

And interestingly, this habitat on the one hand in rice is seen as a very good thing, a very good source of habitat. I bring up to mind the proposal to remove the stop lights and put in overcrossings on Highway 99 south of here going towards Sacramento, Ramirez Road -- or no, Riego Road, excuse me, and the other one in that neighborhood.

One of the things being discussed was that in order to put these overcrosses in to replace the lights, you would have to mitigate the rice land in that area.

So is the rice land in that area seen as habitat that needs to be mitigated? And on the other hand, it doesn't count as habitat in this zone here, because it's not up to the task? So that's an interesting, to me, counter way of looking at things.

Last, we come back to the cost, once again, of this system. You know, when you hear a high number of 15 to 17 billion for everything, what this portion is. You know, I think we're still trying to find out and get through in this plan, which I think is why we need more time partially. But the vagueness of what we have so far and the short amount of time to do it, kind of reminds me of high-speed rail. This being the high-speed rail of flood plans in the way this is being put upon us, I think, by DWR or others are the requirements perhaps of SB 5.

And so do we really want to have that as a template hurrying through a plan with unbelievably high costs in a State that is fiscally strapped and facing many other funding goals, such as the water bond that may or may not still be on this November ballot, and the high-speed rail that may be competing for that same money, as well as just the things that are in the budget we're

having difficulty with now, with the cuts to the UC system, the CSU system, Medi-Cal, and, for awhile there, elimination of school bus service during this current year. How is this going to compete with all those other things?

So lastly, I guess, for me, I do appreciate that there's a process here, and that we're going to hear from the affected community here that it hasn't been bypassed. But as a plan idea would go along, should there be something that's more defined, available, I would ask that this Board please hold more of these hearings when you get to that next phase before there would be an adoption at the June or July or whatever it might end up being on that timeline. Because it is indeed very important to come back to the district here and have folks be able to see something a little more concrete, a little more defined that they would have a comment on when they know exactly how it will affect them, instead of the kind of moving target they're worried about right now. So that would be a good service of the process, and I would again greatly appreciate that opportunity.

So, again, I know you're carrying out an SB 5 requirement on behalf of DWR. So our office wants to continue to work with you on this issue as we move forward, because it's very important to our constituents.

1 And this is a relationship we need to have in doing that.
2 So thank you for allowing me to speak with you her today.
3 PRESIDENT EDGAR: Thank you, Senator, very much.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUTTER COUNTY SUPERVISOR CLEVELAND: Good afternoon. It was a nice break.

PRESIDENT EDGAR: You told me you weren't going to talk today.

SUTTER COUNTY SUPERVISOR CLEVELAND: Well, it wasn't going to be on the other part of it. This is the EIR part of it, and I will be speaking directly to this instead. The eloquence of everyone in the morning and the current Senator and all was much beyond what I could have done, so I'm very satisfied there.

The comments will be also sent to you. The Board will be -- so Sutter County will be looking these over on Tuesday to send our official comments by the date that's necessary. But there are some concerns that we do have based upon the plan and the current EIR. I'm going to go down the list. We have eight of them, but I can be pretty quick with it.

First of all, on page ES17, it states that the beneficiary pays quote, "Approach would allocate costs to

1 those with property in a specific flood protected area".
2 Well, this actually neglects the multi-use nature of the
3 State's water project, which is to convey and deliver
4 water statewide. Improving the levees, improves the
5 State's capacity to convey and deliver water throughout
6 the entire State.
7 So the receiving of a more consistent water
8 supply elsewhere in the State, those would be
9 beneficiaries of this plan also. So the cost would need
10 to be, in our opinion, spread out through those -- that
11 area also.
12 Number two is ES21, it identifies quote,
13 "Modified Statewide Investment approach alternative, which
14 more limited construction and activities and no bypass
15 expansions". The lettering is a little small and it's dim
16 in here. Either that, or my eyes are getting worse.
17 PRESIDENT EDGAR: It's dim in here.
18 SUTTER COUNTY SUPERVISOR CLEVELAND: I think it's
19 my eyes actually. This Modified SSIA has never
20 mentioned -- was never mentioned in the Central Valley
21 Flood Protection Plan. No further information as to the
22 project cost, impact on environmental restoration cannot
23 be evaluated due to the lack of information, and it's not
24 clear why being presented in a single paragraph as a
25 viable alternative.

1 Okay. And then number three on ES24. This
2 states that the Statewide System Investment Approach
3 alternative may have potentially significant and
4 unavoidable impacts to agriculture. This plan identifies
5 up to 40,000 acres of land within the proximity of the
6 project that may be impacted by setback levees, bypass
7 expansions, or floodplain restoration easements. This
8 could economically cripple Sutter County specifically,
9 because we have the major bypass adjustment and make
10 agriculture infeasible for these acreages.
11 So that is not an insignificant, it is
12 significant, or it may -- it's not this that it might be
13 or potentially.
14 On page ES24 states that the Statewide System
15 Investment Approach alternative may have potentially
16 significant and unfavorable impacts on the aquatic and
17 terrestrial species. This brings into question the
18 State's intent to migrate for or improve habitat for one
19 species to the detriment of another, which also has to do
20 with one of the previous speakers up there at the Cherokee
21 Creek Canal, that's kind of what would have to happen
22 there for them to accomplish the goal.
23 So the Central Valley Flood Protection Plan
24 proposes to eliminate thousands of acres of rice
25 production for the benefit of Salmon, Sturgeon, Steelhead

and/or other endangered species. So that's trading one for the other in this plan, or potentially.

Let me go on to number five which is ES24. Actually, I'm going to skip that one. I'm going to go to six, seven, and eight.

Also, on ES24 though that it states that the Statewide System Investment Approach alternative would have significant and unavoidable impacts on land use and planning. As proposed, the Central Valley Flood Protection Plan would take thousands of acres of prime agricultural land out of production, negatively affect tens of thousands of acres of other agricultural lands requiring change of crops or farm practices.

This would be permanent prohibition of growth of multiple commodities. It would eliminate local control over land-use issues, create an ongoing expense for locals to cover levee and channel maintenance, the HCP and CMP expenses, monitoring and reporting costs, and eliminate a large percentage of local tax base.

Some of these things were discussed from the point of view of just the farmers and that, but this has to do with by not being addressed in the EIR -- well DPEIR and the concerns that directly arise due to that.

On page ES5, this states that the Statewide System Investment Approach alternative would have a less

than significant impact on population, employment, and housing. This is a little bit more passionate for me on this one.

As proposed, the plan would take thousands of acres of prime agricultural land out of production, eliminate many agricultural related jobs, prohibit development in many areas throughout the County, limit future growth, and the ability to construct additional housing. And that is a significant effect, not an insignificant one.

Number eight is actually quite important. No alternative considers new or expanded storage. This may actually invalidate the EIR, since it has not been considered. That and I think it's most vulnerable in this area. So with that, thank you very much.

PRESIDENT EDGAR: Thanks very much. Are there any questions from the Board?

Thank you, Stan.

MS. BROCKER: This time I'd like to speak just as a landowner, rice farmer, in South Sutter County.

We recently lost about 300 acres of our farm ground for mitigation to The Conservancy for urban development in the Sacramento area. And I am concerned that we also run the risk of losing a significant portion of our ground to habitat and environmental impacts.

Agriculture seems to get a two-for-one ding. We not only lose ground every time urban areas expand, but we also are losing ground consistently on the environmental impacts to develop habitat. And I think that it's important to recognize that we have a limited resource and we're really being pulled in many directions.

And it would be nice if the Board and the plan could think out of the box and try to come up with ways to incorporate this habitat in a friendly manner with agricultural, rather than as a competing interest.

It's very difficult. We often get labeled as being environmentally unfriendly. And I think that that is a misconception. We care very deeply about the environment. We care very deeply about our ground. If we don't maintain our ground, we don't sustain our farms. So it would be refreshing to know that there was an opportunity in the future for willing landowners to incorporate more habitat in the existing agricultural areas, rather than continuing to compete for that limited resource.

1 I think you would find with local input, there
2 are a lot of good ideas out there on how to incorporate
3 habitat and how to avoid this continued struggle for
4 limited acreage in the valley.
5 I also think it would be really good to mitigate
6 those environmental impacts outside of the floodplain. I
7 don't think that they -- at least as far as the trees and
8 the vegetation go, I don't think they're a compatible use
9 with what we're trying to achieve. And I think that we
10 need to be very cautious when we do implement these
11 habitat plans, that we recognize the need to protect the
12 farmers that do not participate against encroachment of
13 these species onto their ground. So we need to provide
14 some sort of safe harbor or other types of arrangements
15 that protect farmers from invasion of species or plants
16 onto their property.
17 So it's a very complex issue, but I think if we
18 can drive this from the local communities, and engage the
19 farmers in the process, I think we might be able to come
20 up with some refreshing new approaches on how to continue
21 to recognize the environmental impacts, but not continue
22 to have this competing nature that exists currently.
23 Thank you very much for your time.
24 PRESIDENT EDGAR: Thank you, Ms. Brocker.
25 BOARD MEMBER COUNTRYMAN: Bill.

PRESIDENT EDGAR: Tara, there is a question.

BOARD MEMBER COUNTRYMAN: I found your comments very, very interesting. Could you gives like a couple of examples of how we could incorporate habitat in the existing farm operation, rather than say in the flood project?

MS. BROCKER: Well, I think, you know, every landowner is going to have probably input in how it would best work in their operation, but in our operation specifically, we have ground that isn't able to be utilized because of the way it's located on the property. It might be a corner parcel that we aren't able to farm or get water to. And we have small pieces of ground that could easily be developed to promote habitat.

There may be farmers that have very unproductive soil types and they would be willing to convert some of that ground towards habitat. There may be small setbacks along ditches, road easements, that we may be able to incorporate buffers for upland game bird, pheasants. You know, we don't need to strip spray maybe as much as we have in the past.

If there was compensation to participate in these programs, I think you would find that the farmers can be extremely creative in developing ways to do both.

BOARD MEMBER COUNTRYMAN: Thank you.

MR. ELLIS: Yes. I turned in my green card this morning. I thought maybe we should resubmit.

Yeah. I'm Tom Ellis a landowner in the Colusa Basin. And thank you, President Edgar, for allowing us to speak and members of the Board.

This afternoon my concern is with the DPEIR. And I'm referring to the cumulative impacts section of the DPEIR. During the ag stewardship committee meeting in December of 2009, the issue of landowner assurances for a farmer whose farming operation adjacent to an ecosystem restoration project and they experience wildlife intrusion on his property resulting in crop losses. Plan leadership emphatically rejected the idea saying it was irrelevant because this was a flood protection plan not an ecosystem restoration plan. Therefore, the issue was dropped at that time.

However, when I saw the draft plan released in December of 2011, it appeared to me to be more of an ecosystem restoration plan than a flood protection plan.

Therefore, in my mind, the landowner assurances

1 issue became front and center again. When the Draft
2 Environmental Impact Report came out, I noticed in the
3 cumulative impacts portion of the report, a section
4 regarding hazards and hazardous materials. It's on page
5 4-43. And there's a discussion about birds being -- and
6 they indicate waterfowl and shorebirds near airports that
7 could increase bird strike hazards for aircraft. If this
8 hazard was significant, the project proponent would be
9 required to prepare and implement a, and I quote,
10 "Wildlife Hazard Management Plan". And I have never heard
11 of this before.
12 The SRCA has dealt with these landowner
13 assurances over a long period of time. And every time we
14 came up with a program, we would all - I mean both sides
15 of the issue - agree on the problems. But it would come
16 to the point of establishing a grievance procedure and
17 then some kind of a good neighbor fund to maybe fund
18 some -- to take care of these problems. And we were told
19 that it will never happen by the wildlife agencies.
20 And so my question is why couldn't this kind of
21 plan, that's the Wildlife Hazard Management Plan, be used
22 to address wildlife problems that are affecting adjacent
23 farm operations?
24 Or maybe it's because the airport is handling --
25 it's a public safety issue. I think deer on an airstrip

would be a public safety issue. But just the same, deer on my alfalfa fields is an issue for me. And I think if there's hazard -- or a Wildlife Hazard Management Plan for airports, why not for adjacent farming operations. And I did notice this morning that you talked about safe harbor agreements. I'm a little concerned about that, because I think some of those -- there's some misunderstanding about some of these safe harbor agreements as to who's protected. And so I think I want a little bit more of -- in the way of landowner assurances before I can be comfortable.

And that's the conclusion of my remarks on that issue.

PRESIDENT EDGAR: Thank you, Tom.

CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

PRELIMINARY SUGGESTIONS ON DRAFT CENTRAL VALLEY FLOOD PROTECTION PLAN

(FOR APRIL 2012 PUBLIC MEETINGS)

Members of the Board:

The California Farm Bureau Federation offers the following suggestions in connection with the Central Valley Flood Protection Board's April 2012 public hearings on the Draft Central Valley Flood Protection Plan ("Flood Plan"). Detailed comments on both the Flood Plan and the Programmatic EIR will follow on or before the April 20, 2012, deadline for written comments. Thank you for considering the following as the Board reviews and considers potential revisions to the draft plan.

Treatment Of Agricultural And Rural Areas

- Affirm and Protect Central Valley Agriculture
- Avoid, Minimize, Mitigate Agricultural Impacts
- Retain Agricultural Uses Long-term; Ensure Compatibility with Habitat
- Develop a Formal Rural Levee Standard
- Support FEMA NFIP Reform for Rural Areas
- Anticipate and Avoid Redirected Impacts and Unintended Consequences

Working With Local Interests

- Improve Transparency and Public Outreach, Both Now and In Regional Planning
- Inform and Meaningfully Involve Local Interests
- Design Governance to Promote and Integrate Local Input in the Regional Planning and Implementation Phases of the Plan
- Draw on Local Knowledge, Insight, and Expertise
- Partner with Locals for Local Benefits and Greater Potential Local Buy-In
- Better Explain the Linkages Between the Flood Plan and the Obligations of Local Land Use Under SB 5, and the State's Expected Approach to This Aspect of Plan Implementation

NANCY N. MCDONOUGH, GENERAL COUNSEL
ASSOCIATE COUNSEL:
CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

Financing

- Include Hard Commitments of Available Funds to No-Regrets, Priority Rural Levee Fixes Early On
- The Plan's Proposed 25 Percent Rural and Small-Community Cost Share is Too High
- Develop a Lower Rural Cost Share and Allow In-Kind Cost-Sharing by Local Flood Agencies in Rural Areas
- Preserve and Maintain Agricultural Production and Private Ownership of Lands in the Floodways to Reduce Maintenance Costs and Protect the Local Tax and Assessment Base
- Urban and Urbanizing Areas Benefitting from Lower Protection in Rural Areas Should Pay Proportionately for Plan Components
- Invest In-Hand Dollars in a Rural Planning, Response, and Recovery Fund

Planning and Managing Habitat

- Develop and Require Financing Mechanisms, Adequate Institutional Structures for Long-term Management of Habitat
- Analyze and Mitigate Potential, Long-term Cumulative Impacts of On-going Habitat Restoration System-wide
- Require Buffers, ESA Safe Harbor or Equivalent Protections, and Other Landowner Assurances
- Time Controlled Floodplain Inundation to Ensure Compatibility with On-going Agricultural Land Uses
- Coordinate Flood Improvements and Habitat as Integrated Parts under a Single Plan
- Streamline Permitting and Develop Better, More Comprehensive and Effective Approaches to Mitigation for Flood Projects and Species Alike
- Define, Then "Cap" Habitat Allotments; Thereafter, Respect and Maintain Alloted Habitat Areas Over Time As a Function of Total Flow Capacity

Addressing The Impacts Of Taking Or Impacting Agricultural Lands

- Protect the Local Tax Base and Reduce Maintenance Costs by Farming the Bypasses
- Adopt Policy Favoring Voluntary Actions Before Easements, Easements Before Acquisition, and Willing Seller Acquisitions Before Condemnation
- Directly Compensate Rural Landowners for Increased Risks and Losses to Provide Public Benefits Downstream
- Take or Acquire Private Lands Only After Exhaustion of All Feasible Alternatives
- Take No More Than the Least Interest Necessary to Achieve a Particular Public Purpose (The Greatest Public Good at the Least Private Cost Possible).

- Prescribe Procedures, Protections, and Transitional Assistance for Displaced Agriculture
- Describe Specific Land Acquisition, Farming Preservation, Habitat Management and Financing Mechanisms That Would or Could Be Used In Plan Implementation

Finalizing the Plan

- Extend the July 1st Legislative Deadline for Plan Adoption: Getting the Plan Right Is More Important Than Meeting a Deadline
- The Plan As a Whole Should Seek Throughout to Provide Better Answers to Questions Like These, Concerning Precisely What the Plan Is and Is Not:
  a. What, Specifically, Is the Plan Deciding or Determining Now?
  b. What Specific Elements and Features of the Plan Could Change, or Come Out of the Plan After Adoption?
  c. What, Specifically, Will We Decide Later, When, and How?
- Adopt a Plan That Is General and Open for Now, Purposely Leaving Flexibility and Room in the Plan to Adopt, Modify, and Possibly Abandon Projects and Plan Features Later On
- Plan Development in Regional Planning Should Be a Bottom-Up, Not a Top-Down Process
- Better Describe Phased Implementation and Prioritization of Proposed Elements and Features of the Plan
- Focus on Realistic Financing Options, Pacing, Phasing, and Prioritizing Plan Implementation Accordingly

Please direct any questions or concerns regarding this matter to Chris Scheuring at (916) 561-5660 or cscheuring@cfbf.com, or Justin Fredrickson at (916) 561-5673 or jfredrickson@cfbf.com.

Moricz, Nancy

From: Essex, Cheryl [CESSEX@parks.ca.gov]
Sent: Wednesday, April 11, 2012 9:34 AM
To: Cvfpp_Comments
Subject: CVFPP comments from California State Parks
Attachments: CVFPP-Comments California State Parks.xls; CVFFP COMMENTS CSP APRIL 11.docx

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Thank you for the opportunity to review and comment on the December 2011 Public Draft of the *Central Valley Flood Protection Plan*. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand.

I have included our comments on the Plan in both Microsoft Word and Excel formats.

Please contact me if you would like to discuss these further or if we can provide additional information.

Best regards,

Cheryl Essex
California State Parks
Planning Division
PO BOX 942896
Sacramento, CA 94296
(916) 651-0386
"Watersheds come in families; nested levels of intimacy... As you work upstream toward home, you're more closely related. The big river is like your nation, a little out of hand. The lake is your cousin. The creek is your sister. The pond is her child. And, for better or worse, in sickness and in health, you're married to your sink. " *Michael Parfit, National Geographic*

CVFPP PUBLIC DRAFT COMMENTS APRIL 10, 2012

Jeremy Arrich
Chief, Central Valley Flood Planning Office
California Department of Water Resources
3464 El Camino Avenue, Suite 150
Sacramento, CA 95821
arrich@water.ca.gov

Mr. Arrich,

Thank you for the opportunity to review and comment on the December 2011 Public Draft of the *Central Valley Flood Protection Plan*. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand.

For future generations of Californians to enjoy the recreation opportunities along our rivers, streams and lakes that we currently enjoy, recreation planning must be fully integrated into the *Central Valley Flood Protection Plan*. In fact, California's Davis Dolwig Act requires this, as follows:

> There shall be incorporated in the planning and construction of each project such features as (DWR), after giving full consideration to any recommendations which may be made by the…Department of Parks and Recreation,…determines necessary or desirable …to permit, on a year-round basis, full utilization of the project …for recreational purposes. Water Code section 11910.

The section goes on to require "full and close coordination" for all planning for recreation in state water projects between DWR and the Department of Parks and Recreation. This coordination is mandated for the federal and state water projects and "every other project constructed by the State itself or by the State in cooperation with the United States." Water Code section 11905. As used in this section, "project" means any "physical structure to provide for the conservation, storage, regulation, transportation, or use of water…". Water Code section 11904. We believe many flood control facilities fall into these definitions.

To meet these requirements, we recommend that recreation be more explicitly incorporated into the Plan in, at a minimum, the following sections:

CVFPP 1.5 State's Interest in Integrated Flood Management. Consider mentioning that the State's interest in public safety, environmental stewardship and economic stability are well supported by safe public access to our rivers and streams, on-site environmental education, and the economic vitality provided by quality-of-life enhancements and environmental tourism revenues. The potential for enhancing recreational use of the flood control system has been recognized since 1929. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain and other, new possibilities will arise as the flood control system is improved.

PAGE 1-17. List of challenges. Please consider adding this bullet point: Public access within California's navigable waterways has been guaranteed by the state's Constitution since 1879; however, private land borders many Central Valley waterways, and significant state and federally-funded infrastructure was built without public access in mind. This limits access to public resources for boating, fishing and wildlife

observation in many park-poor, disadvantaged valley communities. This situation leads to conflicts between private landowners and recreationists and promotes the use of unsafe ad-hoc access points. California State Parks has developed multi-agency recommendations and multi-stakeholder strategies for enhanced utilization of public lands along rivers and sloughs for recreational access (*Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision* and the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation)*. Implementation of these strategies will reduce trespass on private land, increase economic sustainability, and improve the public health and safety of valley residents.

Page 2-6 and 2-9. Paragraphs on both these pages bemoan the limited Preliminary Approaches' lack of opportunities to integrate environmental features and construct multi-benefit projects into small community and urban area protection actions. According to our statewide surveys (http://www.parks.ca.gov/?page_id=23880), these are the very areas where recreational facilities and safe access are most needed. Incorporating walking and bicycle paths with angling and paddling access points, and wildlife observation areas with environmental education components require a modest investment and little, if any, additional public land. Incorporating these features offers multiple benefits that meet significant State and/or FloodSAFE goals: encouraging environmental stewardship and water conservation, encouraging a healthy active lifestyle, offering non-polluting transportation routes (especially important in regions with impaired air quality), reducing trespass on private property, increasing public safety and supporting these communities' economic sustainability. These types of facilities should be integrated into all flood control improvements where feasible.

Page 2-23. Table 2-6. California State Parks research has found that almost 80% of Californians cite the importance of water features (lakes, reservoirs, rivers and wetlands) to enjoyment of their favorite recreational activity, so improving public access cost-effectively increases the social sustainability of all Preliminary Approaches for all the reasons described in the comments above. Please consider adding the following bullets to the Social Metric:

METRIC	**PRELIMINARY APPROACHES**		
	ACHIEVE SPFC DESIGN FLOW CAPACITY	**PROTECT HIGH RISK COMMUNITIES**	**ENHANCE FLOOD SYSTEM CAPACITY**
Social	• Chance to incorporate safe public access to navigable waterways	• Chance to incorporate safe public access to navigable waterways	• Opportunities to substantially increase recreation and tourism opportunities in park-poor and disadvantaged regions of the State

Page 2-24. Figure 2-6. Incorporating modest recreational facilities such as those described in the comments above increase the economic benefits of the least-costly Preliminary Approaches with little impact on capital and operating costs. For instance, all-weather levee roads can accommodate hiking and bicycling trails by selecting appropriate gates, connecting to public roads, bicycle routes and sidewalks, and providing directional signage. These routes can lead to occasional waterfront access for fishing and launching paddlecraft. The provision of wildlife viewing areas with benches and educational signage can be located along these routes at little cost.

Page 2-26. State Systemwide Investment Approach. Please consider the following examples of how incorporating recreational facilities into all flood control improvements where feasible supports the five distinguishing characteristics important from a State investment perspective:

1. Life Safety: Providing safe public access reduces boating accidents and boats stranded without safe egress points, prevents drowning deaths, allows for easier patrols and reduces accidents from attempts to climb armored slopes. Encouraging more citizens to recreate along our rivers discourages illicit and criminal behavior in these areas.
2. Vibrant Agricultural Economy: Tourists, especially high-value international tourists, are drawn to areas with diverse opportunities. Developing outdoor recreational, environmental, agricultural and cultural tourism in California's Central Valley will improve the economic stability of the agricultural economy by supporting farm jobs, providing a local market for value-added product sales, generating tax revenues that support local infrastructure, etc. More data about tourism preferences and patterns is available in the federal report *Key Facts about International Travel and Tourism to the United States*, available at: http://www.tinet.ita.doc.gov/outreachpages/inbound.general_information.inbound_overview.html. Additional research is available from http://sfp.ucdavis.edu/agritourism/.
3. Reduction in Economic Losses: Low-intensity recreational development may be designed to limit flood damages. Utilizing lands for outdoor recreation, especially where flood frequencies limit agriculture and more intense development, provides regional economic benefits. Sacramento's American River Parkway including Discovery Park, the Napa River/Napa Creek Flood Control Project and the Guadalupe River Flood Control Project in San Jose are all useful examples.
4. Ecosystem Restoration and Enhancement: Providing modest access improvements in habitat areas allows for safe, beneficial public use of a public resource. Concentrating facilities in areas that cause the least disruption of ecosystem restoration projects minimizes damage to more sensitive areas. Educating the public fosters an appreciation and desire to protect these special areas. Descriptions of these strategies may be found in the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation.*
5. Cost to implement: The *Central Valley Vision Implementation Plan* (CVV), completed in 2009, recommends a 20-year investment strategy for California State Parks acquisition and development in the region. While the project list is not entirely aligned with the Central Valley Flood Protection Plan goals, includes sites well outside the boundaries of the CVFPP, and doesn't include recreational development managed by local agencies, it offers a useful comparison of the magnitude of costs. Implementing all recommended CVV projects is estimated to cost $272 million—only 1.6 percent of the State Systemwide Investment Approach--while furthering FloodSAFE's goals.

Chapter 3. To meet the requirements of Water Code section 11910, California State Parks is ready to assist FloodSAFE staff to identify opportunities to integrate recreational facilities into SSIA projects, based on our significant outreach, research, planning and management history in the region. Incorporating recommendations in the *Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision* and the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation* into this chapter or citing these reports would clarify the State's intent to provide public access improvements.

Page 4-36. Financing Strategy. Some funding for recreational infrastructure is expected to be available through boating fuel taxes and FERC relicensing of hydroelectric facilities, but more will be needed. The Financing Plan should allow funding of facilities to support recreation that is ancillary to and compatible with a project's flood control or floodplain restoration purposes. Providing examples of eligible facilities, such as parking lots, trails for walking, horseback riding, or bicycling, hunting blinds, nature observation facilities like interpretive signage, and bank fishing improvements, offers helpful guidance. The guidelines could indicate an appropriate cap on recreation costs, such as 5 percent of a project's total

cost, to ensure that recreation is ancillary to the project's primary flood control or floodplain restoration purpose.

What's missing: Beneficial Uses of Agricultural Land Conversion. The Central Valley Flood Protection Board, in its April 5, 2012 Public Outreach Hearing, asked, in part: "Has the proposed Plan identified all possible uses – besides public safety – of farmland that is taken out of production?" We believe the Plan could more clearly articulate the potential for recreational use in these areas. Lands deemed unsuitable for other uses still retain an economic value for recreation use. For instance, where agricultural land is converted for flood control purposes, recreational and tourism land uses provide local jobs, support local businesses, provide local tax revenues and support resident's quality of life. You may refer to the *California Outdoor Recreation Economic Study (2011),* available at: http://www.parks.ca.gov/?page_id=795 for useful data on the economic benefits of recreation.

Please contact me if you would like to discuss these further or if we can provide additional information.

Best regards,

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	general comment		Thank you for the opportunity to review and comment on the December 2011 Public Draft of the Central Valley Flood Protection Plan. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand. For future generations of Californians to enjoy the recreation opportunities along our rivers, streams and lakes that we currently enjoy, recreation planning must be fully integrated into the Central Valley Flood Protection Plan. In fact, California's Davis Dolwig Act requires this, as follows: There shall be incorporated in the planning and construction of each project such features as (DWR), after giving full consideration to any recommendations which may be made by the…Department of Parks and Recreation,…determines necessary or desirable …to permit, on a year-round basis, full utilization of the project …for recreational purposes. Water Code section 11910. The section goes on to require
				Ch 1	1-17	**List of challenges.** Please consider adding this bullet point:
				Ch 1 State's Interest in Integrated Flood Management	1-20	Consider mentioning that the State's interest in public safety, environmental stewardship and economic stability are well supported by safe public access to our rivers and streams, on-site environmental education, and the economic vitality provided by quality-of-life enhancements and environmental tourism revenues. The potential for enhancing recreational use of the flood control system has been recognized since 1929. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain and other, new possibilities will arise as the flood control system is improved.
				Ch 2	2-6 AND 2-9	Paragraphs on both these pages bemoan the limited Preliminary Approaches' lack of opportunities to integrate environmental features and construct multi-benefit projects into small community and urban area protection actions. According to our statewide surveys (http://www.parks.ca.gov/?page_id=23880), these are the very areas where recreational facilities and safe access are most needed. Incorporating walking and bicycle paths with angling and paddling access points, and wildlife observation areas with environmental education components require a modest investment and little, if any, additional public land. Incorporating these features offers multiple benefits that meet significant State and/or FloodSAFE goals: encouraging environmental stewardship and water conservation, encouraging a healthy active lifestyle, offering non-polluting transportation routes (especially important in regions with impaired air quality), reducing trespass on private property, increasing public safety and supporting these communities' economic sustainability. These types of facilities should be integrated into all flood control improvements where feasible.
				Ch 2	2-23	**Table 2-6.** California State Parks research has found that almost 80% of Californians cite the importance of water features (lakes, reservoirs, rivers and wetlands) to enjoyment of their favorite recreational activity, so improving public access cost-effectively increases the social sustainability of all Preliminary Approaches for all the reasons described in the comments above. Please consider adding the following bullets to the Social Metric:

				Ch 2	2-24	**Figure 2-6.** Incorporating modest recreational facilities such as those described in the comments above increase the economic benefits of the least-costly Preliminary Approaches with little impact on capital and operating costs. For instance, all-weather levee roads can accommodate hiking and bicycling trails by selecting appropriate gates, connecting to public roads, bicycle routes and sidewalks, and providing directional signage. These routes can lead to occasional waterfront access for fishing and launching paddlecraft. The provision of wildlife viewing areas with benches and educational signage can be located along these routes at little cost.
				Ch 2	2-26	**State Systemwide Investment Approach.** Please consider the following examples of how incorporating recreational facilities into all flood control improvements where feasible supports the five distinguishing characteristics important from a State investment perspective: 1. Life Safety: Providing safe public access reduces boating accidents and boats stranded without safe egress points, prevents drowning deaths, allows for easier patrols and reduces accidents from attempts to climb armored slopes. Encouraging more citizens to recreate along our rivers discourages illicit and criminal behavior in these areas. 2. Vibrant Agricultural Economy: Tourists, especially high-value international tourists, are drawn to areas with diverse opportunities. Developing outdoor recreational, environmental, agricultural and cultural tourism in California's Central Valley will improve the economic stability of the agricultural economy by supporting farm jobs, providing a local market for value-added product sales, generating tax revenues that support local infrastructure, etc. More data about tourism preferences and patterns is available in the federal report Key Facts about International
				3		To meet the requirements of Water Code section 11910, California State Parks is ready to assist FloodSAFE staff to identify opportunities to integrate recreational facilities into SSIA projects, based on our significant outreach, research, planning and management history in the region. Incorporating recommendations in the Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision and the Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation into this chapter or citing these reports would clarify the State's intent to provide public access improvements.
				4	4-36	**Financing Strategy.** Some funding for recreational infrastructure is expected to be available through boating fuel taxes and FERC relicensing of hydroelectric facilities, but more will be needed. The Financing Plan should allow funding of facilities to support recreation that is ancillary to and compatible with a project's flood control or floodplain restoration purposes. Providing examples of eligible facilities, such as parking lots, trails for walking, horseback riding, or bicycling, hunting blinds, nature observation facilities like interpretive signage, and bank fishing improvements, offers helpful guidance. The guidelines could indicate an appropriate cap on recreation costs, such as 5 percent of a project's total cost, to ensure that recreation is ancillary to the project's primary flood control or floodplain restoration purpose.
				what's missing		**Beneficial Uses of Agricultural Land Conversion.** The Central Valley Flood Protection Board, in its April 5, 2012 Public Outreach Hearing, asked, in part: "Has the proposed Plan identified all possible uses – besides public safety – of farmland that is taken out of production?" We believe the Plan could more clearly articulate the potential for recreational use in these areas. Lands deemed unsuitable for other uses still retain an economic value for recreation use. For instance, where agricultural land is converted for flood control purposes, recreational and tourism land uses provide local jobs, support local businesses, provide local tax revenues and support resident's quality of life. You may refer to the California Outdoor Recreation Economic Study (2011), available at: http://www.parks.ca.gov/?page_id=795 for useful data on the economic benefits of recreation.

State of California, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

*The potential farmland conversion impacts;
*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
*Private property rights;
*Impacts on particular parcels, farming operations, reclamation district areas, etc.
*Impacts on livelihoods and businesses;
*Impacts of property values;
*The potential for eminent domain abuses;
*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
*Assurances associated with potential liabilities under the federal and state endangered species acts;
*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely, Jack Fitzgerald

Jacqueline Fitzgerald
3485 Park Dr
El Dorado Hills CA 95762

Moricz, Nancy

From: National Wildlife Federation Action Fund [info@nwf.org] on behalf of Robyn Carmichael [carmichaelr@nwf.org]
Sent: Wednesday, April 11, 2012 12:53 PM
To: Cvfpp_Comments
Subject: Adopt a Strong Central Valley Flood Protection Plan (CVFPP)

Apr 11, 2012

Central Valley Flood Protection Board

In the Central Valley Flood Protection Plan, the Department of Water Resources and the Central Valley Flood Protection Board should adopt a robust and integrated approach that best positions California for the floods, water needs and healthy wildlife of today and tomorrow.

The best way to do that is to adopt a flood plan that increases the role of healthy floodplains, flood bypasses, and levee setbacks to give rivers room to spread out during high water flows. These are proven and cost-effective ways to safely manage large floods and have been successfully employed in communities across the county.

In addition to protecting communities, this approach to flood management provides land-use planning certainty for local governments, enhances our water supply by protecting the Delta and recharging groundwater, reduces uncontrolled flood risk for agriculture, and enormously benefits California's fish and wildlife.

Sincerely,

Ms. Robyn Carmichael
2929 Connecticut Ave NW Apt 508
Washington, DC 20008-1400

MR. NOMELLINI: Good morning. How are you? I'm I'm the secretary and attorney for a number of reclamation districts and therefore interface with these flood control plans, both on the urban level as well as the agricultural level for the ag districts.

I must apologize for not having read the entirety of the documents involved. I've skimmed them in general. I see positive aspects. But I'd like to make a couple of comments of what I think are important. And I hope they're incorporated in here, but they may not be.

First of all, the viability of local agencies to participate with you, the State, and the Federal Government depends on the economic well-being of the community.

Where we raise our money is from assessments, benefit assessments. And under the California Constitution, any benefit assessment that we have where we raise above our present level has to be approved through what they call an assessment ballot proceeding. And that means that those who have to pay the bill get to in effect

vote on that. And if there's a majority against it, it does not pass.

Now, in the urban agency that I'm particularly involved in, we had two benefit assessment ballot proceedings, both of which were successful. But we found that there's a limited ability to pay based on the viability of the community. And I was particularly surprised that a hundred dollar assessment on residential units per year brought forward some very -- I think very honest and forthright protests by people who said they just couldn't afford to pay that.

And I think we have the mortgage crisis and things like that are involved. But the fair market value of the property that we have in our communities is the basis upon which the local agencies are going to draw. Now, we don't levee an assessment based on value. But if property values go down, the people can't afford to make the payments, and commercial and industrial as well.

So I worry about the effect of the implementation of picking a 200-year level of protection and then making the land-use agency -- and I don't represent land-use agencies. We maintain the levees. But the land-use agencies are the ones that control what goes on. And our communities are very dependent upon development. Economically, whether we like it or not, they're dependent

on the progress of development.

So if you bring development to a halt and there's this tension, should we improve levees that protect urban areas -- and in particular the area I represent has 50,000 residents and $4 billion of property value. I think it's a no-brainer that we have no choice but to protect those areas. But there's this tension that maybe we shouldn't protect these areas, because more development might move in behind this levee system in the yet-undeveloped portion of the community. And in my opinion, if you restrict that, you will cause the local ability to pay to go away. And I just want to tell you that's my feeling based on experience.

The second thing that I wanted to mention is very difficult for us, is this tension between the Corps of Engineers and the State of California; not only over the engineering technical letter on vegetation, but the inspection criteria is different. And I know in the report it says we should strive to get a uniform inspection. And then that is absolutely essential because we have the Corps disqualifying districts based on a different criteria than the State.

The disqualification by the Corps, in my view, is very unfortunate, it is not justified, and probably surprises the State as well. But that means that the

1 community is disqualified from federal assistance to come
2 back from a flood, a rehabilitation, because FEMA will not
3 apply its emergency relief if the Corps jurisdiction
4 applies. And the Corps is using its inspection criteria
5 as a basis for disqualification. Very serious problem
6 that we all face, State and locals. And we need to
7 address that.
8 Another point I'd like to make is this idea that
9 habitat restoration -- and our people are not against
10 leaving the vegetation on the levees, and maybe even
11 improving some of it. But we have to -- you know, where
12 do you want to leave it? And we think we've been
13 responsible over the years with State inspection and this
14 and that. But, you know, Corps wants us to bring it down.
15 But we agree -- or I agree with the report that says the
16 lower vegetation -- you know, why can't you leave that?
17 The idea that the fisheries that are in great
18 crisis in the Delta watershed are somehow tied to habitat
19 restoration in the Delta, I've looked very hard at that
20 and looked at the declines of the fisheries, and they
21 don't correlate. That doesn't mean we shouldn't have
22 habitat. But it doesn't correlate to flooded areas in the
23 Delta. And, in fact, we have had in recent years during
24 the, you know, most direct collapses greater flooded areas
25 in the Delta, for example, in the bottom of the Yolo

Bypass.

So I have diligently tried to understand that and I've gone to some of these meetings and asked questions, "Well, is it better" -- and we're focusing in on salmon -- "is it better for salmon to go out into a shallow floodplain or not?" And there's this slide that's put up, I call it the fat salmon, skinny salmon slide.

And so I had one of my employees gather up the studies so I could look at them. Well, the fat salmon, skinny salmon slide is based on a study where they put some smolts -- salmon smolts in cages, some of them in the channel and some of them off to the side. The fish in the channel had to keep swimming against the current, whereas the fish in the shallows didn't have to swim against the current. So further study is needed.

Also the cages protected these fish against predation.

So the studies, if you look at them -- you've got to be careful you jump to the conclusion that that slide would indicate. But predation and stranding are recognized clearly as something that hasn't been studied. So the automatic assumption that we're doing something very good for salmon by inundating these areas is not supported in my opinion by the studies to date.

The other thing is, there was a study done by a

Mr. Vogel that's on the David Guy's website for the -- what is it, the Northern something or other --

BOARD MEMBER COUNTRYMAN: NCWA.

MR. NOMELLINI: -- water agency -- NCWA.

And it was interesting to me after my investigation as a non-biologist of this biology that the increased tidal prism created by flooding lower Liberty created a greater intrusion of salinity on the flood tide and a greater flow on the ebb tide. And the salmon that were migrating down the Sacramento River were taken out of their migration route and brought back up into the lower end of the bypass. And that study would indicate, and it does say, you've got to study this further as to whether or not there's a true benefit.

Now, once you get out of the tidal zone and up above the Delta, it may be different. I don't know. But I looked at those studies that have been pointed to down in the lower end.

Last point I want to make is sea level rise - 55 inches. Go to the NOAA site and look at the sea level gauge information. Last 150 years at the Golden Gate, about 8 inches.

More importantly, last hundred years, a comparison at Golden Gate to Alameda, Alameda is less than 4 inches. Why?

1 Short-term rises in sea level due to surges and
2 even tsunamis affect the gauge at the Golden Gate
3 differently than they do the gauge at Alameda, because
4 what comes through the Golden Gate spreads out. And if
5 it's short duration, the gauge at Alameda doesn't reflect
6 that height.
7 There's a study on a tsunami of 43 feet at the
8 Golden Gate. When it hits Berkeley and Emeryville, it's
9 like 21 feet, at Alviso and San Pablo Bay it's like 4
10 feet.
11 When we translate those elevations up into the
12 Delta, the Delta pool -- and I understand the -- I think
13 the statute says 55 inches. But there is no study that
14 looks to me like it's scientifically done of trying to
15 translate those events all the way into the Delta. It
16 needs to be done if it's going to guide our investment,
17 and it should be done.
18 The other thing is, if you look at the gauges at
19 the NOAA site, Alaska -- the gauges in Alaska went down
20 like 4 feet. Now, they're not using the same data point.
21 You know, it's obviously they can't be using one point on
22 earth that they say is fixed and then comparing all these
23 gauge readings.
24 So science that we have to guide us needs to be
25 at least recognized for its inadequacy. And I would say

when we talk about spending billions and billions of dollars, it would be helpful to all of us to go in and try and be more scientific rather than just take these figures. And the Legislature can do what it wants. And it came up with 55 inches or whatever. But I think it's pretty reckless to be planning based on 55 inches. It ought to be a bookmark at one end. And then we ought to try and use some other judgment in between.

Anyway, I appreciate it. I apologize for not being more diligent. I will try to be more diligent. But the time does not permit most of us to read through this volume of material and do a responsible job. I know there's deadlines. But before you adopt your urban levee -- or urban level of protection plan. And for whatever that is, if you do have some flexibility, give us more time to get into the detail. If you don't have flexibility, we'll live with it and probably just struggle through it.

Thank you. I'd be happy to answer questions.

PRESIDENT EDGAR: Any questions?

Okay. Thank you, Dante.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 MR. STALLING: Thank you. Thank you, Mr.

Chairman, and thank you, the Board, for this opportunity to comment. My name is Dave Stalling and I'm the Communications Director for Trout Unlimited in California.

Trout Unlimited is a national nonprofit made up primarily of anglers and fishermen who care about protecting native trout, salmon, steelhead in their watersheds and their habitat. And we've been involved in the process here for a while. And thank you again for that opportunity.

We think it's very critically important that this plan include and incorporate floodplains, flood bypasses, and levee setbacks to allow the river to breathe and expand, which we feel will not only reduce flood risks and protect people and lives, but will increase the reliability and quality of water supply particularly by recharging the groundwater.

It will help ensure more regularity in government decision making, particularly on where and when we can't build.

And of course it'll help protect fish and wildlife and the recreational opportunities that go along with rich and wildlife, like fishing and hunting.

There's pretty good research out of the Davis Center for Watershed Science that shows the importance of floodplain to salmon. And it's actually some research I'd

be happy to discuss and share with the previous speaker. But it shows that, you know, these rivers evolve with floodplains and the salmon evolved with those floodplains. And the floodplains not only allow juvenile salmon to stay out of the main current and conserve energy. But because the floodplains are shallower and warmer and full of more nutrients, the salmon grow quicker and are therefore healthier and can survive oceanic conditions better and survive predation.

In addition to that, the floodplains also show to help improve native vegetation and reduce some of the exotic invasives, and also boost and improve nutrients for farming.

So we think it's good all around. And we want to continue working with you to ensure we have a plan that not only protects fish and wildlife and fishing opportunities, but protects farms and protects people and lives.

Thank you for this opportunity to comment.

PRESIDENT EDGAR: Thank you.

MR. SCHMITT: Thank you very much for having this opportunity to provide some comments. I'm Monty Schmitt with the Natural Resources Defense Council.

I'm going to start by saying I've worked on flood management issues now for over ten years. And in a previous period of time I worked a lot on the comprehensive study and spent a lot of time working on that effort, as I have on this. Because fundamentally even though I work for an environmental organization that is concerned about water quality issues and transportation and energy efficiency and many other things, flood safety is a really important element of what impacts our rivers in California.

And I think the comments we've already heard thus far touch upon the biological issues, the public safety issues. I think other folks have already provided comments and will talk about the water supply issues. They're all interconnected. And it would be so much easier of a job I think for all of you and all the great work that has been done thus far if flood management could just happen in a vacuum, and that you didn't have to deal with the environment and you didn't have to deal with the public safety and that you didn't have to deal with local planning.

But I would argue that the reason why the comprehensive study and other previous efforts failed is because they didn't tackle those issues effectively and, in essence, bring along all the people who have a stake in

1 those issues as well. Because when it comes down to it,
2 this plan is direly needed. It's really needed for public
3 safety, but it's also needed to address some of the
4 environmental issues, it's needed in order to address some
5 of the water supply issues that are key in this State.
6 And I think honestly when you look at the giant
7 price tag of what this plan looks to entail, and the fact
8 that a big portion of the state is in the southern -- or
9 population is in the southern part of the state, who will
10 need to basically be on board with financing this, there
11 needs to be something in it for those people as well. And
12 I think, you know, since they can't be flooded down there,
13 there needs to be something that will be water supply
14 related, environmentally related, something that's about
15 the public interest. And so ultimately this plan has got
16 the uncomfortable task of needing to address a broader
17 range of issues, and therefore it makes it more complex.
18 And that's why I think you guys are getting a lot of tough
19 comments about the impacts that it has on folks.
20 So I just want to touch on a couple of things
21 really quickly. I won't belabor the point about levee
22 setbacks and flood bypasses. I think, you know,
23 biologically they're important. There's water supply,
24 water quality benefits, recreational benefits that -- and
25 it's a good investment. Because trying to do flood

bypasses in the future, 50 years from now, and I think with population increasing in the Central Valley, it will become incredibly difficult to do. So it's a tough task. But I really encourage you folks to consider about how to make those kind of actions possible today when I think the investment is -- will be smart and we'll look back and be appreciative that we did it now, not trying to do it a hundred years from now.

Measurable objectives for the environment. I know that you guys are going to need to come up with measurable objectives on a number of different ranges. And not to say that environmental objectives are the first and foremost, but I think they need to be included. And particularly this -- quantitative objectives like the salmon doubling goal. Here is a requirement that applies to DWR and to DFG, to all the resource management agencies that have an impact on achieving what has already been adopted as a standard. And the flood management system does not need to go into the fish business. That's not what is needed here.

But I think you can all understand that the footprint of the flood management system is the space within which the habitat for fish, particularly floodplain habitat, will exist. So trying to create floodplain habitat on the other side -- outside of a levee is never

1 going to happen. So this plan sets the footprint. And
2 because it sets the footprint, it sets the ability to
3 basically achieve this objective. And it's a very
4 important objective, as a lot of us have already talked
5 about
6 But I encourage you folks to understand that
7 connection and to figure out a way going on into the
8 future to provide for that, so that the cumulative impacts
9 on the flood management system, much like we have today,
10 does not support a functioning riverine ecosystem.
11 So it's not the job of the Board, I think, to
12 come up with how you're going to restore fish habitat.
13 But understand that you need to set aside enough space so
14 that other agencies and local groups can do that work of
15 restoring fish habitat. But it does need a footprint that
16 you folks are going to have a major impact on setting.
17 Existing projects. There are projects like the
18 San Joaquin River Restoration Program and others that are
19 going on right now today, and they want to know how to
20 coordinate with you; because this Plan is very important
21 and it will go forward, I hope. And yet at the same time,
22 there are projects that are moving forward today that
23 don't understand how to fit in. And I frankly think
24 honestly the Board will -- I hope will adopt some version
25 of this Plan. But in order to just not be a plan to do

another plan, I think there's a lot of ways that this current Plan can show how existing projects help support and achieve the goals that you have already identified in the current document -- that have been identified in the current document.

And what would it take to help show some coordination between these -- between different projects with the Central Valley Flood Protection Plan? I think that those projects are looking for direction about whether their projects support your goals or not. I think helping to figure out some way to support those programs today will help them to succeed and it will help this project to succeed and the plan to succeed.

Climate change. You know, again, an uncomfortable topic that is difficult to come up with an answer to. And I don't have an answer to climate change myself here. But much like what Dante was talking about, needing to do the right studies. You guys have a task of being able to see -- in the future the hydrology of the future will not be the hydrology of the past. I think we all sort of know that. But how to adapt toward it.

You don't want to -- this is a monumental undertaking that is not going to be done every five years or every ten or even twenty years, I hope. I hope that what comes out of this is something that is durable and

lasting and adapts to a future where our best understanding is we'll see more frequent -- large events and more frequently. And so if the hydrology changes in that direction, the hundred-year level of protection today is not going to be a hundred-year level of protection tomorrow. And there's a good argument to be made that a hundred-year level of protection isn't good enough to start with.

So into the future we have even greater flood management challenges, I would argue. And I hope that this planning process finds a way to be adaptive toward that future.

Water supply. I think that -- you know, when you talk about the other part of the State that doesn't get a flood management benefit up here but is going to need to be supportive of funding this process, I think that figuring out ways to integrate flood management with water supply is sort of, kind of -- I would say it's almost a no-brainer. You've got to figure out some way to show those connections - and I think that they're there - reservoir reoperation and coordination enabling reservoirs to work more synergistically so that they provide flood protection but also provide greater water supply benefits.

Increasing the flood storage space in channel moving downstream. Transitory storage provides greater

infiltration of the groundwater table. Increasing the channel capacity downstream allows you to not -- to be able to reoperate your reservoirs in a way where you've got greater capacity downstream so you can preserve more -- you have less of a need for flood storage space in your existing reservoirs, and so there's a water supply connection there.

Lastly is enabling local planning. Much like identifying how these different existing restoration programs and other conservation efforts and other flood management efforts are currently underway. If this Plan is ultimately intended to then -- to give direction to local and regional areas, there needs to be enough definition in what a regional plan needs to encompass. And I'll focus on the environmental side because that's the business I'm in.

But understanding how much habitat area you need in different regions of the flood plan I think is a very important concept. Because ultimately folks will always say, "We're going to build a flood protection element here and we'll mitigate it somewhere else." And it is that kind of piecemealing of the environment that ultimately does not work biologically.

And I think that ultimately the kind of plans that will go through and the type of restoration and flood

management projects that will get approved are ones that are multi-benefit. So I think ultimately a flood management project which can show that it also not only provides increased public protection and public safety but also provides habitat that's important to statewide goals and also identify recreational opportunities and other things that bring on greater partnerships, those are the things I think that will ultimately get funded. I think that regional planning efforts will understand that and they will look to this flood plan to give them guidance about what is a successful plan. And it won't I think just be flood elements. I think it will be how do achieve other multi-benefit aspects that this plan's going to need to address.

That's the end of my comments. Thank you very much.

MS. RENTNER: Hi. Thank you for taking my comments today.

I'm Julie Rentner. I'm the Central Valley Regional Director for River Partners. I work out of Modesto.

I live in the floodplain. I'm protected by a

levee. I pay my flood insurance. I think that public safety is the most -- the top priority for this flood plan effort. And I'm very excited about this planning effort and that the State has taken such a strong investment in improving a system that needs so much improvement.

River Partners, and I as well, agree that the best way to protect the public from flooding is to expand bypasses and setback levees. And we have great examples of this working in the Sacramento Valley and here in the San Joaquin Valley.

I have the great pleasure of working on the San Joaquin River National Wildlife Refuge where there's been a large nonstructural flood control project and habitat restoration project underway for over ten years.

The flood benefits of the investments from DWR that have gone into that project cover all of the acreage. Although the percentage of the investment in that project coming from DWR and from the Flood Division of DWR is less than 20 percent.

I'm disheartened to hear -- well, to see in the agenda and then to hear in presentations today a linking of more expensive and multiple benefit projects. I feel that it's important for the Board to realize and for DWR to acknowledge that being able to share the costs of multi-benefit projects across many programs is a huge

benefit to all of the taxpayers of California.

Many, many opportunities still exist to develop more of these multi-benefit projects that leverage resources across many programs throughout the Central Valley. I encourage the Board to embrace some of these existing projects in the flood plan and to look forward to implementing leveraging -- cost leveraging multi-benefit projects in the flood plan.

Thank you.

MR. MAGUIRE: Good afternoon, President Edgar and members of the Board.

First I'd like to take this opportunity to welcome you to San Joaquin County and to thank you for conducting your public outreach meeting on the Central Valley Flood Protection Plan in our county.

I would also like to take this opportunity to recognize DWR staff for completion of the Plan. It was a tremendous undertaking. And we would like to express our appreciation to them for conducting the numerous workshops and webinars to actively seek input from local agencies in the Plan and supporting documents.

We recognize that this initial version of the Plan provides a foundation upon which the development of

1 further more detailed plans will be completed over the
2 course of the next several years.
3 The Plan anticipates that cities and counties
4 will develop regional flood protection plans in
5 cooperation with DWR staff, and that these plans will be
6 incorporated into two basin-wide feasibility studies.
7 This will then lead to the actual implementation of flood
8 control projects.
9 In the event you were not aware, here in San
10 Joaquin County we are well along in the planning efforts
11 to identify 200-year flood protection improvements. In
12 2009, led by the San Joaquin Area Flood Control Agency,
13 SJAFCA, many local agencies in San Joaquin County, along
14 with the State of California and the Corps of Engineers,
15 teamed up to prepare the Lower San Joaquin River
16 Feasibility Study.
17 We believe the study will provide the basis for
18 the area's regional flood plan. We are committed to the
19 completion of this feasibility study and subsequently
20 moving forward with the other necessary actions to achieve
21 200-year level of protection.
22 The Central Valley Flood Protection Plan also
23 anticipates that DWR staff will assist local agencies in
24 amending their general plans and zoning ordinances to
25 comply with the law, and we look forward to receiving this

assistance.

And lastly, we suggest that the Board consider deferring your adoption of the Urban Level of Protection Criteria document pending the adoption of cleanup legislation that was recently introduced by Senator Wolk. We have been engaged in the preparation of this document and, through that process, recognize the need for legislative changes.

Thank you.

MR. GIOTTONINI: Good afternoon. Jim Giottonini with the San Joaquin Area Flood Control Agency.

We offer the following comments and suggested changes to the plan for your consideration:

We think the highest priority should be flood protection. Our concern is that there's going to be limited funding both at the state and federal level. And if we do these funds for non-life safety improvements, then we're not going to have enough for the population at risk.

The Board should amend the plan to prioritize flood protection. Once this is achieved, implementation of other improvements could be pursued.

The Sacramento versus the San Joaquin. We'd like

1 the Board -- I think you're not as familiar with the San
2 Joaquin River system as the Sacramento. Probably most of
3 you live on that system. Most of DWR staff lives on the
4 other system. So you may not be familiar.
5 I know that there are different flows, different
6 populations at risk. But we're concerned that both plans
7 treat both areas equitably so we have the same levels of
8 flood protection at the completion of the Plan for both
9 basins.
10 Third point is the Plan lacks information on SB 5
11 compliance. DWR staff and their consultants, they should
12 be commended for doing this by the deadline.
13 Unfortunately on a rush to the deadline, the Plan lacks
14 project specifics, which makes it difficult for cities and
15 counties to meet the mandate of SB 5 to get the 200-year
16 protection. It's a high level plan and it states in the
17 plan that subsequent studies will be needed. That's good,
18 because we're working on the subsequent plan, we're
19 working on the feasibility study, as John discussed.
20 Our request is that the Plan not be used to
21 evaluate local projects to determine whether or not that
22 project are no regrets, warranting a denial of a Board
23 permit, a 408 request, or State bond funding.
24 Back to the feasibility study. We've been
25 working on the work products of our feasibility study

since 2009. We've been using the Department of Water Resources data on modeling, the LiDAR, the miles and miles of geotechnical work that they've done on project and nonproject levees in our plan.

The plan should be amended to prioritize the completion of this feasibility study and other feasibility studies so local communities can get the SB 5 compliance.

We're also concerned -- we're not sure how -- and whether DWR has figured it out yet. It talks about regional plans and then two big feasibility studies on the two basins, one to Sacramento and San Joaquin. We're not sure how our feasibility study will fit into that. We're concerned that the big -- the feasibility -- the large basin feasibility studies will suck, you know, resources from the Corps and DWR, and it will delay the completion of our feasibility study.

We're also concerned that we may have to rework our feasibility study. I mean we're using the most current information from DWR. We don't want to get to the end of that feasibility study and then have to redo it again. I think we study things sometimes to death. I think feasibility studies are a prime example of that.

That concludes my comments.

BOARD MEMBER COUNTRYMAN: I have a question.

Jim, I got a question about one of the statements

that you made of wanting to assure the San Joaquin and the Sacramento has the same level of protection. Could you elaborate on that, because the systems are so vastly different. And as you know, I think, the San Joaquin system was originally designed for only 50-year level of protection, which the Sacramento system has actually quite a bit more than that.

So what was your thinking on that?

MR. GIOTTONINI: Well, if you look in the draft plan, I think they noted 18 EIP projects. Seventeen were on the Sacramento Basin, one down here.

We're not -- we know that the flows are higher in the Sacramento. We know that there's greater population at risk on the Sacramento versus San Joaquin. We're just saying at the end of the day, a life in the San Joaquin Basin is as important as a life in the Sacramento Basin. And Stockton area should have 200-year flood protection just like Sacramento. And so we're just saying it should be -- just a caution. I don't think the Board is as familiar with the San Joaquin system as the Sacramento system. And just pay attention to us to make sure we're treated equitably in the future is my comment.

BOARD MEMBER COUNTRYMAN: Okay. So if I could paraphrase what you're saying, as far as the urban areas are concerned, Stockton and Sacramento, it should have the

same status and level of protection as what's in the Sacramento Basin, but you're not necessarily saying that the rural areas should have -- should be equalized with the Sacramento --

MR. GIOTTONINI: Well, a rural area on the San Joaquin probably should be treated the same as a rural area in the Sacramento system, I would think.

BOARD MEMBER COUNTRYMAN: It may be impossible.

MR. GIOTTONINI: It may be impossible.

Or a small community.

BOARD MEMBER COUNTRYMAN: A small community.

MR. GIOTTONINI: In our area we have not only to protect our urban area. We have project levees, which is the -- you know, there are streams that come in. But also on our backside, our western front, are not project. Originally the draft plan didn't have the nonproject levees. And through -- and we commend DWR staff for now including it's about 16 miles of nonproject levees in our area, because that's needed for a systemwide approach. So that was a good move. But before that, that was a real concern because the plan said -- you know, we're going to have 200-year flood protection. But clearly you can't have that without doing something on our western front.

BOARD MEMBER COUNTRYMAN: So that's helpful. Thank you.

1 MR. GIOTTONINI: You're welcome.
2 PRESIDENT EDGAR: Jim, on the issue of don't use
3 the plan to judge no regrets projects.
4 MR. GIOTTONINI: Yes.
5 PRESIDENT EDGAR: The bottom line here is, I
6 think if you step back and conceptualize it, the Plan is
7 DWR's tool to make sure that these projects fit together.
8 I mean that's really what it is about. Besides the fact
9 that even if you're going for an EIP, they make a judgment
10 on whether it's a no regrets project anyway and make those
11 determinations. So I'm not sure.
12 But what I see is that this is more of a general
13 plan to give DWR a tool to see if in fact there is
14 systemwide benefits by the culmination of all of the
15 implementation of all these local plans.
16 But I'm not sure -- and, you know, by definition
17 they're probably going to judge each project as it comes
18 in. It's kind of a general, okay, does this work or
19 doesn't it or what? And I'm not sure we get away from
20 that.
21 Plus the fact I'm not sure you would even without
22 the Plan.
23 MR. GIOTTONINI: Well, we were hopeful that --
24 maybe everybody was hopeful that when the Plan would come
25 out, it would have enough detail so you could do --

clearly that's not there.

PRESIDENT EDGAR: I don't think you'd want that, by the way. Because I think if you're looking at implementation from bottoms up, you don't want a plan that is promulgating --

MR. GIOTTONINI: -- a specific without -- yeah, I understand.

PRESIDENT EDGAR: Right.

MR. GIOTTONINI: But at least it would be good if we had 200-year flows in our streams. And we don't have that yet as part of this plan.

I'm concerned -- as an example of what may -- you know, supposedly with the Plan, the EIP goes away. You wouldn't have an early implementation, because you're implementing the Plan. So I'm not sure what the process would be after the Plan is adopted.

But we have the Smith Canal gate. I don't think it's called that in the Plan. We're proposing that locally. We have an EIP grant application in to do the design of the project. And we're going to do a 218 to fund, you know, the design and construction of that gate.

I would hope that the Plan isn't interpreted by DWR as, all of a sudden, no, this isn't part of the Plan. And I don't think that was the intent. So --

PRESIDENT EDGAR: No, I don't think that is the

1 intent.
2 And I think the implementation of this Plan, as
3 we all know, is going to be a long process, especially if
4 you're talking about, you know, the big ticket items, the
5 widening of the Yolo or Sutter bypasses or something like
6 that. That's not even going to be near construction for
7 10 or 15 years. I mean that's bottom line. You'll never
8 do that.
9 So in the meantime you can't stop. So you're
10 going to be processing plans under, you know, EIP 2 or
11 whatever it ends up being. But there is going to be
12 some -- it seems to me you've got to continue to make
13 improvements. And I think what the Department is trying
14 to say is that as we make improvements, we've got to keep
15 moving the ball down the field so we begin to integrate
16 all of these plans, which are, to be honest, a little bit
17 disconnected. You know, we've got Delta plan and the
18 conservation plan in the Delta, we've got the Corps's
19 integrated water plan that's going to be coming out.
20 We've got this plan.
21 And they've got to all line up at some point.
22 And that's going to be a process of just incrementally
23 getting it all to work. But in the meantime there's going
24 to be these projects that keep coming up. And they're
25 going to have to be judged and approved or modified or

whatever.

But I don't see any other way it's going to work.

MR. GIOTTONINI: At this point I agree with you, yeah.

PRESIDENT EDGAR: Okay. The other thing that, you know, a lot of speakers have mentioned, there's a lot of material here. I mean you go out -- you've got five volumes -- I think there's a lot of material here that people, you know, some of -- which I've only found one person who's read all of it.

MR. GIOTTONINI: Who?

PRESIDENT EDGAR: Or said he did.

But there's an awful lot of information here that -- you know, you're talking about five volumes, 29 appendices, all of this kind of stuff.

So I'm not sure all of those appendices necessarily ought to be adopted as part of the Plan, because they're really engineering studies, material, data, all of this stuff that's going to change. It's going to change as we go along, and that's okay. But I'm not sure we should be amending a policy plan every time we have to change a model or something like that.

What are your thoughts on that?

MR. GIOTTONINI: Yeah, I agree -- at least I agree with those two, the urban level designs and the

other one. I agree that those shouldn't be adopted at this point. They're not even finaled yet.

And I agree with you, there's too much for one agency or one person to undertake. And it's just not this. It's everything going on in the Delta with the Delta plan and the BDCP. You know, if we're in this area, we have to be engaged in all those issues. And it's mindboggling to try to put it all together. And everything is coming at one time. And It's a recent -- it's not like we didn't have something to do before these initiatives.

PRESIDENT EDGAR: Okay. Thanks, Jim.

MR. GIOTTONINI: You're welcome.

MR. TOMPKINS: Hi, there, Mr. President and members of the Board. Thank you very much for giving me the time to speak today.

I'm Mark Tompkins. I'm here on behalf of American Rivers today. I'm a consulting engineer and geomorphologist and stream ecologist. And actually my work with American Rivers has been part of a Switzer Foundation Fellowship where I've been working closely with them for the last two years providing technical input on

the development of the flood plan.

I think I want to just take a couple of seconds to describe the Switzer Foundation and this process we've been in with the American Rivers for the last couple of years because I think it gives could context for the two statements which I'll make which are related to the multiple benefit aspects of the Plan.

And so the Switzer Foundation was actually established about 30 years ago by the folks that started Dayglow Paint. And it was in response to their dealing with natural resources management issues where they were trying to do new things. They didn't -- they wanted to produce their paint in a responsible manner. But there were regulations, you know, managing how they did that and how they dealt with the products and the wastes that they produced. There wasn't a good way yet though for them to implement all of those -- you know, to operate and satisfy all those regulations and objectives.

And so they through this foundation have funded lots of different work, but in this case flood protection work where we've moved into this era of multiple objectives with the flood control project. And as others have said, while the first goal certainly is and should be public safety, there are other important objectives of the flood plan, namely, the fact that it is the footprint and

provides habitat for the species in the Central Valley.

So with that, I've got two comments:

Number one is really speaking to the Focus Point 5A about the vision statement. I think because this is a very complex multiple objective plan, certainly a clear vision statement, something that we could all communicate to our families who aren't embroiled in this kind of thing I think is going to be really instrumental in gaining support for the Plan and then being able to successfully implement the Plan going forward.

And so what that vision statement should look like -- well, number one, it should include objectives - flood risk reduction objectives, conservation objectives, and then the range of supporting objectives that are described in the Plan in a concise way. And one way you could do that is to have a problem statement, conceptual solutions for those problems, and the goals that you would have to achieve in order to meet those -- to satisfy those conceptual solutions and then the benefits of achieving those goals. So that's to 5A.

And then a more specific comment is to Focus Point 5B, which is on the topic of multi-benefit projects. And based on my involvement -- so I've been involved in this process going back to 2009 when the environmental stewardship working group was put into place to develop

1 some of the early goals and objectives for the
2 environmental aspects of the Plan, through the regional
3 work groups that went from 2010 to 2011, and then a lot of
4 the other steps in the process along the way.
5 I first want to say, you know, very well done to
6 the team and the Department for putting this together and
7 to keeping the environmental objectives, which, you know,
8 for a flood plan are, you know, not the first tier
9 objective, but for keeping them in the radar the entire
10 way through. I think it actually is sort of a testament
11 to and shows the importance and how we're all really
12 thinking about these projects as multi-benefits projects
13 now.
14 Just one point to that though. While the
15 conservation strategy that is in the Plan and the
16 conservation framework that are in the Plan are a good
17 start, I think -- you know, this is still a challenge
18 we're all facing in this field of natural resource
19 management flood protection -- is that there's still more
20 of a mitigation kind of approach to the conservation
21 aspects of the Plan.
22 And so we would suggest an effort to fully
23 integrate the multiple objectives now, because as you get
24 further into implementation, it becomes harder and harder
25 to really truly address multiple objectives, you know, as

1 opposed to achieving the objective with the sub-objectives
2 more as constraints. And so as you get more and more into
3 implementation, we suggest that you certainly focus on
4 making those multi-objectives an integral part of the
5 plan.
6 And just a specific example of -- you know, we
7 actually as part of the Switzer Foundation work with
8 American Rivers have looked at multiple benefits - and I
9 think it's come up in some of the other comments - of
10 multiple benefits of flood reduction -- flood risk
11 reduction and water supply improvement and habitat
12 improvement.
13 Specifically we've looked at the example in the
14 south Delta, primarily around Paradise Cut bypass
15 expansion, where the analyses that we've run, and we're
16 still in the process of finalizing our report on this
17 work, but looking at different configurations -- and we're
18 not the first to look at different configurations of the
19 Paradise Cut. Certainly this has been done before.
20 But we are the first that have really looked at
21 it with the objective of identifying multiple benefits,
22 looking at quantifying the ecosystem benefits, looking at
23 quantifying the potential water supply benefits and at the
24 same time looking at quantifying the flood control
25 benefits. And we are seeing the potential to decrease

flood stage in the San Joaquin more than a foot, as others have shown; to increase floodplain habitat in a number of years and across an area that based on the literature - and there is quite a bit of literature on floodplain habitat and its importance to the species in the Central Valley - that it would significantly increase that habitat to improve the condition of those species.

And then finally that if we assume that there is a place to put some of the water -- put some of the water supply that you could actually move downstream through an expanded corridor, and things like the reoperation studies that others have alluded to are looking at places to put that water, conjunctive use and other kinds of approaches, that you could actually improve water supply by having an expanded flood control footprint.

So I think -- you know, multiple benefit projects are real and there is real potential there. And I think it's very important that we begin to integrate them as directly as we can into the Plan, because it does really get more and more difficult as you get into implementation and certain objectives are necessarily floating to the top above others.

So thank you very much for your time.

BOARD MEMBER COUNTRYMAN: Bill, I've got a question.

We've been getting quite a few comments as we hold these hearings that people want to know, is this a flood plan or is it a habitat plan?

And specifically about the cost, if you look at the cost increment between the flood control only plan and the joint plan, there's a tremendous increase in cost. And so I guess one thing I'm wondering, is there a cost sharing partner for that increment? In other words, are we going to expect the local entities to cost share that or is somebody else going to step forward?

MR. TOMPKINS: You know, I'm not sure I'm able to answer that question on the cost estimates.

BOARD MEMBER COUNTRYMAN: Just one of the things that I was thinking about, I mean if we have multiple partners, maybe we can find multiple, you know, ways to share the cost. Because it's going to be a real burden on the local folks to come up with their cost share.

MR. TOMPKINS: Are you thinking more the environmental or the water supply potential benefits from these kind --

BOARD MEMBER COUNTRYMAN: I was thinking environmental mainly, but -- because I think if it's mitigation, there's no need to find an additional cost sharing partner because you can say, "Well, that's mitigation for the existing project."

But if we're going to go, like you were suggesting, beyond that and say, no, this is going to be an integrated plan that has a feature beyond mitigation, so I'm just wondering who's going to pay for that, and is it going to be cost shared or not?

MR. TOMPKINS: We may be able to address some of that in the written comments that we suggest. So I think I'd probably better not speculate on that up here. I'm not prepared --

BOARD MEMBER COUNTRYMAN: That would be helpful, to give us some ideas about that. Thank.

MR. TOMPKINS: Okay. Thank you.

BOARD MEMBER RAMIREZ: Bill, just one quick comment that.

As an example, and to have equity for the Sacramento and the San Joaquin sides, there's probably two examples that are worth looking at. Maybe the staff can do this and come back and talk about it. I think there's not a program set up yet, but I can think of two good examples that address Joe's question. One of them's Hamilton City. And one of them was mentioned already today, and that's the San Joaquin River National Wildlife Refuge. Just because I know in both cases there were creative funding proposals and implementation that allowed both to go forward.

1 So without having said more than that, I think
2 it's worth just having those provided to people as
3 examples of ways that it has been done already. Not to
4 say that it's a precedent, but at some point maybe it's
5 worth thinking about how we would create a more formal
6 structure for folks to be able to tap into that and then
7 address, you know, Joe's question more directly.
8 PRESIDENT EDGAR: Okay. Jay, I guess you've got
9 a note on that.
10 EXECUTIVE OFFICER PUNIA: Yes, we've got it.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. PATTERSON: Yes, thank you.

Katie Patterson with the San Joaquin Farm Bureau. I represent San Joaquin County here, about 4200 members, a lot of them out in the Delta, a lot of them up in the tributaries.

We're also part of a coalition between the five Delta Farm Bureau counties. So there's a significant amount of coalition leverage that we have. And a number of the different counties have been paying attention to this, along with the California Farm Bureau Federation.

A lot of the points that I was going to bring up I wasn't hearing earlier on, and I'm glad to hear that the conversation has started to go that way.

First and foremost, I think, you know, the safety

aspect, number one. We're not even going to, you know, belabor that point. That's why we're here.

Two is if we could really get that coordination down between, you know, the local, state, and federal agencies to actually agree on common inspection implementation and oversight of these types of projects, that's paramount, you know. Good luck. I don't see that happening. Once you bring the Feds into the mix here, it's kind of their way or the highway on a lot of these things.

Beyond that, you know, it's hard to imagine. Am I at a BDCP meeting here on habitat restoration or not? And that was good to have that brought up, because, you know, it seems like there's a significant component of habitat in here. Is that mitigation or is it above and beyond, you know, to this project? Ten thousand acres was thrown out earlier. And that was said it would -- in terms of the agricultural resources that would be impacted, that's significantly unavoidable. And we just kind of check off the list and we just kind of move on down the page.

Unfortunately, it feels like agriculture in a number of these statewide processes is kind of written off down that checklist. And we have a big problem with that, because that affects private landowners. Not to say that,

you know, the intent of these projects aren't good or the policies aren't beneficial out there. But we have to be very cognizant that we are now dealing with a private -- multiple private entities and a public service interface. So we need to be very careful in how we approach those relationships in terms of working and coordinating with them. And I saw that was one of the points in the earlier slide, is making that outreach with those landowners.

And to the extent possible, we will try to help with that. You know, we did, you know, send out some email alerts trying to get some folks out here. You know, asparagus harvest season, I mean you get it -- everybody's got something to do, just as you guys do.

I do want to take a step back and talk about the Delta Protection Commission's report on the Delta. And it was the economic sustainability plans. It basically came out and said that agricultural is King in Delta. That is what drives the Delta, that's what drives the communities. So it's really important that we understand that and we embrace that as we go on any of these different efforts, especially yours, that includes the Delta, but outside of the Delta as well. It reaches much further.

As part of that, that was a driven response by the Delta Protection Commission because the Delta Stewardship Council and the 2009 water package legislation

1 called for, you know, that to be done. And it also said
2 that in these co-equal goals of the economic -- or with
3 the ecosystem restoration and water supply reliability, we
4 also have to protect and preserve agriculture in the Delta
5 as a place. And so as we look at, you know, these
6 mitigation efforts and we go significantly unavoidable, we
7 need to start looking at other statutes that have
8 developed as you have been working on this very long and
9 extensive processes and make sure that we're meeting the
10 goals of those statutes that are now in place. So I would
11 also bring that up to your attention.
12 In terms of the refuge that was brought up by a
13 number of folks, it's another barrage of things that we're
14 dealing with. And so a couple of months ago we had this
15 come up in our county. We participate in some of the
16 scoping meetings. One of our feelings on this is there's
17 too much going on right now, you know. And where is the
18 federal government getting their money for this, you know,
19 to do another expansion and a study and a -- you know?
20 So, our feeling was this is premature. You know,
21 maybe down the road we could take another look at this as
22 we start to, you know, feel out these other processes as
23 they're starting to come through. Because everybody wants
24 to do a little something with the Delta. And, again,
25 we're trying to coordinate what's the impact and effect of

1 all of these things coming together? And there really
2 isn't anybody that's coordinating all of those, although I
3 think the Delta Stewardship Council is trying. So we're
4 trying to look at those effects.
5 One of the things that we've asked to be
6 researched - I don't know if that's being looked at right
7 now by the refuge folks - is to look at the existing
8 resources and to see how that can play into flood
9 mitigation and coordination. Can the San Luis unit take
10 on flood flow further upstream to help, you know, mitigate
11 some of the issues and the need for, you know, Paradise
12 Cut? Which I think a version of Paradise Cut will be
13 needed for a floodplain in the San Joaquin. It's just
14 going to depend on what does that look like. So can we
15 accomplish that?
16 You know, we're in a South Delta Water Agency,
17 and one of the members that lives off of the San Joaquin
18 River was saying, you know, as we look at the flood
19 benefits further down in the San Joaquin, the elevational
20 pitch isn't very beneficial when you start looking at it.
21 It's harder because that water's moving faster. And for
22 it to come back into the system, you're going to get kind
23 of a train wreck of everything coming in at the confluence
24 where it gets entered in back to the system.
25 So, so many things that, you know, minds that are

greater than mine that are engineers are going to have to look at. But to make sure that we're not just saying we're going to carte blanche so many acres and this is what it's going to be.

You know, BDCP came out with some really broad acreage in advance with their proposals. And now they're learning through some subsequent studies maybe they weren't substantiated in making such grandiose acreage demands in this type of plan.

So we just want to make sure that what, you know, we're looking at on private landscape is truly, truly needed for the benefits of the State if we're going to approach that. We're not fans of eminent domain. You know, we're fans of working with individual landowners.

So to the extent possible, we can look at some of those policies and how they're affecting those landowners. We'd like to be engaged in that as we go down this path.

PRESIDENT EDGAR: Thank you.

MS. PATTERSON: All right. Thank you.

MR. NOMELLINI: I won't repeat what I said before. But I think it's important - and I haven't reviewed the document in any detail, and I will try and submit written comments - but I think it's important to make sure we look at the impact on existing communities by any disqualification that might come out of the imposition of the 200-year level of protection and the certification, you know, that there's adequate progress. Because we can easily collapse these communities. Stockton, as you know, is featured as having a financial problem of some kind. That is just the tip of the iceberg. If we inadvertently freeze development in these already developing communities, you'll collapse it. And I could see it from the seven ballot proceedings we've gone through. It's tenuous already.

The other thing is I think there's nothing wrong with trying to develop environmental benefits. Floodplain developments someplace upstream makes -- has different implications than in the Delta where we're in the tidal zone.

Again, I think it's important to look at what we're trying to achieve. And people have said, "Well,

1 putting more flood space in the reservoirs can be done to
2 improve water development and yield." I would question
3 that. You know, just off the top of my head, that it
4 would be very difficult to make up for that. And
5 therefore the assumption that you can just go and put more
6 flood space in the existing reservoirs I think is a tough
7 one to support.
8 Anyway, I'll give you some written comments.
9 Hopefully I'll time to do a better job in review.
10 Thank you.
11 PRESIDENT EDGAR: Thank you.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. NEUHARTH: First of all, my name's Tim Neuharth. I'm a farmer on Sutter Island up near Courtland, California. Been there since 1848. Have watched a lot of water go past the levees over there.

BOARD MEMBER COUNTRYMAN: Wait a second.

MR. NEUHARTH: I haven't personally been there since 1848.

(Laughter.)

MR. NEUHARTH: I have to set that record straight for the stenographer. But our family has. Sorry.

I ran across this little handout you have here today. And if this is the appropriate time to bring this up, then sobeit.

1 It says, "The staff provided comments on
2 potential adverse impacts. The planting of vegetation may
3 not be possible if there would be a significant rise in
4 water surface elevation that would cause any significant
5 increase in risk to public safety."
6 I'm here to tell you that in watching the river
7 go by for many a year and watching many a flood water go
8 by for many a year, vegetation on these levees is of the
9 utmost importance. The vegetation on these levees, be it
10 small or large, from oak trees and sycamore trees all the
11 way down to Bermuda grass, snake grass and what have you,
12 all provide a root system that essentially provide the
13 same level of integrity as putting rebar in concrete. If
14 any of you are familiar with construction processes, rebar
15 in concrete is absolutely essential to keep it from
16 cracking and moving beyond where it was intended to be.
17 The root systems on this vegetation does exactly
18 that. They provide the integrity, the holding power to
19 keep levee material in place any time you, one, have water
20 moving across it, two, you have human traffic going across
21 it. It is direly important. When we remove that
22 vegetation, there is no longer any rebar in the dirt, in
23 the levee system to hold that soil in place. And when the
24 high water comes up or any water comes up, it simply just
25 scours it off, and away it goes. And then the levee

1 continues to slough off and slough off and slough off.
2 We've watched this happen many a time due to vegetation
3 removal projects that are done by different agencies.
4 It is not a happy sight to see your levee go
5 sloughing off down into the water because there's nothing
6 there to hold it.
7 The other thing that that vegetation provides is
8 habitat; a lot of habitat for a lot of creatures, both
9 terrestrial and aquatic. It provides that level of home,
10 if you will, habitat for creatures as -- Swainson's Hawks,
11 red-tailed hawks, owls -- every kind of creature you can
12 imagine, and the skunks and the raccoons and everything
13 else out there.
14 It provides shade for the fish, overhanging
15 branches and so forth.
16 What we do need on the levees in addition to that
17 is rock. We have to have rock on these levees, mainly
18 because you have boat traffic that is incredibly
19 insensitive to the fragile levees we have. They produce
20 wakes anywhere from a foot to four feet high that come off
21 of a boat, come off of a Bayliner, go washing out to the
22 bank, hit the bank and actually ricochet off the bank and
23 go right back out and go to the opposite side of the
24 waterway.
25 It is a process that goes on 24-7 out there with

the boat traffic. And unless you have a rock shield on those levees to shield the embankment, it just continues to undermine, to undermine, to undermine and undermine. And the vegetation cannot handle that. It won't do it. I can show you any number of sites where the vegetation has been virtually devoid of any soil to hold it in place. That's why a lot of trees fall over into the river. It's not that they're old and decrepit. They've lost their support. And their support is lost because of wave action from boats. So put the rock on there. It's a essential.

But after you've done that, leave the thing alone and let Mother Nature establish -- the vegetation that was there in the first place, to reestablish that and provide again the reinforcement of the levees, the habitat for the species and so on.

I urge you to take that into consideration. And I thank you for your time. Thank you.

PRESIDENT EDGAR: Thank you.

State of California

California Natural Resources Agency

Index No. 165

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date 4/6/12 Name Euvonna Foster

Phone (optional) _____ E-mail (optional) _____

Affiliation Self-Employed farmer

Address (optional) _____

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☒ Both

The impact of this plan is so great that Land owners should have been included in drafting of the plan from the very beginning.

It also appears to me this is a habitat & water diversion plan instead of a Flood plan. Prior to signing to authorize this plan we need to know exactly what property is impacted, to what extent & How much property owners are going to be paid for

Please continue on back of this card, if needed.

their losses of property.

Due to the prohibitive cost of this plan, wouldn't it be more economically feasible to focus on fixing the current bypass system and clean out the channels of sediment & vegetation to allow water to flow, repair the existing levees; Get rid of so much environmental issues & bring into the planning & implementation the landowners, local governmental agencies, so the plan can be designed for the benefit of all!!! Not for the benefit of a few.

FOLD HERE

Return address:
Euvorna Foster
P.O. Box 1563
Marysville, Ca 95901

SACRAMENTO CA 957
03 APR 2012 PM 2 T

RECEIVED
APR 1 0 2012

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

95821+6340 TAPE

CITY OF RIO VISTA
One Main Street, Rio Vista, California 94571
Phone: 707-374-6451 Fax: 707-374-5063

April 9, 2011

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: 2012 Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

The City Council of the City of Rio Vista has reviewed the 2012 Central Valley Flood Protection Plan and is requesting that our concerns be addressed. Mayor Jan Vick, was a part of the Delta Area Working Group and attended most of the meetings in all three phases of work. Throughout the entire process she was assured that Rio Vista would be part of the plan. However, it does not seem this is the case.

1. Rio Vista is not included in the State Plan of Flood Control, only in the Systemwide Planning Area, even though:

- The City is at the end of the Yolo Bypass and the conjunction of the Sacramento River, subject to flows from the Bypass as well as the river and adjacent sloughs;
- We are somewhat protected by SPFC levees (Egbert Tract and the Mellon Levee), but question if they are sufficient. Mellon levee is a dry levee.
- Our industrial area along River Road, our downtown commercial and residential are subject to 100 year floods; in past years the City has been subjected to flooding.
- We have no flood protection along our entire riverfront.

Although the CVFPP states that the State does not intend to increase its jurisdiction, the City of Rio Vista thinks that it should be included in the SPFC <u>and</u> CVFPP since it is a vulnerable small community on a flood-prone section of the Sacramento River.

2. The impact from an expanded Yolo Bypass is not clear; is the theoretical decrease in flow in the SSIA accurate? This needs much more study, particularly in light of planned increased habitat in the Bypass and proposed in the Bay Development and Conservation Plan which could affect the capacity of the Bypass. At a meeting of the Solano County Water Agency Paul Marshall, Asst. Division Chief for Flood Management assured that flows would be studied further for the 2017 update, but we question whether that is timely, given the potential impacts of the BCDC.

3. The maps indicate that an expanded Bypass would encompass Egbert and Little Egbert Tracts, all the way to the Rio Vista northern City Limits. This is of great concern for future potential flooding and the

potential of decreased flood protection to the north. Although the plan indicates levee upgrades and possible additional levees, there are no details, which gives the City grave concerns.

4. The CVFPP maps for the area north of Rio Vista are incorrect and incomplete. Although the levee on Egbert Tract (a SPFC levee) is rated by DWR as meeting PL 8499 or HMP standards, an additional SPFC levee, the Mellon Levee, which is at the city limits of Rio Vista, is not listed or noted. This levee is maintained by the Solano county Water Agency. DWR maps indicate that it is at PL 8499 standards from River Road west, but that the levee going north along HWY 84 is below HMP. This road is slightly raised, but cannot be said to offer flood protection. The issue with the maps and the omission of the Mellon Levee has been mentioned to DWR staff on numerous occasions, even before this final draft was published.

5. Small Communities

Although Rio Vista is included on the map of small communities (p 3-9/10), it is not clear if we would be considered for improvements. Since we are repeatedly vulnerable to floods, it would seem that Rio Vista should be included in the SPFC and eligible for assistance. Our entire river front is within a 100-year floodplain.

Rio Vista's vital concern is with the potential of the CVFPP to increase our risk and liability for flooding. The plan doesn't appear to offer us any additional protection.

Thank you for the opportunity to provide our comments and concerns. The CVFPP is a good beginning, but needs much more work overall before the next update in 2017.

Sincerely,

Jan Vick, Mayor
City of Rio Vista
1 Main Street
Rio Vista, CA 94571
707-374-5025
jvick@ci.rio-vista.ca.us

cc: Michael Reagan, Board of Supervisors
Roger Wong, Interim City Manager
City Council
David Mellilli, Director of Public Works

YOLO COUNTY SUPERVISOR REXROAD: Good afternoon. My name is Matt Rexroad. I'm a Yolo County Supervisor. I live at 711 College Street here in Woodland. On behalf of the Board and the City of Woodland, welcome. And I'm very sincere in my thank you for coming here today.

I know that I have been bugging some of you in person and on the telephone. And I'm thankful for your indulging me with the telephone calls and everything else.

Flooding has been an issue that, in our community here in Woodland, actually has been very divisive. About 10 years ago, we, as a city, embarked on the idea of providing flood protection for our industrial area and our

city. And some of the wounds are still very deep for many of us. It's still a very raw issue. And the ramifications of it have lasted at least a decade.

And it's something that we've learned a lot of lessons from, in terms of the way we've dealt with flood protection and that flooding issue. And some of those are lessons I think that might be very applicable here.

Two issues that I would really like to bring up that are a technical nature in this regard, and there may be other people that bring this up, in regards to the plan.

And the first really is just the simple geography of the bottleneck that's created at I-5. As you're looking at the Yolo Bypass, you end up with an area there that runs right across the Causeway, and it's the narrowest portion of the area where you basically would transfer water from north to south through the bypass.

The reason that -- or one of the main reasons that I've been very active in this process is the maps that have been shown take -- show that big chunks of the Elkhorn Basin and Elkhorn area would be taken over and would become flood properties.

I don't think that actually gets you what you need, because of that hour glass shape, where we have -- where you have the I-5 landing as I-5 goes north and comes

into Yolo County. There's simply no part of the plan that indicates that that area would be expanded to allow the flow capacity I think you're looking for. So you get a volume capacity north and south of there, but you don't simply increase the flows because you have that bottleneck.

The other issue I have, and it goes to -- a comment was just made at the very end of the staff presentation talks about how there was coordination with some of the other different policies and plans.

I know that you all are very focused on flood control, and I understand that you're looking at this plan largely in isolation in terms of a silo effect. But part of the plan, as we read it here in Yolo County, some of the environmental benefits you're taking credit for in this plan are actually attributed to the Bay-Delta plan. They're going to be there, not because of this, but because of the efforts of the Bay-Delta plan.

And so there's some confusion that those are being cross-referenced, where those environmental benefits would happen whether you did any project in Yolo County at all. So that immediately makes it suspect for me and for Yolo County, which really is a great segue way into some of the comments that I'd like to make that are probably a little bit unique from some of the other comments you'll

hear earlier today.

I found out about this process largely as a result of a constituent of mine calling in, Tom Cain. And calls up and he says, "Matt, you know, did you see the Sacramento Bee today? There are folks that want to take over and flood all of Elkhorn?" I said, "You know, I would know about that. That's impossible. I don't know anything about this. That's not possible, but okay whatever".

And sure enough, I went and I hung up the phone, and I went over and found a copy of the Sacramento Bee, and the yellow on the map showed that the water basically would be expanded all the way over to Road 22, which is the river road.

And I don't read every single piece of paper that crosses my desk, but surely I felt that I had missed something. But I don't feel that we were really very well notified of this process and the possible ramifications on Yolo County, impacting agricultural and a number of people standing behind me and their homes in other places. So I don't think the rollout was very effective.

I also don't feel that the maps that were used actually -- potentially accurately deflect -- reflect what you're talking about here. They're painted with a very broad bush and could involve flooding an awful lot of not

1 just farm land, but homes. People would lose their homes
2 as a result of these plans. And Yolo County wants to try
3 to prevent that.
4 The real issue though that really bugs me in this
5 whole thing is all of these plans having to do with
6 flooding and all of it having to do with the Bay-Delta
7 process, it's the same Department, the Department of Water
8 Resources with the same Director. We're talking about the
9 same land in the Yolo Bypass, and we're largely talking
10 about the same water and it's the same county.
11 And when we brought our concerns to the Director,
12 he seemed to not know really much what was part of this.
13 I find that very difficult to believe considering that the
14 environmental document takes credit for some of the issues
15 that are in the Bay-Delta plan and the fact, once again,
16 we're talking about the same Director, the same
17 Department. We have a representation that you all had a
18 process to check the other documents, and that doesn't
19 seem to be the case, if some of these environmental
20 credits are being taken care of twice. And it's the same
21 county, and it's not like we're difficult to find. We're
22 in Director Cowin's office regularly with our subcommittee
23 of Supervisor McGowan and Supervisor Provenza, we would
24 have thought we would have found out about it long before
25 and had the opportunity to be able to comment on that.

And finally, I'd just like to say that while I have great concerns and you're going to hear from a lot of constituents in Yolo County who I think are justifiably upset in terms the way the rollout and the process has been, and I know that some of that is Department of Water Resources and some of it is the Flood Protection, the Board, but I can't separate these in my own mind.

For you to want to say, well, we're only dealing with the flood map, that's all we've got, I can't do that. Once again, same Department, same director, same staff, largely, all of these things. They are the same. If you want to -- if the Department of Water Resources would like to cobble together a deal or some sort of negotiation regarding the Delta with Yolo County, these things are together, in my mind. And I think the Board looks at it that way. I know I do.

And if we want to come to some resolution, once again, same Department, same director, same water, same land. They are linked in my mind, and I don't now how the Board would think otherwise in that respect.

But I want to thank you very much for coming today, and I would encourage you -- and so actually one of the things that was asked for earlier today is what is your solution for some of these issues?

I don't know if you just simply look at the

1 Elkhorn area, all of the homes are right up against the
2 river -- or right up against the Road 22 or at least most
3 of them are. Look at other options. Look at going west
4 actually. Moving the levee to the west actually could
5 provide you with the capacity you're looking for, actual
6 increase your flows, and increase the volume you're
7 looking for without having the people behind me lose all
8 of their homes. And so that would be one suggestion I
9 have, and that's a personal one for me. But I do think
10 there's a lot of different options you have to take into
11 effect.
12 The other thing I would say, in closing -- and
13 think I've said that already once before but -- I'm not
14 totally sure, based on the condition of the federal
15 government with their -- financial issues of the federal
16 government, and the requirement of a local match for some
17 of these projects, I'm not sure that your project here
18 won't collapse under its own weight. You're trying to
19 tackle a big monster in this deal, and you deserve credit
20 for that. It's an enormous problem.
21 But when you're talking about 15, 17 billion
22 dollars in this process, with $2 billion of planning
23 money, and without turning any dirt, you've got a long
24 ways to go. And so, I'm not sure that -- I'm not sure
25 this can actually be completed in terms of the size of the

project you're talking about, and being able actually to fund these things.

So I don't know whether it's going to happen in 10 or 15 years, as the Chairman talks about, or whether it will every happen at all, but I really do hope that you allow Yolo County to be at the table, because we're going to insist in this process that we're at the table, and I don't think we were allowed that process early on as this was rolled out, and I think that's unfortunate.

So thank you very much for your time and than you for letting me speak.

PRESIDENT EDGAR: Thank you very much Matt.

MR. MIRAMONTES: Yeah. My name is Tim Miramontes. I'm a farmer and resident of Yolo County. I farm in Colusa County also. I farm in the bypass, the Yolo Bypass, where you're talking about expanding it all the way up to the Grimes area, which is in your maps of being in the floodplain.

So a few comments is widening the bypass is not the answer to California's flood problems. We need to get storage, which would help out with the flood problems and water shortages.

There also needs to be some support for the FEMA NFIP reform for rural areas that you need to look at.

With these new flood maps and everything coming out, it's just almost impossible for a farming operation to expand or improve their operations on buildingwise with flood insurance.

I'd also like to see more local -- involvement with local interests, county governments, cities, and rural residents. The outreach on this has -- like stated by Matt Rexroad, has been not well taken. There hasn't been -- I went to a meeting two years ago when this all started up, in a room about as big as this and there was two farmers allowed into the room with about 30 to 40 environmental and federal, State agency people. That doesn't seem like fair representation when the rural part is taking the brunt of this operation.

There's also problems with this project, as far as the federal government is in debt, State governments are in debt, county governments are just the same boat. How is this project going to be funded? We don't see how it can spend $17 billion in a project.

I do understand the nee for flood protection. I farm right next to the river. I farm inside the bypass. I understand that we need to have something, but just looking at expanding the bypasses to push water out of the State is not a good answer, I believe.

I also have a couple pictures of the mouth of the

Yolo Bypass that shows it all clogged up with trees. This shows how the maintenance from these -- in the -- DWR's maintenance in these bypasses is handled. With things like this happening, how are we supposed to put faith in you to keep our bypasses clean if you want to make them wider, and there's less money to keep these clean.

They can keep those.

I also have put a little signature pack with people of the same concerns of over 200 people from Grimes down to Woodland that are concerned about this too, that have not been able to come or too busy working and whatnot. But I'd like to turn this in, so that you can see that there is a big concern with how the project is going forward.

Thank you.

PRESIDENT EDGAR: Thanks you very much. If you'd just give that to Lorraine, we'll take a look at it. Thank you very much.

MR. LOCKETT: Thank you for your time. I'll read my statement regarding:

Dear, Sirs. We own our 97-year old home along the east side of the Sacramento River one mile above Knights Landing in Sutter County. We own the adjacent farm land to the low water line of the east bank of the

Sacramento River.

We would fight very hard not to be included in the CVFPP. Widening or setting back of the levee would destroy our home, farm shop, and equipment yard, as well as our river pumps. The capacity of the river could be increased if all the debris could be pulled from the river, like it used to be before the hard core environmentalists wouldn't let the Corps of Engineers do it anymore.

Dredging the high spots would increase the capacity also. Levee setbacks would push any winter seepage father out into the basin. Bypass expansions would not be necessary, if the existing bypasses were cleared of all vegetation and excess dirt and kept that way. There is no need for an additional 40,000 acre footprint of bypass expansion, especially 10,000 acres of permanent habitat included in this plan.

This is not a flood control plan, it is a plan to satisfy the environmentalists to keep the area natural. Why is it that the agricultural and rural areas share greater burdens, pressures, risks, and liabilities when compared to urban and urbanizing areas?

We hope that the CVFPP, as proposed now, will not be authorized. The plan would be extremely expensive and would have a lot of farmers, landholders, and rural areas

1 with harm.
2 Thank you.
3 PRESIDENT EDGAR: Thank you very much.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. BERRIER: Thank you for allowing me to speak here today. My name is Yana Berrier. I'm an attorney, but today here I speak as a homeowner -- I'm sorry, I'm kind of emotional -- business owner, and on behalf of my family and my neighbors.

I'm usually not emotional like this. I'm a lawyer and I deal with legal issues, and I don't deal with people's emotions. But I found out about possibility of including our properties there and my neighbors' in that area and flooding it, creating a habitat. I found out last Friday and this is devastating.

I have a letter here that was signed by community members, my neighbors, and I'm going to submit it when I'm done.

Last week, I -- no, it was yesterday actually -- I attended the meeting of the Board of Supervisors in Sutter County. And what I found out is that there has been no engineering justification for this particular levee. Look at it. It's highlighted in yellow.

There will be devastating impact on agriculture. Those are homes and also farm land. There will be severe impact on tax revenues and jobs. And also I found out that doesn't really help in flood protection. This is basically done for habitat.

So if you only look at these factors, I would ask you not to include this as a part of the plan. I also would add that the cost of condemning these lands will be very large. The litigation will be enormous, I predict that. Those are one of -- those are very fertile soils, one of the most fertile soil that we can find in California. And we're only talking about four miles of levee there. So this is not for flood protection, this is for habitat. Do we really need it?

I want to focus on human impact. There have been lots of studies done, different impacts, what about impact on human lives?

Since last Friday, I have been meeting my neighbors, and I can tell you that they are devastated. I used to live in Sacramento. And until I moved to the country, I never really knew what it means to love your land. The feelings I have when I see the trees that grow that I planted, I can only compare with the joy I see -- with the joy I have when I see my children grow. And I'm just a newcomer. I found home there.

There's some people who lived in that area for a hundred years, over a hundred years. They have farms there. They have memories, emotions, attachments. You can't compensate it with just compensation that's provided by our Fifth Amendment. And if you balance that against habitat, human emotions and attachments and lives should outweigh any habitat.

I met some very interesting people. I met a gentleman he was on a tractor. He was listening there. He barely spoke english. There was an interpreter fortunately. And he was devastated. He works day and night on his orchard. I see him in hot sun on his tractor. I also met a Hispanic couple. They live down the street in a very modest home. They've worked all their life for the farm, for that land, and now it's going to become a habitat.

If you tell me that it's necessary to sacrifice this tiny community for the benefit of protecting people from the floods, save Sacramento, save Natomas. I'm not an engineer. I don't know how it all works. That's fine, but not for habitat.

Even though preserving lands is a part of the plan that was adopted in 2008, I believe that they should be balancing process to see what is really important here. We reclaimed those lands. I didn't. You know, I'm an

1 immigrant. But I know that when people came to this
2 country, they reclaimed those lands from wilderness, and
3 worked them. And we shouldn't give them back. We should
4 preserve what we have and there are other ways of
5 preserving and maintaining the wildlife.
6 As a lawyer, I want to say that once you adopt
7 the plan, and you attach these little maps showing
8 property, as planned to become a habitat, even though it
9 may not happen for 10 or 15 years, the values of the
10 property went down drastically, right now. Not this
11 second, but once you adopt the plan.
12 Let's say somebody wants to sell. I met a
13 couple. They're elderly people. They farmed all their
14 life, and they're tired. They want to sell. They want to
15 move closer to their grandchildren. They're not going to
16 sell really, because as sellers they're obligated to
17 disclose all facts materially affecting the value of the
18 property.
19 And if they don't, they will be sued. So they
20 lost property value. Farmers don't want to plant. It
21 will be difficult to even borrow money, to enter into a
22 long-term lease. Everything will be affected.
23 I also want to say that the lack of notice is
24 appalling. Perhaps I'm not saying it in the right forum
25 here. It's not your fault. I read the Act that was

1 adopted in 2008, and it only says that there should be a
2 couple of -- no less than two public meetings. That's
3 all.
4 There's no notice to the affected landowners to
5 prepare to do some research to read that. I basically
6 stopped my business, and I -- you know, in the last
7 several days I was reading all these documents and it's
8 difficult. I was able to read the Central Valley Flood
9 Protection Act, that's fine, and the eminent domain laws
10 and all this other legal stuff, but this is very
11 complicated. So there's no time to really address these
12 issues for laypeople who are not engineers, like myself.
13 Again, that might not be the right place to talk
14 about notice. That will be addressed in another forum,
15 I'm sure. And even though the State law says no, no, this
16 is necessary. Fortunately, we have federal law that says
17 no there's an opportunity to be heard. So I brought it up
18 to the Sutter County counsel yesterday to see if they can
19 do something, and bring an action against the State.
20 I want to say also -- actually, I want to
21 conclude it by saying that 22 years ago I came from the
22 Soviet Union, the country where individual rights were not
23 valued, individual lives were not valued. I came to this
24 country because I thought that here everybody is
25 important, every single person. Don't look at it in those

numbers in those phrases, they mean nothing. Look at it from the standpoint that it's going to affect this family, this gentleman who spoke before me here, who has a farm that's going to be wiped.

And I ask you as a State agency, as our government in which we trust to take into consideration human aspect in every single decision, and every single stretch of the levee, and this place that I'm talking, my place, my neighbor's. It's unnecessary. You can't possibly justify wiping us out for habitat.

I also want to say you were commenting that I should -- we should suggest some solutions. I didn't have time to think what we can do for habitat in that area, but I will tell you when I moved into that area, my husband and I planted 200 redwood trees. We planted a fruit orchard. We have thousands of birds. Nothing was there before. We have deer. We have mountain lyon. We have rabbits.

There is a neighbor of mine, he actually dug a pool -- it's not a pool. It's like a lake. He has fish, ducks. I saw another piece of property they have deer. They have all kinds of animals. It is already a habitat. And there are already laws in effect protecting it. For example, there are some restrictions on parcel split, zoning. You can't build a house. You can't build a

subdivision there. So it's already in place. And please don't ruin our lives for the sake of habitat.

Thank you.

PRESIDENT EDGAR: Thank you very much.

MR. ELLIS: Good afternoon, Mr. President and members of the Board, and members of the audience.

I'm here today to comment on behalf of my wife and I as very concerned farmers and landowners in the Grimes area. And we do farm in northern Yolo County, but also southern Colusa County.

I also participated in the flood plan process. And I must ask the Board to kind of bear with me today. You've heard these comments before, but there are folks in the audience that I think should hear these comments, so I hope you'll bear with me.

I did participate in the upper Sacramento region group meetings, the agricultural stewardship committee, and on three of the management action workshops.

My first concern is the two-tiered level of flood protection that was mandated by Senate Bill 5 requiring a 200-year level of flood protection for urban and urbanizing areas, 100-year level for rural communities,

and really I'm not certain what it requires for the ag areas.

When the Sacramento River Flood Control Project was built, it was my understanding there was no such distinction made. Later a memorandum of understanding was executed assuring rural areas of the protection provided by the '57 profile. And as a result of SB 5, rural areas have been put in an untenable position, uncertain of their future flood protection.

The Sacramento River Flood Control Project has kept us relatively free from significant flooding since its completion. And we have become accustomed to that level of protection.

Also, it appears to me that the new flood plan is more of an ecosystem restoration plan than a flood protection plan, which brings to the forefront the need for landowner assurances, so we in production agriculture have some resource when we find ourselves neighboring a restoration project.

I think conflicts are inevitable in such a situation, and I believe that we should have a grievance procedure and a good neighbor fund in place to address these conflicts.

Discussion of this issue was squelched in the ag stewardship committee by plan leadership, because they

maintained the plan is a flood protection plan, not an -- and is definitely not an ecosystem plan.

Another area of concern with the plan involves the development of the 90 plus management actions under consideration for inclusion in the 2012 plan. These actions were divided into 11 category-based workshops. I attended three of these workshops where we discussed about 10 or 12 suggested actions items in a two-hour period, allocating about 10 or 12 minutes per item. And you can imagine to try to address an issue as contentious and as important as transitory storage in 10 minutes, it just -- you can't do it justice.

Facilitators hustled us along to meet the time limits with the explanation that we would go into more detailed discussion in Phase 3 and 4 of the planning process. Then Phase 3 and 4 were cancelled. We never had the opportunity for these in-depth discussions.

Then when I got the final plan, these management actions appear in Attachment 7, Section 6. And I'm sure anyone that is reading this plan will assume that all of these suggested management actions were fully discussed by the attendees, and this was not the case.

Also, the finance and revenue workshop included Management Action 82. And I brought the original list of management actions, so I can show you that it was there.

Ms. Dolan asked me about this on -- when we were in Marysville, so I did bring those with me today, so I can prove to you that it was there. But when the final plan came out, this was deleted.

And, of course, this is a huge issue for us as we believe flood risk is being shifted to the rural areas and we firmly believe that we should be made whole. And if you're talking about trust, this issue alone certainly made me distrust the process.

Then on pages 2-12 of the plan, a new bypass along the alignment of the Cherokee Canal into Butte Basin is discussed. And this is becoming a very contentious issues, and I realize that it really mentioned and detailed in the preliminary approaches to the plan. And then it seems to be kind of sidelined in the final system investment process, the final approach that was used, where they don't mention the Cherokee Canal particularly, but they certainly do mention a Feather River Bypass.

And this is a huge issue for us in our area. And I think even folks down to Knights Landing should be concerned, because they're talking about bringing an additional slug of water behind the Buttes and dropping it into the Butte Sink, which then will add to pressures on the Sutter Bypass, and we're having problems there as it is. The volume of water that -- the Cherokee Canal now

hands about 12,500 cubic feet per second. They want to increase it to 32,000 cubic feet per second, and I will tell you that the main stem of the river from Tisdale south to the Fremont Weir the design capacity is only 30,000 cubic feet per second. So they're talking about a lot of water. Those of you who live in the area have seen that river, and it's a lot of water.

Another concern of mine is that I don't see a history plan -- or history document in the plan. And there were several of us in the upper Sacramento region group that felt there should be a rather detailed history document that accompanies this plan. I did see a draft done in 2008, I think it was, or 2009 -- I can't remember -- but it left out some significant information, as far as I'm concerned.

So in conclusion, I cannot support the plan as I feel the plan and the planning team have had a deaf ear when it came to addressing the current concerns of our agricultural areas. And I think it's unfair to expect these areas to absorb the risk of major flood events without being made whole.

And, Mr. Chairman, I did want to address the environmental impact document too. And I can either do it now or later. It will take a few moments though.

PRESIDENT EDGAR: Well, Tom, are you going

to be --

MR. ELLIS: I will be around.

PRESIDENT EDGAR: Okay. We're going to open that separately, if you don't mind.

MR. ELLIS: That's fine.

PRESIDENT EDGAR: Thank you.

MR. ELLIS: And thank you for your time and attention.

PRESIDENT EDGAR: Thank you, Tom.

DR. SEAVY: Good day, Mr. President and Board. Thank you for hearing our comments today.

I'm Dr. Nathaniel Seavy, Central Valley Research Director of PRBO Conservation Science, a nonprofit based out of Petaluma, California.

PRBO's staff and seasonal scientists study birds and ecosystems to improve conversation outcomes from the Sierra to the sea. We have a long history of working in the Central Valley with multiple public landowners, and also we've had the great privilege of working with many private landowners, including many farmers to look for win-win conservation solutions that make the best use of every dollar invested.

Agriculture is a vital part of the California

economy, and these working lands provide important habitat for wildlife. Farm land, such as rice fields, provide habitat that we may not have any other opportunity to consider. It's for this reason that we strongly support a flood plan that protects people and property while also looking to conserve farm land and improving Fish and Wildlife habitat.

We need to look for creative shared solutions that are supported by science. If done carefully, expanding flood bypasses and setback levees can provide a shared solution for people and for nature. Bypasses in the Central Valley greatly reduce the probability of uncontrolled flooding of agricultural lands in the early 20th century. By expanding bypasses and setback levees, we can provide better flood protection in the future, and we can provide greater economic certainty for agriculture, greater habitat value for fish and wildlife, and more of nature's important benefits that healthy floodplains provide the people of California.

You asked about specific changes that can be made. And we encourage you to try to articulate a vision that includes the importance of these shared solutions; to develop a plan that is as transparent as possible, so that we can all understand the benefits that we will gain from this plan; and look for other -- overlap with other

programs in the State that will provide the political and financial resources that will be necessary to move this plan ahead.

The Central Valley Flood Protection Plan is an exciting opportunity for California to create a future with the best flood protection and economic -- an economy that profits from agriculture productivity and floodplain ecosystems that are healthy. This will benefit us all.

Thank you very much for your work on this plan for a better California.

Thank you.

PRESIDENT EDGAR: Thank you, Doctor.

MR. KNIGHT: Chair, Board, members of the audience, thank you for the opportunity to comment. My name is Curtis Knight. I'm the Conservation Director for California Trout. We are a 41 year old organization with a long history of working collaboratively with diverse interests.

As a fish group, we see this as a public safety effort, first and foremost. We also recognize the importance of agriculture to the landscape and the economy of the Central Valley. Agriculture lands provide important open space and habitat for fish and wildlife.

We support a flood plan that conserves farm land, improves flood capacity, enhances hunting and fishing opportunities.

Water supply is also an important aspect of this plan. Expanding the capacity of the flood system will allow for greater flexibility. In the management of upstream reservoirs, this flexibility could lead to more water storage. Water supply is an important consideration.

The lack of flood plan habitat, and this is from a fish perspective, is an under-appreciated limiting factor for Central Valley steelhead and salmon. Improved floodplain habitat can be an important part of the rebound Central Valley stocks.

In turn, this can help ease regulatory burden. We commit to working with the agriculture community, develop a plan that can meet both the needs of agriculture and the fish. And I'll provide one quick specific example. We worked with a landowner, a farmer in the Yolo Bypass to flood five acres of a rice field. This winter we put in 10,000 juvenile Chinook salmon to see how they would do. They survived and thrived, quadrupling their weight.

These types of opportunities exist. These win-win types of opportunities exist. Working together

will be necessary to secure the political and fiscal support for a flood plan that works for all.

Thank you.

PRESIDENT EDGAR: Thank you, sir. Appreciate it.

MR. WARD: Thank you. I have a handout, and I would direct, any of you that want to look at it, to page four. The middle page four it's an alternate proposal. That's what I'd like to talk about.

My name is Lauren Ward. I'm a landowner in Butte County actually, and I've attended a meeting in Richvale and a meeting in Marysville on this subject. And I'd like to speak specifically to Mr. Edgar's request for recommendations as to steps that you could be taking.

As a Board, you've heard a lot of different things from people, but I summarize them as saying that people have said to you that they do not want a removal of prime farm land from production, the counties don't want a removal of land from the county tax rolls, bypass expansion is not wanted, more storage is wanted, wildlife habitat or riparian corridor protection are important, and finally, financial feasibility needs to be addressed.

So I've thought about what is a constructive way that you can deal with these conflicts, and I have an

alternative proposal to put forth to you. First of all, under the subject of flood control, I recommend that you adopt the protect high risk communities option. That's a $10 billion option.

If you look at the savings to be derived from that, they're almost exactly the same savings as are projected under the systemwide alternative. It's $207 million versus $220 million. And since we're dealing with rough estimates over many, many years, those are essentially the same proposals financially, except that the systemwide approach spends another five and a half billion dollars to get $13 million of projected savings, payback, by the way, of 423 years.

So I suggest that you adopt the protect high risk communities. I don't -- I haven't heard anyone object to the idea of getting increased flood control. It's not a protection item that anybody has objected to.

Secondly, spend $4 billion on increased storage, but don't spend it on downstream storage. The only thing that's accomplished with downstream storage, besides the destruction that you've heard about, is that after the flood event is passed, that water is released to the ocean. If you spend $4 billion on upstream storage, let's take the Shasta Dam, for example, which the estimates to raise it 18 and a half feet, according to the federal

government, are $1 billion, you'll pick up 630,000 acre feet of storage.

Now, I don't know how we value that, but I know what people are paying for water right now to move it down to the San Joaquin Valley, and that water is worth at least $100 an acre foot. So you'll pick up $63 million worth of water when you do that, and you will also have more water available for power generation and more importantly you'll have water that's in storage, and therefore you will mitigate downstream flooding.

Spend another billion dollars in the Feather River system, increase the height of the Oroville Dam, increase the storage in the forebay and the afterbay, go to the upstream reservoirs that fill the Feather River system and spend the money up there. That will do us some good.

Spend $2 billion south of the Delta, for increased storage. We know how difficult it is to move water through the Delta. We know that the greatest needs for water are in southern California and the San Joaquin Valley, so we should be focusing our efforts in the areas where the water is most critically needed.

Purchase easements, development easements, or more specifically non-development easements, on lands in the Central Valley floodplain. The old adage when you're

in a hole, the first thing to do is to stop digging is applicable here. Part of the reason that you're faced with these problems is because development has been allowed in those floodplains. So let's put a halt to it.

If people want to continue to develop out there after we've bought the easements, that's their privilege, but people should only be allowed to develop if they are willing to spend the money themselves to protect that development against the 200-year flood.

And finally, spend a billion dollars for riparian corridor restoration and protection. We need more public recreation in the valley. There's considerable value to that. We all agree that we need to protect the habitat for fisheries and our wildlife. And we know that our rivers and streams have been badly degraded. So take a billion dollars and spend it that way.

If you add all that up, you get $16 billion. The systemwide alternative that's been put forth for you projects spending something like 14 to 17 billion dollars. So I have proposed something that fits within the framework of what you're currently looking at. The difference is, particularly with a focus on upstream storage, you will add value to the system by doing this, instead of simply spending money, getting rid of water that we really need to save.

1 Thank you very much.
2 PRESIDENT EDGAR: Thank you very much, and thanks
3 for putting your time into that. That was very helpful.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. MAIER: Good afternoon, President Edgar and members of the Board. Thank you for giving us the opportunity to speak this afternoon. My name is Lonn Maier. I'm a licensing and permitting specialist at Pacific Gas and Electric in Sacramento. And we have some prepared comments I'd like to provide to you.

PG&E provides natural gas and electric service to over 15 million customers in northern and central California, roughly two-thirds of the State, many of whom live in the areas addressed by the Central Valley Flood Protection Plan.

As we begin the process of reviewing the plan and the Draft Programmatic EIR, it's essential to understand the number of Pacific Gas & Electric facilities in proximity to existing levees. In recent months, we've reached out to Flood Protection Board, DWR, Army Corps of Engineers and have been working collaboratively with staff to provide data on these facilities.

And just to give you a rough sense of what we're talking about. Within the 1,600 miles of jurisdictional

levees, that the State and federal government has, we have over 850 transmission line towers, 9,000 electric distribution poles, and over 25 miles of gas transmission lines, not to mention any of the gas distribution lines, which there are hundreds and hundreds of miles.

Many of these facilities were originally sited along or near levees to provide gas and electric service to the agricultural industry and communities. And now we're providing that critical service to metropolitan commercial, residential customers as well.

Given the large number of facilities and the critical role that they play in delivering gas and electric service, it's imperative that PG&E be involved at the earliest possible planning stage when flood protection facilities are scheduled for upgrades or renovations.

Our facilities can coexist with levees. Of that, we are convinced. But if relocation is necessary in special circumstances, it's a very long review and approval process. And the handouts that I provided to you are photos of the Marysville Ring Levee project where PG&E has electrical facilities that are being relocated as a result of the project.

The significant urban development of the Central Valley means that relocation of our facilities would require extensive rerouting at very substantial expenses

to our customers. And the rerouting would trigger additional environmental concerns and be subject to environmental review.

And again, the reroute at the Marysville Ring Levee project, our estimated cost just to relocate our facilities is around 10 and a half million dollars.

Rerouting must be viewed as a last resort, and, if necessary, it must be identified at the earliest stages of project development, so that necessary approvals can be obtained in a timely manner.

In summary, we believe that the Board, DWR, Army Corps of Engineers needs to engage PG&E and other utilities in the planning process to ensure that improvement of the flood protection facilities allows for continued ability of utilities to provide safe and affordable gas and electric service, and that any potential impacts to utility facilities are adequately addressed in the Draft Programmatic EIR.

Thank you.

PRESIDENT EDGAR: Thank you. Have you provided those written comments to DWR as input to the Draft Programmatic EIR?

MR. MAIER: Yeah. We'll be providing those comments separately.

PRESIDENT EDGAR: By the deadline?

1 MR. MAIER: Yes.
2 PRESIDENT EDGAR: Thank you.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LANG: Hello. My name is Kyle Lang. And I'm a third generation walnut farmer. My grandfather -- the orchard I live on, the trees are 75 years old, were planted in 1938 and we still farm them. That is -- and part of the map that was put out in the Sacramento Bee in the middle of the purple part it just says floodway. And the very next day we got a phone call from our Farm Credit, who we use to help us expand and continue our operation, asking us what does this mean?

Because if -- we farm a permanent crop. There's no way you can make that a flood area and continue to farm. We also farm in Reclamation District 537 just south of that, 500 acres of walnuts. And we also have our processing plant that's been there for 45 years that's a million and a half dollar processing plant. These are things you can't pick up and move.

There's talk of, well, we'll pay for, you know, oh, if you take out the orchard, we'll compensate you for that. But to farm walnuts, when you plant a tree it's about 10 years till you get into a producing orchard. So that's not an option for someone who grows orchard of walnuts.

And also -- I'm also -- I manage Reclamation District 537, which is just north of West Sacramento, and also Reclamation District 1600, which is Fremont Weir section just north of Road 22, up to Fremont Weir. And there are solutions to lowering some of the high flood level head that can be met without blanketing out basically 20,000 acres.

I don't know if you've looked at the elevation maps of the bypass itself, but the fall from north to south from the Fremont Weir to the Vic Fazio or 80 is only about six feet. So you're not talking a tremendous fall. It's pretty level. But the fall from the -- it would be east -- or the west levee to the east levee coming to the east is significantly more to where the whole -- I don't know if you looked at the elevation, but it actually slopes this way toward the Sacramento River.

So if you take levees out to have it come this way, all you're going to have is water heading straight into a river taking out the river and going back into the river. That's not really a solution.

In the seventies, the Corps of Engineers did a study of 1600. And my grandfather has been fighting the floods out there in 1600. He was involved in the fifties flood fight, and every major flood fight they've had out there.

And in that study the Corps did, if you flooded RD 1600, because they looked at that to relieve pressure off of the Natomas side, all that allows is eight hours, because it's basically a bathtub, and the water would flow down, fill up, and there would be no actual flow of bypass water. It would just allow eight hours of water to go in and fill that up and then it would basically be a bathtub.

There are many options, and it's unfortunate that you've developed this plan, but you have not included the reclamation districts, the county, the landowners to help you find these solutions. For instance, widening -- I think you have three actual details in the plan. One is the Fremont Weir to widen a mile. And the other one is Sacramento Weir to widen 1,000 feet.

Widening the Sacramento Weir 1,000 feet makes sense. And I believe in the studies they have you drop the downtown water level from the American River three feet, and that makes perfect sense.

But to purple out a whole area where you have homes and you have, besides our walnuts, there's another 4,000 acres of walnuts in that whole area, and most of them are along the river. And you have a lot of field crops that are grown that -- if you looked at it.

You can, you know, gain a little here and there to help increase the bypass. But the one thing that it

comes back to, I farm walnuts, and in processing the walnuts, we always find that we run into our next bottleneck. And you can only go as fast as your bottleneck.

And in that bypass, I-5, where it comes in -- where it comes over and comes down, that's your bottleneck. And if you look at the bypass, it all comes to that short area. So no matter if you widen the Elkhorn area to the north or to the south, you still have a bottleneck there that your efforts aren't gaining much because you just -- you've run into your bottleneck.

The solution for that is to -- which I imagine is extremely infeasible, but the soil that was used to make that -- the landing for I-5 was taken out of soil just north of there in RD 1600 from fields. And that soil there is blowsand, and sand -- and soil from the 1850s, from the Gold Rush era. So in order to do that, you're going to have to do a lot of concrete and metal work to get that to secure itself.

And then the other issue I see with the plan is the talk of the fish channel. If you look at where the Fremont Weir is, it's a wall that goes across the whole bypass, and it goes down. And then it goes down another 20 feet before you get to the top of the river. So you're talking a channel that's going to be 35, 40 feet to have

any real influence for fish habitat.

And you're going to have to put it through the center of the -- being that large, you're going to have to put it through the center of the bypass, which takes out, I don't know how many acres of farm ground. But then the other issue is, is the second you have flood water comes in, which occurs about every 10 years, '86, '97, and '06, is the soils that come down through the Sutter and the Feather River are the blow sand and the sands, and they fill in very quickly. So it's not like you create a fish channel and you've got a fish channel there. It's pretty much the next flood you have is going to fill in or ruin most of it.

And then -- that's all I have, but it really seems you have a plan without any details, and that, to me isn't a plan. So it would be good if you could extend your date, include the rec districts, the County, the landowners. And instead of just posting something in the Sacramento Bee that shows that our families, our land, our survival is, "Oh, well, you're going to be flooded now". That's really -- I don't know who thought of that concept, but that is not a very wise concept.

Thank you very much.

PRESIDENT EDGAR: Thank you.

MS. HARLAN: Good afternoon. Thank you very much for giving us the opportunity to speak before you today. My name is Christine Harlan and my family has been farming in Yolo County since the mid-1850's. And as a landowner, our roots tend to go deep. We invest a lot into these properties. They're our homes. They're our livelihoods. They impact California. They've helped California grow and become a great state.

I think that when cities come up, obviously flood control is important, and we need to protect those, but I think unfortunately it's always at the demise of the local and the rural landowners, who end up shouldering the greater burden for other people's decisions that may have been not really well thought out.

So, first, you know, again I would just ask you to perhaps consider delaying your decision until later. I think that the Board members here, our supervisors have talked about the fact that they haven't even been included in this, and they feel like they haven't had an opportunity to provide considerable feedback.

I think in addition to that, many of the landowners here are very familiar with their land. They're familiar with the property, and they're willing to make perhaps some suggestion that you may not have thought

of because you work in a vacuum and in a silo. And I think that that would benefit everyone. You would get more buy-in. You would have less people at meetings who are feeling frustrated and demoralized by the process. And you would have more buy-in. And you might actually come up with some great solutions that people hadn't considered, because they aren't as familiar with the ground as we are.

Second, the other thing I would ask is that you consider looking at some of the proposals that people have said today as far as raising some of the storage capacity currently. I know that there are huge reservoirs that we have within this State that have the potential to actually increase their storage, if we did some construction there.

And I know that that would also benefit not only the plant life and the wildlife around, which are some of the goals of this proposal, but they'll also benefit -- they'll provide recreation opportunities and bring more people and more resources into California, and help, you know, also maintain some of our farm lands without resulting in the flooding.

So again, thank you very much four your time today, and I hope that you consider everything that people have made, and that you'll delay your decisions, because I think one of the things that frustrates people is while

1 you say you have an open and honest discussion and you're
2 allowing people to provide input, by allowing people to
3 provide input at the 12th hour, you don't really allow
4 people to give you considerable recommendations and for
5 you to consider. At least that's the way it feels like
6 from this standpoint.
7 So again thank you and hopefully the rest of your
8 day will go well.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WOODLAND MAYOR PIMENTEL: Thank you very much, Chairman. Good afternoon, or good evening, I should say to all of you. Thank you very much for giving me the opportunity to speak. I am lucky enough to be the Mayor for the City of Woodland. And I wanted to talk about some of our concerns that we have with the Central Valley Flood Protection Plan.

Just specifically with the way that things have been -- basically, historically been done. And it seems like Yolo County, and the City of Woodland in particular, have always been placed kind of in the middle of trying to solve other people's flood issues. And that's what our major concern really is here today.

In the past, when the bypass was developed and now we're talking about expanding the bypass and the capability once again and flooding farm land, we were told in the past that when the settling basin was developed and levees were raised, that the City of Woodland would not see any particular or major impacts to flooding. And we know that that was completely incorrect, because FEMA came later and put 4,300 homes and businesses in the 100-year flood zone, which we have now been able to successfully fight and remove, and we still have a little bit more ways to go.

So the skepticism of our community and our neighborhoods continues to remain whenever we find that we're trying to again resolve someone else's flood issue by having -- by putting Yolo County right in the middle of it.

I think that I've heard a lot of the speakers, a lot of the farmers that certainly will be directly impacted. And Woodland is very much an agricultural community. We have relied heavily on the agricultural industry here. And any major impacts to farming nearby or in the region will certainly have an impact to a lot of the suppliers that have the businesses here in the City of Woodland.

And I simply want to just say that I would like

for you to continue working with not just the farmers and the landowners and the Board of Supervisors, and some of the other important agencies, but also work closely with the communities and the cities that you will directly impact.

Even though you may not see it now, we certainly believe that there could be some potential negative impact to our communities, and certainly to the City of Woodland. And I ask that you continue to accept input from other parties that are directly involved in what you are trying to help.

So thank you again for giving me the opportunity to speak this evening.

PRESIDENT EDGAR: Thank you for being here, Mayor. Appreciate it.

MS. POLLOCK: Good afternoon. It's Lynnel Pollack, and I'm speaking --

PRESIDENT EDGAR: Good afternoon, Lynnel. It's good to see you again.

MS. POLLOCK: Good afternoon.

I speaking to you today as a farmer and landowner in Yolo County. I do wear many hats concerning water, the

bypass, and the area, but I'm speaking as an individual.

And I, too, am one of those landowners or area residents who first found about this plan with the Sacramento Bee article, which showed a map that basically put us under water, we think. It's very conceptual, I know. There was a big blob right on our home ranch, so I'm not sure exactly what it means. But my husband and I, along with our sons, do farm in northern Yolo County along the Sacramento River, down river from Knights Landing at various sites. And our home ranch lies just to the west of the Fremont Weir. And so we farm particularly in that area between the west levee of the bypass and the ridge -- Knights Landing Ridge Cut Canal that comes down from the Colusa Drain.

So I'm very familiar with the area. And I'm going to be -- try to be brief in my comments. I have not had a chance to go through the entire plan. I appreciate the updates today and the overview by the DWR staff. I know one of the things that was mentioned was that public safety is the highest priority. And I applaud you for that. But when you talk about public safety, don't forget about our rural and rural community and the rural agricultural areas also where many people do live. Our safety is important also, and I hope that you will keep that in mind.

I do have a couple of questions. And I know you just heard from the Mayor of the City of Woodland, but I would also like to know how the City of Woodland is viewed, whether it is an urban area slated for 200-year protection or whether it has the lesser 100-year protection. And I think that needs to be made clear as the plan moves forward.

Also, your staff -- the DWR staff indicated that as the plan moves forward, they would work with local flood control agencies. But for many of us, DWR is our local flood control agency, both the bypass levees where our home ranch is, and where I live our own personal home on Cache Creek are -- the levees are maintained by DWR. So I hope that there will be more outreach to the local landowners who do not have a specific district locally that will be our -- hopefully our -- where input can be gained.

We do want to be involved as this plan moves forward, because it certainly has significant implications for us. Also, I think in the plan, I'm not sure how some of the west side tributaries, such as Cache Creek and the Cache Creek Settling Basin, and the Knights Landing Ridge Cut that drains into the Yolo Bypass are analyzed. They do need to be included. There are impacts to both of those systems.

Let's see as I move down here. And also more of a suggestion than a question on the economic analysis. It needs to be expanded, because the area of impact is not just within the bypass as they are created and perhaps land is taken out of production, but you now have, as someone who has farmed along the bypass for a number of years, there is significant seepage.

And even this last year, which was not a very high water year, we did have damage to winter wheat crops from seepage along the Sacramento River levees. So the impact is also felt on the outside of the levees to the agricultural production, not just within them.

I hope that, again, increasing the public outreach is -- and the mapping of the farm land and the crop types is very important as you move forward with the plan development.

And in the staff report, we heard terms such as maintenance, streamline permitting, significant public engagement. These are terms that have been bantered about for a number of years, promises made and not always kept by the agencies. And so I would strongly encourage that there be assurances to the public, to the local agencies, to local land-use authority, to local governments, that there are assurances that when promises are made, they be kept.

Mr. Tim Miramontes, the past president of the Farm Bureau, showed a photo of the head of the Yolo Bypass near the Fremont Weir. We have farmed in that area for a significant number of years, and I'm very familiar with that area. And going back to the 1970s, there's a story that goes along with why it is the way it is today. And again, it goes back to assurances, promises, and State authority that perhaps does not always follow through. So I'm not going to go into the story here, but it's -- there's a reason why it is the way it is today.

So with that, this plan brings a lot of uncertainty to the area, and for those of us affected by it, either living and/or farming in the area. What do we do? Do we plant that walnut tree? Do we develop a new orchard or do we wait and see for five years or maybe 10 years what's going to happen? Is our land going to be taken away from us for flood control and safety, or are we going to continue to farm?

Farming is not just a year-to-year proposition. And you've heard from many other farmers here today. It's almost generational. And so this uncertainty is something that we have to live with until you decide what is going to happen to our livelihoods and to our lives.

I think the other big uncertainty for a lot of us is the financial means by which this whole plan is going

to come to fruition, if it ever is to be, and that can be a big concern. I think it needs to be analyzed very, very carefully, because I think while you have estimates of costs, you've also heard from others that those costs can be expanded greatly, because when you start taking the land away from people, it drags on and on. And there are significant expenses that perhaps have not been calculated into the analysis.

So with that, I thank you for the opportunity to present these brief comments. I do hope to submit written comments in the future, and we hope that we can all stay engaged and learn more and help contribute to making a plan that is good for all of us.

Thank you.

PRESIDENT EDGAR: Thank you, Lynnel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 MR. LEE: Good afternoon, President Edgar,
25 members of the Board. My name is Chris Lee. I work for

1 the County Administrator's Office, and I'm here with a few
2 comments delivered on behalf of the Yolo County Board of
3 Supervisors.
4 We divide it up into a couple of different areas
5 focusing on the multi-benefit projects, existing system
6 maintenance, rural versus urban, flood protection, ag land
7 conversion, and the bypass proposals and other regional
8 issues.
9 Start off first by mentioning that, as many of
10 you know, the Board of Supervisors has a position of
11 opposition against proposals to expand the Yolo Bypass.
12 However, in March, staff recommended and the Board
13 approved a recommendation that we submit requests to DWR
14 and the State to fund Yolo County's participation and
15 staff resources so that the County can constructively
16 participate in any proposals to implement or design and
17 further refine the proposals to expand the bypass.
18 Specifically, on the bypass expansion issue, the
19 County is concerned that the plan needs to specify that
20 through 2012 through 2017 this is planning exercise.
21 There's some inconsistencies between the draft plan and
22 the project -- Programmatic EIR.
23 For example, the plan on page 433 states that the
24 intent to acquire lands to implement systemwide projects,
25 including extending and expanding the bypass system

1 between 2012 and 2017, while the EIR states that bypasses
2 quote could be modified, and makes clear that subsequent
3 environmental review is necessary.
4 It's Yolo County's understanding that the State
5 will not make a decision regarding the bypass expansion
6 until after the study is complete and the plan is updated
7 after 2017. The draft plan should clearly state this
8 intent.
9 Second, the State should not lump any study of
10 the Yolo Bypass expansion into a regional flood plan
11 process proposed for Yolo County and the sounding areas.
12 The bypass expansion is very complex and includes several
13 different stakeholder groups. Furthermore, there is
14 interesting interactions between the Yolo Bypass
15 conservation measure proposed under the Bay Delta
16 Conservation Plan, and the study of expanding The Yolo
17 Bypass that's considered by the Draft CVFPP.
18 Similar to the process that the Yolo Bypass
19 Conservation Measure is set up for the Yolo -- for that
20 project, there should be a separate group for considering
21 the Yolo Bypass expansion under the CVFPP.
22 Second, the Board appreciates staff's
23 recommendation and the testimony today regarding ag land
24 conservation. Specifically how crop damage and ag
25 conversion at -- losses to agricultural production were

not included as elements in the regional economic analysis in Attachment 8H.

Furthermore, we also appreciate the comment under the benefit assessment framework, 8I, that the attachment refers to qualitative benefits for enhanced agricultural sustainability without giving support to how this would be achieved. And it's very important to the County that impacts to agricultural productivity and conversion are considered in the plan.

With that stated, we think that the draft plan skirts this issue currently, and a more detailed discussion is necessary of the impacts of either converting or decreasing productivity of up to 40,000 acres under the CVFPP.

The proposed bypass expansions particularly would require new flooding easements on agricultural land and would impact agricultural productivity on these lands. Yolo County, for example, is in the process of completing a study of the agricultural impacts, including indirect economic impacts of flooding the Yolo Bypass more often for fish habitat. Such analyses are not covered by the Draft EIR, even though that document notes the potential for such impacts.

Consequently, the plan should mention the need for such analyses, and discuss means through which the

1 State will estimate and mitigate such agricultural
2 economic impacts as part of the project proposals.
3 Next comment is about the rural versus urban
4 standards of flood protection. Yolo County supports
5 100-year level of flood protection for small communities
6 and a separate standard for rural levees. Yolo County is
7 working with the Central Valley Flood Protection
8 Association to further work on proposals for rural levee
9 standards, as well as ensuring funding for rural levee
10 protection improvements.
11 As all of you have seen by driving up Interstate
12 5 from Sacramento presumably this morning, Yolo County has
13 historically directed its growth to cities and away from
14 the floodplain. As a result, the County has only two
15 legacy communities in the 100-year floodplain Knights
16 Landing and Clarksburg.
17 Unfortunately, despite significant savings to
18 State and federal government, in terms of flood protection
19 and costs for potential disasters through FEMA, Yolo
20 County has less money available to do the type of levee
21 improvements that might be feasible in an area like
22 Natomas.
23 As a result, the County requests that the plan
24 should incentivize the type of land-use planning that's
25 been historically prevalent in Yolo County, by providing

1 additional funding for rural levees and small communities
2 in these areas.
3 The last area for our comments are about
4 multi-benefit projects. The plan promotes multi-benefit
5 projects as a goal, but it does not adequately articulate
6 how these flood protection projects will incorporate these
7 multiple benefits.
8 For example, the expansion of the Yolo Bypass
9 could simultaneously provide additional fish habitat for
10 endangered salmon species, while impacting the habitat for
11 endangered Giant garter snake. The State should develop
12 criteria to make these types of decisions where the
13 tradeoffs include balancing benefits for aquatic species
14 against impacts to terrestrial species, for instance,
15 Swainson's Hawk, which would be a concern for the
16 conversion of lot of ag land as considered under the
17 CVFPP.
18 Finally, the plan takes credit for essentially,
19 and assumes ecological benefits of modifying the Fremont
20 Weir and expanding the Yolo Bypass by incorrectly assuming
21 that these benefits wouldn't occur absent the expansion of
22 the bypass.
23 For instance, as previously mentioned, the Bay
24 Delta Conservation Plan proposes increasing habitat for
25 certain fish species through seasonal flooding in the

bypass without a setback of levees. The plan should acknowledge that the ecological benefits it touts may well occur independently through other efforts under way that are unrelated to the plan.

Thank you for the opportunity to testify today.

PRESIDENT EDGAR: Chris, you're going to give us those written.

MR. LEE: Yes. We can submit those in writing. And we'll also have detail comments on the Draft Programmatic Environmental Impact Report.

PRESIDENT EDGAR: That would be great. We appreciate that. Those are very helpful comments. We have one more speaker before the break. I'm sorry. Jim is going to kill me over here. But we'd like to finish that up, first, before the break, if we could.

Thank you.

MR. MATTOS: Thank you for the opportunity to address the Board. And to make a correction, recent past president. My term -- I finally relinquished that position as of November 2011, but I was on the Board for 24 years.

And a couple things I'd like to address. I was a little bit surprised to come in here today thinking that

there might be a little more. And I know the plan is vague. And it's a systemwide EIR, but I thought there might be a little more defined plans as to what the Central Valley Flood Protection Plan consists of.

I read part of it, not all of it. They discuss possible 42 miles of levee, expansion of the bypass by, and I've heard, up to a mile in the Sacramento Bypass.

I would think that if these items have been discussed, and even in a vague plan, that we could have seen some -- a little more detail at least to what the plan might entail. Now, obviously, it's in a conceptual stage and it could be changed.

But to address some comments that were made earlier, emotions when you just see something out of the Sacramento Bee or other items that were presented to us, where you got a little shading that depicts that you might -- your properties might be engulfed as a flood zone, tends to raise the emotional level pretty high.

I'm a landowner, a third generation farmer, and my son farms with me. It's my vision to have him continue on with that. We are in the process of raising walnuts. We have three-year old trees. So it kind of bothers me to see a plan along this line without any definition possibly include my livelihood, my future, my son's future livelihood.

And these trees, like Mr. Lang spoke of earlier -- I mean, he's got an orchard that the trees are 45 years old. I'm three years into an orchard, if this plan comes within the next 10 or 15 years, I kind of wonder about the compensation if I had forced -- if I'm forced to deal with this, because it's not just the cost of the land and the investment that I've put into it, but I think to mitigate the potential of what this plan might do to farmers like myself and others that have spoke, a lot of consideration needs to be addressed and not only just maybe the current cost of the land, but the future revenue to these walnuts, that in my case, have not even started producing yet, but might produce for another 35, 40 years. So I'm concerned about mitigation along those lines.

And when you've asked for possible alternatives to what we've seen, now again, what we've seen either depicted in the newspaper and some of the other drawings are not reality, because we have no posters or no maps or anything that define this yet.

Based on the concept that we've seen, I can offer some alternatives, at least in the Elkhorn area. Again, we get back to that bottleneck at I-5 and the crossing there. In our area where they talk about expanding the potential -- expanding of the bypass to the east up

against County Road 22, which is the Sacramento River, flowing south to the Sacramento Bypass. Now, if that gets expanded, that would allow for the lowering of the Sacramento -- the headwater of the Sacramento River, and I think that's probably a good idea.

But to take in the Elkhorn area between I-5 at least south to the Sacramento Bypass, it seems to me, since it's -- once it gets to the Sacramento Bypass, it's got to be diverted westward to make its way around West Sacramento, that that just becomes an initial, like Mr. Lang said, pooling, but that really doesn't create any flow. Because once it probably fills up to its initial height, then the water, once it hits the Sacramento Bypass levee, whether it gets expanded or not still has to move to the west to go through the channel.

So that area in itself, I think, should be excluded from the plan, because it doesn't create flow. It creates some dead water space to initially probably displace some water. But in the long term of displacing the water through flow, I don't think it really adds much to the design.

And I believe, like some of the other folks that have spoke, we're getting rid of this water. And I think with the ongoing increased need for water, not just south, but to sustain agriculture in the Central Valley, as well

as our own area, we need to look, I think, more towards a channel to get rid of it, but basins or reservoirs or someway to retain the water for use throughout the year and not just trying to -- the flood control thing, I think there's a need for it, and I think we need to be responsible in the design of that, so that it works for everybody, but I think the retention of water, I think, also needs to be included in this somewhere along the line.

As a Board member, and the President of the Board who has been trying to comply with the State mandates and the Corps' mandates and especially since Katrina, a couple of comments. I think what -- my opinion on some of these flood control issues are we have the interim rules that we got placed under for maintaining district levees, because of mitigation.

And I think what we need to do is separate what we are trying to do in terms of the mitigation for wildlife or habitat and flood control, and decide are we doing flood control or are we doing habitat mitigation.

Every one of these channels that have these trees and brush in the bypass -- a gentlemen had a picture of it earlier today at the mouth of the Yolo Causeway, is it restricts water flow, backs it up, creates headwaters, where maybe they shouldn't be there. They might allow

them to flow out sooner.

So I think as much as I love the habitat, and I don't think there's a better steward of the land than somebody that has to live off of it, and to derive his livelihood, and I've lived on it for 61 years, born and raised on the ranch, and still farming today.

And I look outside my window, we have turkeys. We have coyotes. We have the wildlife. And I do everything I can to try and keep that, because I want my future generations to see it. So I understand the need for maintaining wildlife and creating habitat, but I don't think you should be doing them one within the other. I think you need to find another place to do this mitigation of wildlife and habitat and deal with the concept of providing flood control, and not trying to make the two mix when one complicates the other. And I thank the Board for allowing me to address you.

PRESIDENT EDGAR: Thank you, sir.

MR. ELLIS: Yes.

PRESIDENT EDGAR: There he is. And anybody else that wishes to speak are welcome to fill out some sign-in sheets, if we have.

MR. ELLIS: You caught me a little short. I didn't think I'd be the first one.

PRESIDENT EDGAR: You were the only one I really knew was going to talk on it. And thanks for staying, Tom. I appreciate it.

MR. ELLIS: You bet. Tom Ellis. I'm a landowner in the Grimes area of the Colusa Basin. And I'm glad Lynnel stayed, because, Lynnel, you had a lot of experience with the Sacramento River Conservation Area, as has Ms. Dolan. And my concern has to do with the cumulative impacts section of the EIR. And I would just comment that during the ag stewardship committee meeting in December of 2009, the issue of landowner assurances for a farmer whose farming operation is adjacent to an ecosystem restoration project and experiences wildlife intrusion on his property, resulting in crop losses, plan leadership, at that time, emphatically rejected the idea stating it was irrelevant, because this was a flood plan, not an ecosystem restoration plan. Therefore, I kind of -- the issue was dropped.

However, when I saw the draft plan that was

1 released in of December of 2011, it appeared to me to be
2 more of an ecosystem restoration plan than a flood plan.
3 This, in my mind, the landowner assurance issues came back
4 to front and center.
5 When the Draft Environmental Impact Report came
6 out, I noticed in the cumulative impacts portion,
7 regarding hazards and hazardous materials on page 4-43,
8 there was a discussion about birds. That's waterfowl and
9 shorebirds, near airports that could increase bird strike
10 hazards for aircraft. If this hazard was determined to be
11 significant, the project proponent would be required to
12 prepare and implement a wildlife hazard management plan,
13 and they identified that.
14 My question is why couldn't such a plan be used
15 to address wildlife problems affecting adjacent farming
16 operations? And the Sacramento River Conservation Area
17 folks had a difficult time. A lot of blood, sweat, and
18 tears was shed over this issue, because we got -- we were
19 able to develop all of the problems and the NGOs agreed,
20 that wildlife agencies agreed with some problems. We,
21 from the farmer's standpoint, and them from their
22 standpoint being neighbors to a farming operation. We
23 agreed on the problems.
24 But when it came to developing a grievance
25 procedure and then some kind of a funding mechanism to

provide funds to address these problems, we hit a stone wall, and I think Lynnel remembers that.

And so I'm thinking that maybe there's a way out of this, a way to address these. And I can assure you that if we could address this problem, it would certainly have an effect on my outlook toward the plan. So I think that we ought to look into that. And with those comments, Mr. Chairman, I'm finished, but I wanted to bring that to your attention.

PRESIDENT EDGAR: Thanks, Tom. That's very helpful.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-3	While the Board of Supervisors supports developing a comprehensive plan, we have a serious concern with one proposed project in the CVFPP. The project of concern is the proposed Feather River Bypass and its effect on agricultural operations in the area along Cherokee Canal. The project, as described in the CVFPP, proposes to widen the existing Cherokee Canal that runs from the Shippee Road/Highway 99 area to the Butte Basin Overflow Area (BBOA) by adding a new levee (no side is indicated), improving the remaining existing levee and constructing an inlet structure to the bypass from the Thermalito Afterbay. The proposed bypass has not been fully vetted to determine the cost/benefit of the proposed project and its environmental and economic effects on surrounding properties. The proposed project appears to have been inserted in the CVFPP so as to have the project listed in the plan for future funding. The County believes that this is premature and that further analysis needs to be done before such a project is included in the CVFPP. County Public Works staff was involved in the scoping of projects in our area concerning projects that we felt needed to be addressed in the CVFPP, and this project was never discussed. County Public Works staff has provided comments to DWR in the past and during scoping meetings regarding the needed improvements to the Cherokee Canal to allow it to more efficiently carry the current flows that it is subject to. There have been a number of studies that document the need to improve the carrying capacity of the Cherokee Canal that would provide a basis for including this type of project in the CVFPP.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.4.4	3-12	Here there are two facilities that may affect Butte County that are described to be removed. It is not clear from the description exactly where they are located. The County would ask that these facilities be better identified so that we can more fully analyze the impacts to Butte County. The second location that is described appears to be close to the north end of the Butte Basin Overflow Area (BBOA) where there are two structures that allow the Sacramento River, when the gage at the Ord Ferry Bridge is at 114 feet or better, to overflow and inundate the BBOA. Those two locations are referred to as the "Murphy Plug" and the "3B's". The County has commented in the past that during high river flow events the 3B's overflow area erodes and thus lowers the effective weir height of the structure. The lowering of the structure height in turn increases the frequency of "nuisance" flooding of the upper end of the BBOA. This nuisance flooding not only inundates the agricultural lands in this area longer than normal but reduces the holding capacity of the BBOA when it is needed for major flood events. The County has recommended in the past and continues to recommend that this structure be reinforced and maintained to prevent erosion during major flood events and thus eliminate the nuisance flooding and reduced capacity of the BBOA.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-5	The County is pleased to see that the State has recognized the need to improve the levee system that protects the City of Chico and the urban areas of the County surrounding Chico from flooding caused by the streams that are in the Chico area. The improvement to an urban level of protection will be of significant benefit to residents in both the City and the surrounding County areas. These streams and their associated drainage basins have been extensively studied over the years by Butte County, State and Federal agencies.

Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.2	3-8	Another project the County supports is levee improvements along the west side of the Feather River that protect the Yuba City and City of Marysville urban areas. A portion of these levees is located in Butte County and also provide protection to the cities of Gridley and Biggs. These levees have been identified for improvement by the Sutter Butte Flood Control Agency (SBFCA) of which the County is a member. SBFCA was formed in 2010 and an assessment voted on and approved by the property owners in the Agency boundary to fund the improvements. SBFCA is currently preparing designs and environmental studies for the First Phase of this major project with construction to begin in 2013. The inclusion of this project in the CVFPP would allow it to possibly be eligible for additional state and federal funding which would help to reduce the overall assessment for the affected property owners for the construction.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.3	3-10	In Section 3.3 Small Community Flood Protection, Page 3-10 the plan states that "Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas." It would be helpful if the plan identified the communities that would benefit from these improvements. The County believes that the cities of Gridley and Biggs would benefit from the improvements to the Feather River levees being targeted for improvements by the Sutter Butte Flood Control Agency to provide urban protection for the Yuba City and Marysville urban areas.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.4	3-10	Section 3.4 Rural-Agricultural Area Flood Protection, Page 3-10 identifies levee improvements that protect these rural areas. The County is supportive of improvements to the State Plan of Flood Control (SPFC) and Non-SPFC levees that protect the agricultural areas of Butte County. Agriculture is the main economic engine in Butte County and improvements that would protect this vital industry are important to the County. The County does have some reservation, though, about statements in this section of the plan that talks about restoration of "shaded riparian aquatic habitat, wetlands, or other habitat." There needs to be more specifics about what this restoration entails and the potential impacts to neighboring agricultural operations.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.1	3-14	Section 3.5.1 Weir and Bypass System Expansion, Page 3-14. There is a reference to modifications to the Butte Basin Overflow Area. There should be more specificity as to what these modifications are.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.3	3-15	The Intake structure for the proposed Feather River Bypass and the Butte Basin small weir structures are listed but no details are given as to where these are to be or are located. The County does not support the Feather River Bypass as stated above and would therefore recommend that this be taken out of the CVFPP as stated above. As for the Butte Basin structures without specifics as to what structures the plan is referring to we cannot fully comment on the proposal.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.4	3-16	There is a discussion in this section about "Transitory Storage". It is not clear if this involves the storage in the BBOA.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.5.7	3-18	
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP	3.7	3-22	In the area of "Fish Passage Improvements" the Big Chico Creek system is listed as a proposed stream. It is not clear what improvements are being contemplated for this system and how they would impact the ability of the system to carry high flows and not flood surrounding properties.
Thomas Fossum	County of Butte	Tfossum@buttecounty.net	CVFPP			See attached letter from the Butte County Board of Supervisors as the complete set of Comments from the County of Butt on the CVFPP.

BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE, SUITE 200 - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

BILL CONNELLY
First District

LARRY WAHL
Second District

MAUREEN KIRK
Third District

STEVE LAMBERT
Fourth District

KIM K. YAMAGUCHI
Fifth District

April 10, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft 2012 Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the Butte County Board of Supervisors, I am writing this letter to provide the County's comments on the Draft 2012 Central Valley Flood Protection Plan (CVFPP). Butte County supports a process to develop a comprehensive plan for the provision of flood protection for the Sacramento-San Joaquin (Central Valley). It is important to the citizens of Butte County that proper facilities are provided to protect both people and their personal property from the effects of flooding. However, the County has several concerns which are shown below.

Proposed Feather River Bypass (Cherokee Canal)
While the Board of Supervisors supports developing a comprehensive plan, we have a serious concern with one proposed project in the CVFPP. The project of concern is the proposed Feather River Bypass and its effect on agricultural operations in the area along Cherokee Canal. The project, as described in the CVFPP, proposes to widen the existing Cherokee Canal that runs from the Shippee Road/Highway 99 area to the Butte Basin Overflow Area (BBOA) by adding a new levee (no side is indicated), improving the remaining existing levee and constructing an inlet structure to the bypass from the Thermalito Afterbay. The proposed bypass has not been fully vetted to determine the cost/benefit of the proposed project and its environmental and economic effects on surrounding properties. The proposed project appears to have been inserted in the CVFPP so as to have the project listed in the plan for future funding. The County believes that this is premature and that further analysis needs to be done before such a project is included in the CVFPP. County Public Works staff was involved in the scoping of projects in our area concerning projects that we felt needed to be addressed in the CVFPP, and this project was never discussed. County Public Works staff has provided comments to DWR in the past and during scoping meetings regarding the needed improvements to the Cherokee Canal to allow it to more efficiently carry the current flows that it is subject to. There have been a number of studies that document the need to improve the carrying capacity of the Cherokee Canal that would provide a basis for including this type of project in the CVFPP. Therefore, the County requests that the CVFPB eliminate the Feather River Bypass from the CVFPP and instead include a project that will make necessary improvements to the existing

Cherokee Canal.

Proposed Changes to the Butte Basin Overflow Area and its Associated Facilities
In Section 3.4.4 Removal of State Plan Flood Control Facilities, Page 3-12, there are two facilities that may affect Butte County that are described to be removed. It is not clear from the description exactly where they are located. The County would ask that these facilities be better identified so that we can more fully analyze the impacts to Butte County.

The second location that is described appears to be close to the north end of the Butte Basin Overflow Area (BBOA) where there are two structures that allow the Sacramento River, when the gage at the Ord Ferry Bridge is at 114 feet or better, to overflow and inundate the BBOA. Those two locations are referred to as the "Murphy Plug" and the "3B's". The County has commented in the past that during high river flow events the 3B's overflow area erodes and thus lowers the effective weir height of the structure. The lowering of the structure height in turn increases the frequency of "nuisance" flooding of the upper end of the BBOA. This nuisance flooding not only inundates the agricultural lands in this area longer than normal but also reduces the holding capacity of the BBOA when it is needed for major flood events. The County has recommended in the past and continues to recommend that this structure be reinforced and maintained to prevent erosion during major flood events and thus eliminate the nuisance flooding and reduced capacity of the BBOA. The County recommends that theses improvements be reflected in the CVFPP so that should funding become available the project can be completed.

In addition the County recently received a letter from the M&T Chico Ranch dated April 4, 2012 directed to Ms Mary Anne Hadden with DWR (Copy attached) concerning issues with the levees and structures like the 3B's that provide flow splits from the Sacramento River to the BBOA. The County is in full support of the points raised in the M&T letter and thus incorporates them into our own recommendations.

Proposed Improvements to the Chico Urban Levee System
The County is pleased to see that the State has recognized the need to improve the levee system that protects the City of Chico and the urban areas of the County surrounding Chico from flooding caused by the streams that are in the Chico area. The improvement to an urban level of protection will be of significant benefit to residents in both the City and the surrounding County areas.

These streams and their associated drainage basins have been extensively studied over the years by Butte County, State and Federal agencies. Therefore, the County strongly supports the proposed improvements to the levee system that protects the City of Chico and the surrounding County urban areas.

Proposed Improvements to the West Bank Levees of the Feather River
Another project the County supports is levee improvements along the west side of the Feather River that protect the Yuba City and City of Marysville urban areas. A portion of these levees is located in Butte County and also provide protection to the cities of Gridley and Biggs. These levees have been identified for improvement by the Sutter Butte Flood Control Agency (SBFCA) of which the County is a member. SBFCA was formed in 2010 and an assessment voted on and approved by the property owners in the Agency boundary to fund the improvements. SBFCA is currently preparing designs and environmental studies for the First Phase of this major project with construction to begin in 2013. The inclusion of this project in the CVFPP would allow it to possibly be eligible for additional state and federal funding which would help to reduce the overall assessment for the affected property owners for the construction. Therefore the County strongly supports this project and encourages the DWR to identify funds that could be used to assist in completing this important project.

Other Comments

In addition to these four major items there are a number of other items in the plan that the County has comments on and they are as follows:

1. In Section 3.3 Small Community Flood Protection, Page 3-10 the plan states that "Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas." It would be helpful if the plan identified the communities that would benefit from these improvements. The County believes that the cities of Gridley and Biggs would benefit from the improvements to the Feather River levees being targeted for improvements by the Sutter Butte Flood Control Agency to provide urban protection for the Yuba City and Marysville urban areas. It would be helpful if there was a chart in the plan that identifies these small communities so that the County could support this aspect of the plan.

2. Section 3.4 Rural-Agricultural Area Flood Protection, Page 3-10 identifies levee improvements that protect these rural areas. The County is supportive of improvements to the State Plan of Flood Control (SPFC) and Non-SPFC levees that protect the agricultural areas of Butte County. Agriculture is the main economic engine in Butte County and improvements that would protect this vital industry are important to the County.

   The County does have some reservation, though, about statements in this section of the plan that talks about restoration of "shaded riparian aquatic habitat, wetlands, or other habitat." There needs to be more specifics about what this restoration entails and the potential impacts to neighboring agricultural operations. The County does not support any restoration plan that would remove existing agricultural land from production to create these restored areas.

3. Section 3.5.1 Weir and Bypass System Expansion, Page 3-14. There is a reference to modifications to the Butte Basin Overflow Area. There should be more specificity as to what these modifications are. The County's comments on the BBOA and the 3B's above would also be applicable here.

4. Section 3.5.3 Flood System Structures, Page 3-15. The Intake structure for the proposed Feather River Bypass and the Butte Basin small weir structures are listed but no details are given as to where these are to be or are located. The County does not support the Feather River Bypass as stated above and would therefore recommend that this be taken out of the CVFPP as stated above. As for the Butte Basin structures without specifics as to what structures the plan is referring to we cannot fully comment on the proposal. If they include the BBOA and 3B's facility commented on above then the County can support the proposal.

5. Section 3.5.4 Flood Storage, Page 3-16. There is a discussion in this section about "Transitory Storage". It is not clear if this involves the storage in the BBOA. If it does not than the County's comments concerning the BBOA and 3B's above are applicable.

6. Section 3.5.7 Features to Mitigate Potential Flood Storage Increases, Page 3-18. The County's comments on the BBOA and 3B's would be applicable to this issue.

7. Section 3.7 Integrated Ecosystem Restoration Opportunities with Flood Risk Reduction Projects, Page 3-22. In the area of "Fish Passage Improvements" the Big Chico Creek system is listed as a proposed stream. It is not clear what improvements are being contemplated for this system and how they would impact the ability of the system to carry high flows and not flood surrounding properties. If these proposed restoration improvements in any way diminish the carrying capacity of Big Chico Creek, the County would not support these improvements.

Thank you for your consideration in this matter. The County appreciates the public outreach that DWR and the CVFPB staff have given this planning effort and the Board and staff of the County look forward to continuing that same collaborative effort.

Sincerely,

Steve Lambert, Chair
Butte County Board of Supervisors

cc: Paul Hahn, Butte County Chief Administrative Officer
Bruce Alpert, Butte County Counsel
Tim Snellings, Director Butte County Department of Development Services
Mike Crump, Director Butte County Public Works Department
Richard Price, Butte County Agricultural Commissioner
Paul Gosselin, Director Butte County Water and Resource Conservation Department

M & T CHICO RANCH · 3964 CHICO RIVER ROAD · CHICO · CALIFORNIA 95928 · (530) 342-2954 · FAX (530) 342-4138

April 4, 2012

Index No. 183

Mr. Bill Edgar, Chair, CVFPP
c/o Mary Ann Hadden
DWR, Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Dear Mr. Edgar:

This is being written to request correction of an omission in the CVFPP. In 1964 the State Reclamation Board ordered levees to be degraded in Butte County so Sacramento River flood waters could flow into the Butte Basin thus relieving pressure on the "project levees" from R.M. 172 south. The Reclamation Board ordered M&T Ranch to lower its levee so 60,000 cfs of flood water would flow into the Butte Basin. Since 1964 the State DWR and USACE have spent a great deal of money maintaining and rocking the M&T Weir site and the levees in the area that insure the flood water "flow splits" into the Butte Basin. A serious bank erosion problem has been developing at R.M. 192.4 (Phelan Levee) on the east bank of the Sacramento River. If the Phelan Levee is compromised additional and uncontrolled flood waters will enter the Butte Basin.

The State DWR insists the Phelan Levee is a private levee and has assumed no responsibility for it.

The California Water Code 8361 (p) instructs DWR to maintain structures including flood relief structures and weirs in our area of the M&T Weir Structure (all the way to R.M. 193 where Big Chico Creek meets the Sacramento River). In 1989 Army Corps of Engineers design memoranda states the Phelan Levee is a component of the flood control system which maintain the proper flow split between the Sacramento River Flood Control Project levees and the overflow areas east of the river.

In Phase 1 of the CVFPP meeting, Jeremy Arrich, Chief of the CVFPP, wrote a letter on September 1, 2010 (attached) to Mike Crump, Butte County's Director of Public Works. In this letter Mr. Arrich indicated his plan to advance the issue of extending the project limits north to Chico Landing (R.M. 193) through the development of the CVFPP

In reviewing the E.I.R. for the CVFPP there is no mention of protecting the facilities that maintain the flow splits into the Butte Basin. In the 2012 CVFPP E.I.R. pages 3. 13-12, the Sacramento River Bank Protection Project is detailed as being from Chico Landing to the Goose Lake Flood Relief Structure. The Phelan Levee on the east bank and between Chico Landing and the M&T FRS is not listed as being a component of the CVFPP. It needs to be specifically listed as a component of the CVFPP.

Taking responsibility and protecting these facilities that deliver the design flood flows to the Butte Basin would affirm and protect transportation, commerce and flood safety in Butte County and protect central valley agriculture, retain agricultural uses long-term, maintain a rural levee standard and avoid redirected impacts and unintended consequences.

FARM DOLLARS AT WORK

RECEIVED

APR 06 2012

County of Butte
Department of Public Works

Please include the permanent facilities between the M&T FRS and Chico Landing as critical infrastructure and a component of the Central Valley Flood Protection Plan.

Sincerely,

Les Heringer
Manager

Enclosures

CC: Steve Lambert, Chair, Butte County Board of Supervisors
Mike Crump, Director, Butte County Public Works Department
Stuart Edell, Butte County Public Works Department

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PLANNING OFFICE
3464 EL CAMINO AVENUE, SUITE 150
SACRAMENTO, CA 95821
FAX (916) 574-1053

SEP 01 2010

Mr. Mike Crump, P.E.
Butte County Director of Public Works
7 County Center Drive
Oroville, California 95965-3397

Dear Mr. Crump:

I am writing to thank you and Mr. Stuart Edell for your interest, input and participation in the Central Valley Flood Protection Plan (CVFPP) development process over the past year, and look forward to continued engagement by yourselves and other Butte County representatives as we move forward. We appreciated your January 8, 2010 letter on Butte Basin overflow at the 3B's location, and Mr. Edell's February 25 and May 20, 2010 letters providing comments on the draft State Plan of Flood Control (SPFC) Descriptive Document and the draft Regional Conditions Report, respectively.

We are in the process of revising the SPFC Descriptive Document to address comments received for the January 2010 draft, including yours related to the criteria and characterization of SPFC as defined in Public Resources Code Section 5096.805. We anticipate the report to be released in fall 2010, and we hope that you would be able to review the document to confirm that your concerns have been properly addressed. In addition, as we have discussed in the Regional Conditions Work Group meetings, the Regional Conditions Report is a working document and its content and suggested revisions will be incorporated in future work products where appropriate.

The State recognizes the importance of the Butte Basin Overflow Area (BBOA) to the functioning of the Sacramento River Flood Control Project, and we would like to have further discussion with you on your specific comments and concerns. Our Central Valley Flood Planning Team staff will be contacting you and Mr. Edell to schedule a meeting in the near future. In the meantime, we would like to respond to some of your major concerns related to the BBOA.

We agree with you and Mr. Edell that the BBOA is important and necessary for the protection of the Sacramento River Flood Control Project downstream. As referenced in your letters, in December 1986 The Reclamation Board (now, the Central Valley Flood Protection Board) certified the Environmental Impact Report (EIR) for the Plan of Flood Control for the Butte Basin Overflow Area (1986 Plan), and concurrently

RECEIVED
SEP 03 2010
COUNTY OF BUTTE
ND DEVELOPMENT DIV.

approved a State construction project to define and establish the M&T and Goose Lake Flood Relief Structures. Subsequently, the State implemented the "Overbank Flow Element" of the 1986 Plan. The U.S. Army Corps of Engineers (Corps) implemented many features of the "Channel Stabilization Element" of the Plan by constructing several bank protection sites during the late 1980's. Since 1987, the State has been responsible for maintenance of the State-constructed overbank flow features and the Corps-constructed channel stabilization features of the 1986 Plan.

We recognize that since the mid-1990's, the Corps has not considered the BBOA to be part of the Sacramento River Flood Control Project, leading to a recommendation in the 1997 report by the Governor's Flood Emergency Action Team (FEAT), which urged the Corps to:

> "formally recognize the importance of the Butte Basin Overflow Area by adopting the overflow and bank protection features into the Sacramento River Flood Control Project, extending the project limits north to Chico Landing to match the limits of the Sacramento River Bank Protection Project, and approving a plan of flood control for the Butte Basin Overflow Area reach of the river".

We plan to advance the issue through the ongoing development of the CVFPP. Consistent with Water Code Section 9611, there would be opportunities (based on the outcome of plan development) for recommending addition of facilities to or removal of facilities from the SPFC. Your input and additional insights are welcome and beneficial in the evaluation. I look forward to more in-depth discussion with you on these issues.

Another topic discussed extensively in all three letters from Butte County is the 3B's Overflow Area. There have been many meetings among representatives of the State, Corps, local government entities, and private landowners over the past several years to facilitate local resolution of this issue. The December 1986 EIR for the BBOA prepared for The Reclamation Board references 3B's as one of three "definitive areas for flood water diversion". However, no construction work was necessary at 3B's in order to

meet the State's objectives to implement the Plan of Flood Control because a natural overflow had been created there due to the breach of the private "Wright Levee" during previous high water years.

While the 1986 Plan found no State interest in construction at the 3B's site, local concerns were addressed by providing specific "not to exceed" elevations and dimensions on page B-11 of the 1986 EIR that private landowners might use to petition the Board for their construction of a private levee along the river to prevent nuisance overbank flooding at the lower river flows which are not threatening to the Sacramento River Flood Control Project. In addition, as part of the ongoing planning process, we will look into associated facilities to be added or removed from the SPFC as legislatively mandated. We will assess facilities for addition or removal in your area, as well as throughout the system, as part of Phase 3 and 4 of the CVFPP development process.

In conclusion, we recognize the challenges in reaching a common understanding of the BBOA, including internal distribution of flows during various flow levels and its operation and proper functioning with respect to the overall flood protection system. The information provided in Butte County's letters and subsequent discussions will be carefully considered in our upcoming evaluations of the CVFPP and used to help formulate potential management actions and solutions to identified problems. We look forward to working further with you and your staff on this important planning process.

As mentioned earlier, we will be contacting you to arrange a meeting of our staffs to go over your detailed comments. If you have any questions, please contact Ms. Michele Ng of this office at (916) 716-1913.

Sincerely,

ORIGINAL SIGNED BY

Jeremy Arrich, Chief
Central Valley Flood Planning Office
Division of Flood Management

cc: Ms. Jane Dolan
196 Memorial Way
Chico, California 95926

Ms. Kim Yamaguchi
747 Elliott Road
Paradise, California 95969

Mr. Steve Lambert
3159 Nelson Avenue
Oroville, California 95965

Mr. Bill Connelly
5280 Lower Wyandotte Road
Oroville, California 95966

Ms. Maureen Kirk
Post Office Box 1087
Chico, California 95927

Mr. Stuart Edell
7 County Center Drive
Oroville, California 95965-3397

Mr. Merritt Rice
DWR
Central Valley Flood Planning Office
3464 El Camino Avenue, Suite 150
Sacramento, California 95821

Mr. Dan McManus
DWR
Special Investigations Branch
2440 Main Street
Red Bluff, California 96080

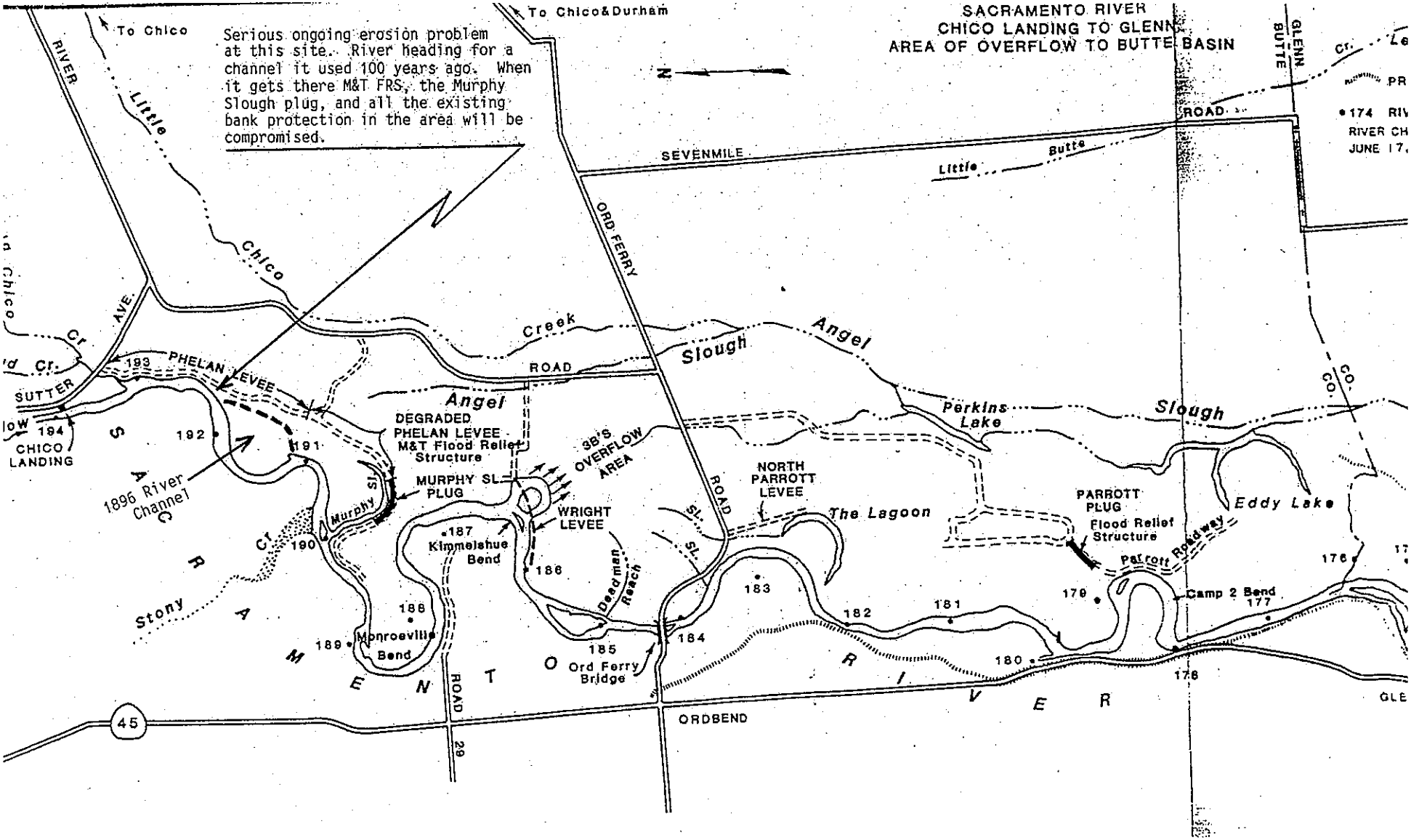
Mr. Roger Putty
MWH
Upper Sacramento Work Group
3321 Power Inn Road, Suite 300
Sacramento, California 95826

Mr. Scott Rice
2870 Gateway Oaks Drive, Suite 300
Sacramento, California 95833

Mrs. Michele Ng
DWR
Central Valley Flood Planning Office
3464 El Camino Avenue, Suite 150
Sacramento, California 95821

Mr. Les Heringer
M&T Ranch
3964 River Road
Chico, California 95928

Mr. Jason Larrabee
Post Office Box 172
Butte City, California 95920


SACRAMENTO RIVER
CHICO LANDING TO GLENN
AREA OF OVERFLOW TO BUTTE BASIN
Serious ongoing erosion problem at this site. River heading for a channel it used 100 years ago. When it gets there M&T FRS, the Murphy Slough plug, and all the existing bank protection in the area will be compromised.
To Chico
To Chico&Durham
N
RIVER
Little
Chico
Creek
Angel
Slough
Perkins Lake
Eddy Lake
The Lagoon
SEVENMILE
ROAD
Little Butte
GLENN BUTTE
ORD FERRY
ROAD
SUTTER
AVE.
PHELAN LEVEE
CHICO LANDING
1896 River Channel
DEGRADED PHELAN LEVEE
M&T Flood Relief Structure
MURPHY SL PLUG
Murphy SL
38's OVERFLOW AREA
WRIGHT LEVEE
Kimmelshue Bend
Monroeville Bend
Deadman Reach
Ord Ferry Bridge
NORTH PARROTT LEVEE
PARROTT PLUG
Flood Relief Structure
Parrott Roadway
Camp 2 Bend
Stony Cr.
SACRAMENTO RIVER
ORDBEND
29
45
174
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194

Index No. 183

Moricz, Nancy

From: Donna Critchfield [dcritchfield@frontiernet.net]
Sent: Friday, April 13, 2012 12:00 PM
To: Cvfpp_Comments

Dear Ms. Moricz:

As a resident of the Sacramento Valley, I understand the need for flood control and protection. I do not understand why it is necessary for those of us who live in rural communities to sacrifice to benefit those who live in metropolitan areas. Are the lives of rural dwellers less valuable than the lives of city dwellers? Is the economic viability of agricultural production less important than industrial production?

As a member of the Colusa City Council, I have grave concern for the welfare of our city if the waters of Cherokee Canal are diverted to flow into the Sacramento River. The City of Colusa depends on revenue generated by agriculture, hunting and fishing. If excess water floods the farms and hunting grounds, this city will lose most of its tax revenue generated by those activities, not to speak of loss of life for those in the flooded areas.

The city of Colusa is comprised of 2300 households. Of those household, 51% qualify as low and very low income under federal guidelines. We have already faced upgrade of our wastewater treatment facility. Replacement of municipal wells for drinking water is imminent and expected in two to three
years. To add further burden to repair and strengthen our levees, at your current projected cost and timeline, is more than we can expect residents to pay. Our state and federal government must arrive at a solution to the economic strain this project is placing on all residents of small, rural communities.

My further concern has to do with the fact that there was no public participation in the development of Parts 3 & 4 and the appendices to your plan.

It seems that meeting the July 1 deadline for implementation has over shadowed the need for public input from those who have experienced flood waters in this area, and has ignored the value of their wisdom; while also apparently disregarded the risk of economic ruin to one of the most valuable agricultural areas in this state. Loss of crops in this county will severely and adversely affect our state and national economies.

I urge you to request extension of the July 1 deadline and reestablish your original plan to secure public input on the later parts of your plan. It is more important to have a well designed, logical and functional long range plan based on fact and experience, than to risk lives and livelihood of rural areas. Please delay implementation of this plan as it is currently written.

Yours very truly,
Donna Critchfield

Sutter Butte Flood Control Agency
1227 Bridge Street, Suite C
Yuba City, CA 95991
(530) 870-4425
sutterbutteflood.org

Counties
Butte County
Sutter County

Cities
City of Biggs
City of Gridley
City of Live Oak
City of Yuba City

Levee Districts
Levee District 1
Levee District 9

April 13, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Re: Comments on the Draft Central Valley Flood Protection Plan & Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

The Sutter Butte Flood Control Agency (Agency) is a joint powers authority of Butte and Sutter Counties, the Cities of Yuba City, Live Oak, Gridley, and Biggs, and Levee Districts 1 and 9. The Agency is participating in three different efforts which interface with the Central Valley Flood Protection Plan (CVFPP or Plan).

First, the Agency is the lead on the Feather River West Levee Project, an aggressive effort to rehabilitate 37 miles of Feather River levee from the Theramalito Afterbay south to Star Bend. This $270 million project will be funded through the Agency's assessment of more than 34,200 properties, and approximately $200 million in funds to be provided by the California Department of Water Resources (DWR).

An interrelated and equally important effort, still in the development stage, is a project in partnership with DWR to protect the rural, southern portions of the basin to the equivalent of 100-year flood protection. This project will also be funded with the Agency's assessment. The Agency has completed preliminary design studies from Star Bend to the confluence of the Feather River and Sutter Bypass. The Agency is looking forward to the development of a rural levee program by DWR under the CVFPP to obtain funding for work on the rural levees.

The final effort is the Agency's participation in the Sutter Basin Feasibility Study as a non-federal sponsor along with the State. This is a Federal study in which the U.S. Army Corps of Engineers (Corps) evaluates and recommends a project to provide greater levels of flood protection for the basin.

The Agency's Board of Directors voted on April 11 to support adoption of the Plan so that the State of California can partner with the Agency on the completion of its critical projects. In adopting and implementing the Plan, the Agency's Board of Directors believes that the Central Valley Flood Protection Board and DWR must respect and advance the following principles:

1. The Plan must make parallel investments in urban, small community, and rural levees, ensuring that all have an opportunity to "get better together."

2. The Plan must continue to promote the use of significant State funds for investments in urban levees, defined as levees which cumulatively protect more than 10,000 people, including the communities of Yuba City, Live Oak, Biggs, and Gridley. In the case of the Sutter Basin, the Feather River West Levee Project includes the design and construction work required for those Feather River urban levees.

3. In order to respect and protect agriculture, and in recognition of the essential role of agriculture in the Valley and the State, the Plan must include a State commitment to develop a rural levee standard. The State must also commit to promptly create a rural levee grant program which can be used to repair the most critically deficient rural levee segments.

4. The Plan must ensure that flood damage reduction remains the preeminent goal of the Plan with ecosystem restoration as only a supporting goal. This means that as to existing facilities, the State must work to maximize and enhance flood flows through these existing channels and bypasses before pursuing additional or expanded bypasses. This also means that funds allocated through the implementation of the Plan must be consistent with this preeminent goal.

5. The Plan must continue the State practice of paying a higher cost-share for economically disadvantaged communities, such as those within the Sutter Basin.

6. The Plan must acknowledge the State's existing legal obligations for the Sutter Bypass levees and channel, as those facilities provide system-wide benefits. The Plan must therefore provide for significant State investment in those facilities.

7. The Plan must include a State commitment to work with the Agricultural Floodplain Management Alliance (of which SBFCA is a member) to influence Federal floodplain laws and regulations to allow for the continued vitality of agriculture in a FEMA floodplain.

8. The Plan should pursue alternatives to the Corps for Federal participation in funding for flood management projects.

9. The Plan should be responsive and respectful of the tremendous financial commitment made by the Agency's assessment district and the commensurate public support for the SBFCA FRWLP as envisioned prior to issuance of the Plan.

10. The Plan must be built on trust. Trust is built by including a prominent role for local agencies, such as SBFCA, to participate in regional workgroups to develop and influence which projects should be pursued for the region; DWR should fund the activities of these workgroups. DWR must also ensure prompt adoption of new guidelines to fund construction (both urban and rural) for projects to be implemented under the Plan, and must respect the bottom-up process for the development and selection of these projects.

11. Agriculture can provide significant habitat value while still remaining an economically productive use of land and as such is a preferred use of setback and bypass areas.

12. While SBFCA understands the State's desire to add capacity to the State's bypass system, SBFCA has significant concerns regarding the proposed Feather River Bypass (via an expanded Cherokee Canal) because of potential hydraulic, economic, agricultural and environmental impacts. Therefore, before any funds are invested in pursuit of such a project, SBFCA believes that extensive study is needed to justify the benefits of a Feather River Bypass in light of what appear to be massive costs. As a related concept, the Plan should direct DWR to evaluate whether comparable benefits can be attained with changes to the spillway and outlet facilities at Oroville Reservoir (including a raise), such as the DWR's and the CVFPB's implemented plan for Folsom Reservoir. Further, any proposed project must ensure that: (1) impacts to agriculture, businesses, and local tax revenues are fully mitigated; (2) hydraulic and associated risk impacts on the Sutter Bypass levees

are fully considered and mitigated, including corresponding rehabilitation or improvements to the east and west levees of the Sutter Bypass; (3) SBFCA is not subject to, or is compensated for, any environmental mitigation that would result; (4) a bypass project does not delay implementation of, or divert funding from, high priority regional projects such as the Feather River West Levee Project and a rural levee program; and (5) the new facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream in a manner which is greatly improved from current practice. SBFCA has also previously presented DWR with an engineering study which demonstrates the necessity and scope of SBFCA's Feather River West Levee Project whether or not a Cherokee Canal Bypass is constructed.

13. SBFCA understands that the Plan promotes expansion of the Sutter and Yolo Bypasses as a way to provide system-wide benefits. While SBFCA supports the idea of system-wide benefits, before construction of new or widened facilities DWR must ensure that the existing facilities are operated in a manner which maximizes the potential flood protection benefits. This is essential in light of the devastating impact that such expansion can have on local farming operations and the greater local economy. Therefore, any such expansion must ensure that: (1) DWR mitigates any impacts to agriculture, business, and local tax revenues; (2) DWR mitigates hydraulic impacts on adjacent and downstream levees; (3) the projects reflect a minimal local cost-share which is in accord with the State's statutory obligations for those levees; (4) the expanded facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream; (5) the expanded bypass is still available for sustainable and financially viable agriculture; and (6) bypass expansions should be prioritized so that downstream work occurs first to maximize benefits and minimize hydraulic impacts.

14. The State should prioritize its limited present and future revenues toward physical improvements to the system, rather than costly studies and planning processes.

If you have any questions regarding the content of this letter, please contact me or General Counsel Scott Shapiro.

Sincerely,

Michael Inamine
Acting Executive Director
Sutter Butte Flood Control Agency
m.inamine@sutterbutteflood.org

Cc: SBFCA Board of Directors

BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE, SUITE 200 - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

BILL CONNELLY
First District

LARRY WAHL
Second District

MAUREEN KIRK
Third District

STEVE LAMBERT
Fourth District

KIM K. YAMAGUCHI
Fifth District

April 10, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft 2012 Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the Butte County Board of Supervisors, I am writing this letter to provide the County's comments on the Draft 2012 Central Valley Flood Protection Plan (CVFPP). Butte County supports a process to develop a comprehensive plan for the provision of flood protection for the Sacramento-San Joaquin (Central Valley). It is important to the citizens of Butte County that proper facilities are provided to protect both people and their personal property from the effects of flooding. However, the County has several concerns which are shown below.

Proposed Feather River Bypass (Cherokee Canal)
While the Board of Supervisors supports developing a comprehensive plan, we have a serious concern with one proposed project in the CVFPP. The project of concern is the proposed Feather River Bypass and its effect on agricultural operations in the area along Cherokee Canal. The project, as described in the CVFPP, proposes to widen the existing Cherokee Canal that runs from the Shippee Road/Highway 99 area to the Butte Basin Overflow Area (BBOA) by adding a new levee (no side is indicated), improving the remaining existing levee and constructing an inlet structure to the bypass from the Thermalito Afterbay. The proposed bypass has not been fully vetted to determine the cost/benefit of the proposed project and its environmental and economic effects on surrounding properties. The proposed project appears to have been inserted in the CVFPP so as to have the project listed in the plan for future funding. The County believes that this is premature and that further analysis needs to be done before such a project is included in the CVFPP. County Public Works staff was involved in the scoping of projects in our area concerning projects that we felt needed to be addressed in the CVFPP, and this project was never discussed. County Public Works staff has provided comments to DWR in the past and during scoping meetings regarding the needed improvements to the Cherokee Canal to allow it to more efficiently carry the current flows that it is subject to. There have been a number of studies that document the need to improve the carrying capacity of the Cherokee Canal that would provide a basis for including this type of project in the CVFPP. Therefore, the County requests that the CVFPB eliminate the Feather River Bypass from the CVFPP and instead include a project that will make necessary improvements to the existing

Cherokee Canal.

Proposed Changes to the Butte Basin Overflow Area and its Associated Facilities
In Section 3.4.4 Removal of State Plan Flood Control Facilities, Page 3-12, there are two facilities that may affect Butte County that are described to be removed. It is not clear from the description exactly where they are located. The County would ask that these facilities be better identified so that we can more fully analyze the impacts to Butte County.

The second location that is described appears to be close to the north end of the Butte Basin Overflow Area (BBOA) where there are two structures that allow the Sacramento River, when the gage at the Ord Ferry Bridge is at 114 feet or better, to overflow and inundate the BBOA. Those two locations are referred to as the "Murphy Plug" and the "3B's". The County has commented in the past that during high river flow events the 3B's overflow area erodes and thus lowers the effective weir height of the structure. The lowering of the structure height in turn increases the frequency of "nuisance" flooding of the upper end of the BBOA. This nuisance flooding not only inundates the agricultural lands in this area longer than normal but also reduces the holding capacity of the BBOA when it is needed for major flood events. The County has recommended in the past and continues to recommend that this structure be reinforced and maintained to prevent erosion during major flood events and thus eliminate the nuisance flooding and reduced capacity of the BBOA. The County recommends that theses improvements be reflected in the CVFPP so that should funding become available the project can be completed.

In addition the County recently received a letter from the M&T Chico Ranch dated April 4, 2012 directed to Ms Mary Anne Hadden with DWR (Copy attached) concerning issues with the levees and structures like the 3B's that provide flow splits from the Sacramento River to the BBOA. The County is in full support of the points raised in the M&T letter and thus incorporates them into our own recommendations.

Proposed Improvements to the Chico Urban Levee System
The County is pleased to see that the State has recognized the need to improve the levee system that protects the City of Chico and the urban areas of the County surrounding Chico from flooding caused by the streams that are in the Chico area. The improvement to an urban level of protection will be of significant benefit to residents in both the City and the surrounding County areas.

These streams and their associated drainage basins have been extensively studied over the years by Butte County, State and Federal agencies. Therefore, the County strongly supports the proposed improvements to the levee system that protects the City of Chico and the surrounding County urban areas.

Proposed Improvements to the West Bank Levees of the Feather River
Another project the County supports is levee improvements along the west side of the Feather River that protect the Yuba City and City of Marysville urban areas. A portion of these levees is located in Butte County and also provide protection to the cities of Gridley and Biggs. These levees have been identified for improvement by the Sutter Butte Flood Control Agency (SBFCA) of which the County is a member. SBFCA was formed in 2010 and an assessment voted on and approved by the property owners in the Agency boundary to fund the improvements. SBFCA is currently preparing designs and environmental studies for the First Phase of this major project with construction to begin in 2013. The inclusion of this project in the CVFPP would allow it to possibly be eligible for additional state and federal funding which would help to reduce the overall assessment for the affected property owners for the construction. Therefore the County strongly supports this project and encourages the DWR to identify funds that could be used to assist in completing this important project.

Other Comments

In addition to these four major items there are a number of other items in the plan that the County has comments on and they are as follows:

1. In Section 3.3 Small Community Flood Protection, Page 3-10 the plan states that "Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas." It would be helpful if the plan identified the communities that would benefit from these improvements. The County believes that the cities of Gridley and Biggs would benefit from the improvements to the Feather River levees being targeted for improvements by the Sutter Butte Flood Control Agency to provide urban protection for the Yuba City and Marysville urban areas. It would be helpful if there was a chart in the plan that identifies these small communities so that the County could support this aspect of the plan.

2. Section 3.4 Rural-Agricultural Area Flood Protection, Page 3-10 identifies levee improvements that protect these rural areas. The County is supportive of improvements to the State Plan of Flood Control (SPFC) and Non-SPFC levees that protect the agricultural areas of Butte County. Agriculture is the main economic engine in Butte County and improvements that would protect this vital industry are important to the County.

   The County does have some reservation, though, about statements in this section of the plan that talks about restoration of "shaded riparian aquatic habitat, wetlands, or other habitat." There needs to be more specifics about what this restoration entails and the potential impacts to neighboring agricultural operations. The County does not support any restoration plan that would remove existing agricultural land from production to create these restored areas.

3. Section 3.5.1 Weir and Bypass System Expansion, Page 3-14. There is a reference to modifications to the Butte Basin Overflow Area. There should be more specificity as to what these modifications are. The County's comments on the BBOA and the 3B's above would also be applicable here.

4. Section 3.5.3 Flood System Structures, Page 3-15. The Intake structure for the proposed Feather River Bypass and the Butte Basin small weir structures are listed but no details are given as to where these are to be or are located. The County does not support the Feather River Bypass as stated above and would therefore recommend that this be taken out of the CVFPP as stated above. As for the Butte Basin structures without specifics as to what structures the plan is referring to we cannot fully comment on the proposal. If they include the BBOA and 3B's facility commented on above then the County can support the proposal.

5. Section 3.5.4 Flood Storage, Page 3-16. There is a discussion in this section about "Transitory Storage". It is not clear if this involves the storage in the BBOA. If it does not than the County's comments concerning the BBOA and 3B's above are applicable.

6. Section 3.5.7 Features to Mitigate Potential Flood Storage Increases, Page 3-18. The County's comments on the BBOA and 3B's would be applicable to this issue.

7. Section 3.7 Integrated Ecosystem Restoration Opportunities with Flood Risk Reduction Projects, Page 3-22. In the area of "Fish Passage Improvements" the Big Chico Creek system is listed as a proposed stream. It is not clear what improvements are being contemplated for this system and how they would impact the ability of the system to carry high flows and not flood surrounding properties. If these proposed restoration improvements in any way diminish the carrying capacity of Big Chico Creek, the County would not support these improvements.

Thank you for your consideration in this matter. The County appreciates the public outreach that DWR and the CVFPB staff have given this planning effort and the Board and staff of the County look forward to continuing that same collaborative effort.

Sincerely,

Steve Lambert, Chair
Butte County Board of Supervisors

cc: Paul Hahn, Butte County Chief Administrative Officer
Bruce Alpert, Butte County Counsel
Tim Snellings, Director Butte County Department of Development Services
Mike Crump, Director Butte County Public Works Department
Richard Price, Butte County Agricultural Commissioner
Paul Gosselin, Director Butte County Water and Resource Conservation Department

M & T CHICO RANCH · 3964 CHICO RIVER ROAD · CHICO · CALIFORNIA 95928 · (530) 342-2954 · FAX (530) 342-4138

April 4, 2012

Index No. 187

Mr. Bill Edgar, Chair, CVFPP
c/o Mary Ann Hadden
DWR, Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Dear Mr. Edgar:

This is being written to request correction of an omission in the CVFPP. In 1964 the State Reclamation Board ordered levees to be degraded in Butte County so Sacramento River flood waters could flow into the Butte Basin thus relieving pressure on the "project levees" from R.M. 172 south. The Reclamation Board ordered M&T Ranch to lower its levee so 60,000 cfs of flood water would flow into the Butte Basin. Since 1964 the State DWR and USACE have spent a great deal of money maintaining and rocking the M&T Weir site and the levees in the area that insure the flood water "flow splits" into the Butte Basin. A serious bank erosion problem has been developing at R.M. 192.4 (Phelan Levee) on the east bank of the Sacramento River. If the Phelan Levee is compromised additional and uncontrolled flood waters will enter the Butte Basin.

The State DWR insists the Phelan Levee is a private levee and has assumed no responsibility for it.

The California Water Code 8361 (p) instructs DWR to maintain structures including flood relief structures and weirs in our area of the M&T Weir Structure (all the way to R.M. 193 where Big Chico Creek meets the Sacramento River). In 1989 Army Corps of Engineers design memoranda states the Phelan Levee is a component of the flood control system which maintain the proper flow split between the Sacramento River Flood Control Project levees and the overflow areas east of the river.

In Phase 1 of the CVFPP meeting, Jeremy Arrich, Chief of the CVFPP, wrote a letter on September 1, 2010 (attached) to Mike Crump, Butte County's Director of Public Works. In this letter Mr. Arrich indicated his plan to advance the issue of extending the project limits north to Chico Landing (R.M. 193) through the development of the CVFPP

In reviewing the E.I.R. for the CVFPP there is no mention of protecting the facilities that maintain the flow splits into the Butte Basin. In the 2012 CVFPP E.I.R. pages 3. 13-12, the Sacramento River Bank Protection Project is detailed as being from Chico Landing to the Goose Lake Flood Relief Structure. The Phelan Levee on the east bank and between Chico Landing and the M&T FRS is not listed as being a component of the CVFPP. It needs to be specifically listed as a component of the CVFPP.

Taking responsibility and protecting these facilities that deliver the design flood flows to the Butte Basin would affirm and protect transportation, commerce and flood safety in Butte County and protect central valley agriculture, retain agricultural uses long-term, maintain a rural levee standard and avoid redirected impacts and unintended consequences.

FARM DOLLARS AT WORK

RECEIVED
APR 06 2012
County of Butte
Department of Public Works

Please include the permanent facilities between the M&T FRS and Chico Landing as critical infrastructure and a component of the Central Valley Flood Protection Plan.

Sincerely,

Les Heringer
Manager

Enclosures

CC: Steve Lambert, Chair, Butte County Board of Supervisors
Mike Crump, Director, Butte County Public Works Department
Stuart Edell, Butte County Public Works Department

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PLANNING OFFICE
3464 EL CAMINO AVENUE, SUITE 150
SACRAMENTO, CA 95821
FAX (916) 574-1053

Index No. 187

SEP 01 2010

Mr. Mike Crump, P.E.
Butte County Director of Public Works
7 County Center Drive
Oroville, California 95965-3397

Dear Mr. Crump:

I am writing to thank you and Mr. Stuart Edell for your interest, input and participation in the Central Valley Flood Protection Plan (CVFPP) development process over the past year, and look forward to continued engagement by yourselves and other Butte County representatives as we move forward. We appreciated your January 8, 2010 letter on Butte Basin overflow at the 3B's location, and Mr. Edell's February 25 and May 20, 2010 letters providing comments on the draft State Plan of Flood Control (SPFC) Descriptive Document and the draft Regional Conditions Report, respectively.

We are in the process of revising the SPFC Descriptive Document to address comments received for the January 2010 draft, including yours related to the criteria and characterization of SPFC as defined in Public Resources Code Section 5096.805. We anticipate the report to be released in fall 2010, and we hope that you would be able to review the document to confirm that your concerns have been properly addressed. In addition, as we have discussed in the Regional Conditions Work Group meetings, the Regional Conditions Report is a working document and its content and suggested revisions will be incorporated in future work products where appropriate.

The State recognizes the importance of the Butte Basin Overflow Area (BBOA) to the functioning of the Sacramento River Flood Control Project, and we would like to have further discussion with you on your specific comments and concerns. Our Central Valley Flood Planning Team staff will be contacting you and Mr. Edell to schedule a meeting in the near future. In the meantime, we would like to respond to some of your major concerns related to the BBOA.

We agree with you and Mr. Edell that the BBOA is important and necessary for the protection of the Sacramento River Flood Control Project downstream. As referenced in your letters, in December 1986 The Reclamation Board (now, the Central Valley Flood Protection Board) certified the Environmental Impact Report (EIR) for the Plan of Flood Control for the Butte Basin Overflow Area (1986 Plan), and concurrently

RECEIVED
SEP 03 2010
COUNTY OF BUTTE
ND DEVELOPMENT DIV.

approved a State construction project to define and establish the M&T and Goose Lake Flood Relief Structures. Subsequently, the State implemented the "Overbank Flow Element" of the 1986 Plan. The U.S. Army Corps of Engineers (Corps) implemented many features of the "Channel Stabilization Element" of the Plan by constructing several bank protection sites during the late 1980's. Since 1987, the State has been responsible for maintenance of the State-constructed overbank flow features and the Corps-constructed channel stabilization features of the 1986 Plan.

We recognize that since the mid-1990's, the Corps has not considered the BBOA to be part of the Sacramento River Flood Control Project, leading to a recommendation in the 1997 report by the Governor's Flood Emergency Action Team (FEAT), which urged the Corps to:

> "formally recognize the importance of the Butte Basin Overflow Area by adopting the overflow and bank protection features into the Sacramento River Flood Control Project, extending the project limits north to Chico Landing to match the limits of the Sacramento River Bank Protection Project, and approving a plan of flood control for the Butte Basin Overflow Area reach of the river".

We plan to advance the issue through the ongoing development of the CVFPP. Consistent with Water Code Section 9611, there would be opportunities (based on the outcome of plan development) for recommending addition of facilities to or removal of facilities from the SPFC. Your input and additional insights are welcome and beneficial in the evaluation. I look forward to more in-depth discussion with you on these issues.

Another topic discussed extensively in all three letters from Butte County is the 3B's Overflow Area. There have been many meetings among representatives of the State, Corps, local government entities, and private landowners over the past several years to facilitate local resolution of this issue. The December 1986 EIR for the BBOA prepared for The Reclamation Board references 3B's as one of three "definitive areas for flood water diversion". However, no construction work was necessary at 3B's in order to

meet the State's objectives to implement the Plan of Flood Control because a natural overflow had been created there due to the breach of the private "Wright Levee" during previous high water years.

While the 1986 Plan found no State interest in construction at the 3B's site, local concerns were addressed by providing specific "not to exceed" elevations and dimensions on page B-11 of the 1986 EIR that private landowners might use to petition the Board for their construction of a private levee along the river to prevent nuisance overbank flooding at the lower river flows which are not threatening to the Sacramento River Flood Control Project. In addition, as part of the ongoing planning process, we will look into associated facilities to be added or removed from the SPFC as legislatively mandated. We will assess facilities for addition or removal in your area, as well as throughout the system, as part of Phase 3 and 4 of the CVFPP development process.

In conclusion, we recognize the challenges in reaching a common understanding of the BBOA, including internal distribution of flows during various flow levels and its operation and proper functioning with respect to the overall flood protection system. The information provided in Butte County's letters and subsequent discussions will be carefully considered in our upcoming evaluations of the CVFPP and used to help formulate potential management actions and solutions to identified problems. We look forward to working further with you and your staff on this important planning process.

As mentioned earlier, we will be contacting you to arrange a meeting of our staffs to go over your detailed comments. If you have any questions, please contact Ms. Michele Ng of this office at (916) 716-1913.

Sincerely,

ORIGINAL SIGNED BY

Jeremy Arrich, Chief
Central Valley Flood Planning Office
Division of Flood Management

cc: Ms. Jane Dolan
196 Memorial Way
Chico, California 95926

Ms. Kim Yamaguchi
747 Elliott Road
Paradise, California 95969

Mr. Steve Lambert
3159 Nelson Avenue
Oroville, California 95965

Mr. Bill Connelly
5280 Lower Wyandotte Road
Oroville, California 95966

Ms. Maureen Kirk
Post Office Box 1087
Chico, California 95927

Mr. Stuart Edell
7 County Center Drive
Oroville, California 95965-3397

Mr. Merritt Rice
DWR
Central Valley Flood Planning Office
3464 El Camino Avenue, Suite 150
Sacramento, California 95821

Mr. Dan McManus
DWR
Special Investigations Branch
2440 Main Street
Red Bluff, California 96080

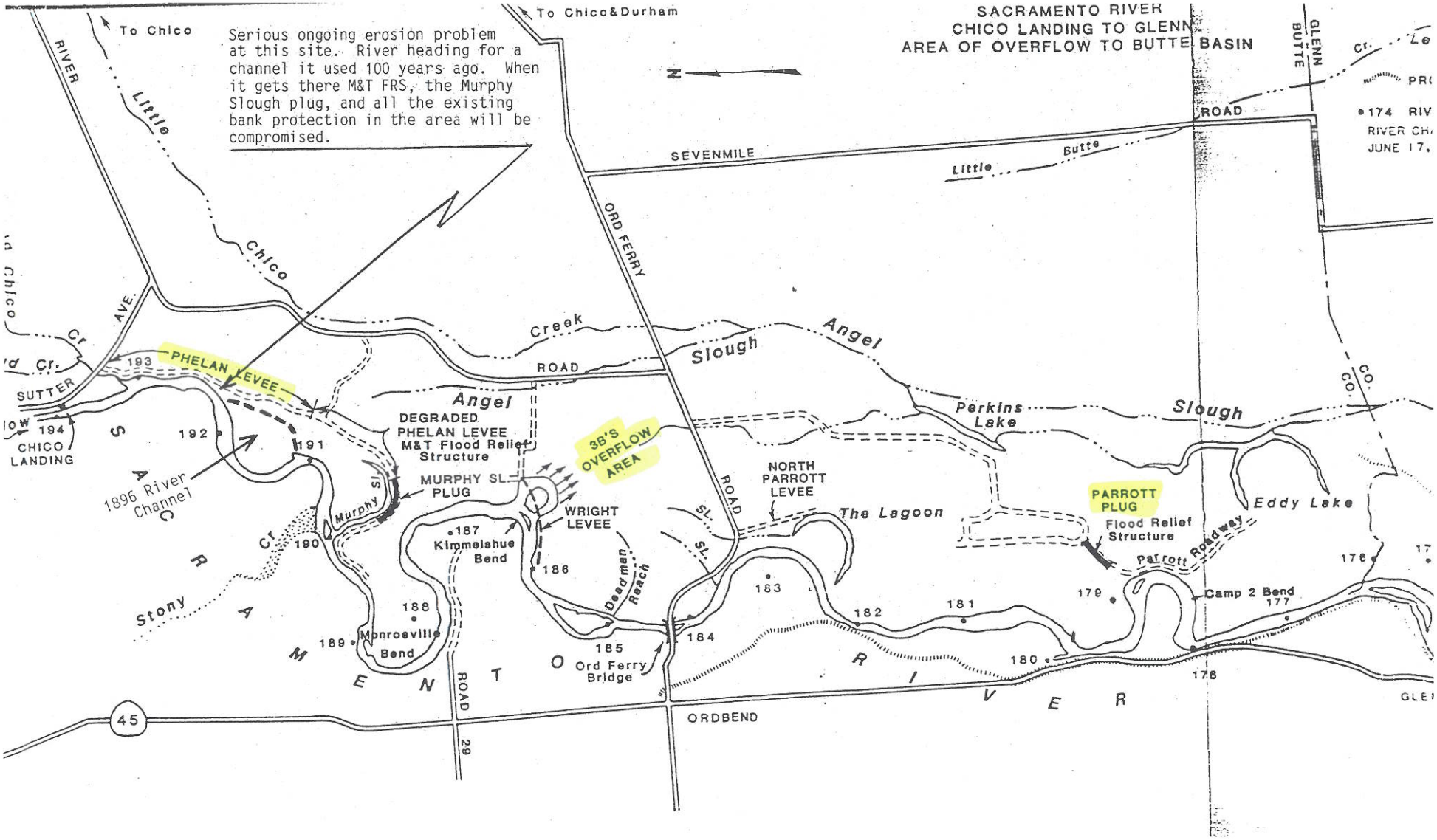
Mr. Roger Putty
MWH
Upper Sacramento Work Group
3321 Power Inn Road, Suite 300
Sacramento, California 95826

Mr. Scott Rice
2870 Gateway Oaks Drive, Suite 300
Sacramento, California 95833

Mrs. Michele Ng
DWR
Central Valley Flood Planning Office
3464 El Camino Avenue, Suite 150
Sacramento, California 95821

Mr. Les Heringer
M&T Ranch
3964 River Road
Chico, California 95928

Mr. Jason Larrabee
Post Office Box 172
Butte City, California 95920


SACRAMENTO RIVER
CHICO LANDING TO GLENN
AREA OF OVERFLOW TO BUTTE BASIN
Serious ongoing erosion problem at this site. River heading for a channel it used 100 years ago. When it gets there M&T FRS, the Murphy Slough plug, and all the existing bank protection in the area will be compromised.
To Chico
To Chico&Durham
N
RIVER
Little
Chico
Creek
Angel
Slough
ROAD
SEVENMILE
ROAD
Little
Butte
GLENN
BUTTE
ORD FERRY
AVE.
SUTTER
CHICO LANDING
PHELAN LEVEE
DEGRADED PHELAN LEVEE M&T Flood Relief Structure
MURPHY SL. PLUG
38'S OVERFLOW AREA
WRIGHT LEVEE
Kimmelshue Bend
Monroeville Bend
Ord Ferry Bridge
Deadman Reach
NORTH PARROTT LEVEE
The Lagoon
Perkins Lake
PARROTT PLUG
Flood Relief Structure
Parrott Roadway
Eddy Lake
Camp 2 Bend
1896 River Channel
Stony Cr.
Murphy Sl.
SACRAMENTO RIVER
ORDBEND
ROAD
29
45
CO.
174 RIV
RIVER CH
JUNE 17,
PR
GLE
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194

Index No. 187

Tu 4/10/12

Index No. 188

Dear Central Valley Flood Protection Board,

I am a former resident and current farmer in the Sutter Basin near Knights Landing. I appreciate efforts to improve flood protection for the Sacramento River system, but am concerned about the focus of the organizations involved.

What level of flood protection is enough? All efforts to improve the system will focus on protecting Sacramento. Therefore it follows that low population areas like the Sutter Basin would be desired for emergency dumping or breakage of levees to protect Sacramento. A suggestion that valuable farmland and residences of 10,000 acres be converted to wildlife habitat simply eases additional flooding of adjacent lands during extreme water conditions.

History tells us flooding is possible in the Sacramento River drainage in the future, regardless of levee improvements or increased bypass areas. A combination of massive snowpack and extreme rains could overwhelm any design scheme. Sacramento will still be the concentration point of four major river systems - American, Yuba, Feather, Sacramento.

Weakening personal property rights by condemning land for setback levees or wildlife flood areas continues the march of Government authority over the individual. There are no easy answers for increased flood safety. Possible solutions include an Auburn dam operated for flood control, dredging and snagging of existing channels, and strengthening and raising of levee sections.

One notion I do resent is the environmental industry's romantic ideals of the superiority of primitive river conditions - converting productive farmlands to wild areas - being considered higher than real people producing food. What does the environmental industry produce besides lawsuits, business

burdening regulation, and conservation of land at taxpayer's expense?

Thank you for considering my concerns.

Sincerely,

Steven W. Lockett

Steven W. Lockett
14 W. HACIENDA LN
WOODLAND, CA 95695
530 632 1584

April 11, 2012

Index No. 189

RE: Central Valley Flood Protection Plan

Dear Sirs:

We own our 97 year old home along the East side of the Sacramento River one mile above Knights Landing in Sutter County. We own the adjacent farmland to the low-water line of the East bank of the Sacramento River. We would fight very hard not to be included in the CVFPP. Widing or setting back of the levee would destroy our home, farm shop and equipment yard as well as our river pumps. The capacity of the river could be increased if all the debriscould be pulled from the river like it used to be before the Hard-Core enviromentalist wouldn't let the Corp of Engineers do it any more. Dredging the high spots would icrease the capacity. Levee Setbacks would push any winter seepage farther out into the Basin.

"Bypass" Expansions would not be necessary if the existing bypasses were cleared of all vegetation and excess dirt and kept that way. There is no need for an additional 40,000-acre footprint of Bypass expansion, especially 10,000 acres of permanent habitat included in this plan. This is not a flood control plan. It is a plan to satisfy the enviromentalist to keep the area "Natural".

Why is it that the agricultural and rural areas share greater burdens, pressures, risks and liabilities when compared to urban and urbanizing areas?

We hope that the CVFPP as proposed now will not be authorized. The plan would be extremely expensive and would harm a lot of farmers, landholders and rural areas.

Sincerely,

William P. Lockett

William P. Lockett
21448 Cranmore Rd.
Knights Landing, CA 95645
530-735-6310

State of California

California Natural Resources Agency

Index No. 190

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date April 10-2012 Name Charles + Arlene Bell

Phone (optional) _____ E-mail (optional) Abell1951@gmail.com

Affiliation _____

Address (optional) 1951 Berry Ro - Rio Oso, Ca. 95674

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☒

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☒ Both

We are strongly opposed to this plan.
We are retired and count on our walnut crop every year to live on.

California is bankrupt - so why not fix the levee's as they need be. OR Dredge out the river. make the money on sand + gold.
This plan will ruin many family's that are farmers. which many are 7 or more generation

Please continue on back of this card, if needed.

Charles + Arlene Bell

TRUSTEES
ROBERT SCHEIBER
ROY C. OSTERLI II
JAMES HUDSON
ERIC ROLUFS
JOHN TARESH

OFFICERS
ROBERT SCHEIBER, PRESIDENT
ROY C. OSTERLI II, VICE PRESIDENT
DIANE FALES, SECRETARY/ MANAGER

OFFICE OF

BOARD OF TRUSTEES
RECLAMATION DISTRICT 1001
1959 CORNELIUS AVENUE
RIO OSO, CALIFORNIA 95674
530 656-2318 or 530 633-2586
FAX 530 656-2165
EMAIL: rd1001@syix.com

March 28, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

Reclamation District 1001 has reviewed the draft Central Valley Flood Protection Plan (CVFPP). Our District maintains approximately 45 miles of SRFCP levees and an additional 15 miles of non-project levees protecting over 30,000 acres of rural agricultural land in south Sutter County. Please accept the following as our comments on the draft CVFPP.

1. We are appreciative that the draft CVFPP provides a framework for protecting small communities and rural areas. We look forward to the development of guidelines and grant programs for improving flood protection to these areas and ask that it be elevated in priority to be an early action in implementation of the plan.
2. We encourage the CVFPB to prioritize development of a rural levee repair standard to ensure that levee improvements provide cost effective protection for the rural areas.
3. We also ask that you advocate to FEMA the need for changes to the NFIP that ease the financial burden of flood insurance to rural areas and ease building restrictions on non-residential agricultural buildings and infrastructure.
4. We support the concept of making system improvements. However, we are vehemently opposed to the inclusion of specific projects as outlined in the appendices as they do not appear to have been developed with consideration of the impacts on the rural areas and property owners and could have severe negative impacts to our District. We were disappointed that these projects were included in the plan without coordination with the local agencies responsible for operation and maintenance of these areas. We do not support adoption of the appendices that include specific projects as we think this will best be developed in the regional planning efforts.

5. Volume 3 attachment 8j, appendix E, page E-15 shows a proposed setback levee on the left banks of the Bear and Feather Rivers in RD 1001. The hydraulic benefits of this proposed setback levee are not included in the plan and we question the benefits of this levee given the RD 784 Bear River setback levee that has already been constructed. Further, this "conceptual project" would remove prime agricultural land and residential structures representing over 6 percent of our District's assessment revenue without any apparent reduction in operation and maintenance costs. Projects like this should not be proposed without local stakeholder input.

Thank you for your consideration of these comments. These comments will also be submitted electronically through the CVFMP website. Please contact us at (530) 656-2318 if you would like to discuss any of these concerns.

Sincerely,

Robert Scheiber

Mr. Robert Scheiber, President
Reclamation District 1001

Tim Miramontes

PO Box 607

Woodland CA 95776

Central Valley Flood Protection Board:

I am a resident of Yolo County and a farmer in Yolo and Colusa counties. I do understand the need for flood protection, but it needs to be for everyone and not just to protect the urban areas. This is a very hard task to accomplish but must not be rushed to meet a certain legislative deadline, which the legislators themselves do not follow.

The widening and construction of a new bypass is not the answer to California's' problem, water storage is. With a new reservoir built it can protect downstream interests and also provide surface water for the environment, recreation, power and cities. California is short on water that is no secret, letting it all flow out to the ocean without being used in any way is wasteful.

There also needs to be support for FEMA NFIP reform for rural areas. As it stands now and with this plan coming down the pipeline it will be impossibly for rural residents, farming operations and other agriculture operations to improve facilities in a cost efficient way. This will be devastating to small towns up and down the valley.

I would also like to see more involvement with local interests, county governments, cities and rural residents. The outreach so far has not been very meaningful. Having fifteen to twenty environmental groups, many government officials and one or two rural interests let into a meeting is not representative. There are many knowledgeable people in the areas that can enlighten engineers on how water will flow. For example in 1940 water came down into the Butte Sink and made the water flow backwards in the Moulten Weir and ended up breaking the Sacramento River levee on the west side.

Also where is the money going to come for a project like this, the federal government is in debt, the state government is in debt and county governments are no better. Not only is the building of a project like this going to be outrageous but the maintenance is going to be in the hundreds of millions. Our levee and bypass system now are not taken care of so how can we think anything is going to be changed in the future. If this project is combined with the BDCP fisheries project that would mean nearly 30,000 acres out of production farming and into habitat. We have all seen what happens when habitat is put into bypasses and levees, things fail and rural people suffer.

I do understand that there is a need for flood protection, but please do not rush this plan to meet a certain political deadline. Adopt a plan that has local input, is general and open, leaving room for modification and adjustment when needed. Attached I have over 200 signatures from people in the city

of Colusa down to the city of Woodland with many of the same concerns. Please do not rush to adopt a plan.

Sincerely

Tim MIramontes

March 14, 2012

State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and betted through affected landowners and farmers**. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Debbie Catania	Debbie Catania
Grimes Boat Building	Debbie Cate
Wesley Kilgore	Wesley Kilgore
Herbert Fruchtenicht	Herbert Fruchtenicht
MICHAEL K GEYER	Michael K Geyer
Fred A. Durst	Fred A. Durst
Bill Gillaspy	William T Gillaspy
Louis H KAELIN	Louis H Kaelin
HAROLD J. ERNST	Harold J. Ernst
Pamela A Ernst	Pamela A. Ernst
CAROL L ARENS	Carol L Arens
	Robert G. Arens
Judith K. Kalfsbeek	Judith K. Kalfsbeek
DAVID KALFSBEEK	David Kalfsbeek
Wm. P WALLACE	Wm. P. Wallace
Margaret L. Wallace	Margaret L Wallace

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Richard C. STEIDLMAYER	
John Hetherington	
Edward T. Tucker	
CAROLYN RANKIN	Carolyn Rankin
GEORGE RANKIN	George Rankin
ERIN SWEET	Erin Lynn Sweet
MATT SWEET	
CLARKE ORNBAUN	
Eduardo Ayala	Eduardo Ayala
Kenneth A. Kelleher	
Barton Scofield	
Ardith L. Miller	
Darrin Williams	
GARY DRIVER	
MICHAEL L. PIXLEY	
ROBERT VAUGHN	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Tim Heidrich	
John Lerry	
Doug Roebel	
BILL PALMER	Bill Palmer
Tim Farnham	
LARRY REIFF	
Brendon Fricke	
Kenny Calhoun	
CARLOS FORTIS	
JOHN S. GLENN	
Larry Filbert	
Jeffrey Huckins	
James E. Nielson	James E. Nielson
DAVID WYRSCH JR.	
JOAQUIN CAMPOS	
Ryan Timothy	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
NICK CANEVARI	
Tammy Gibson	
John W. Kimzey	
NATE HUNT	
DOUG LENEY	
TOM OLSWANG	
Bryan Ehresmann	
Aaron Lampman	
RANDY MILLER	
ERIC HERMLE	
Mark Alustiza	
LARRY Miller	
Kirk Roberts	
Don Pixton	
Ed BROWN	
PAUL Hensley	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Kimberly Baertsch	
TODD BAERTSCH	
ERICK CHARTER	
JIM COELHO	
John Foster	
Tim Stowe (SR)	
TIM L. STOWE - SR	
BUBEN CARDENAS	
Jim Hesselline	
Terri Hesselline	
Joseph Rakes	
ROBERT GASSON	
Rudy Howald	
KAY GASSON	
Linda Guerrero	
Paula Hildebrand	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
DAVID CHILDERS	David Childers
BRIAN CHILDERS	Brian Childers
James Fulton	
Andy Anderson	Andy Anderson
ROBERT CORREA	Robert Correa
Tim Coelho	
Gary E. Holman	Gary E. Holman
LOWELL S. JOSEPH	Lowell S Joseph
Tom Canevari	Tom Canevari
John W. DeBo	John W. DeBo
Dan Croco	
Tom Barrios	
CARL NEUMANN	Carl Neumann
KURT RICHTER	Kurt Richter
JOE HEIDRICK JR	Joe Heidrick
Herbert Schuler	Herbert Schuler

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
PAUL A. FERRENDELLI	
JOHN N. KOLEY	
BOB FREED	
JACK LOSOYA	
Doug Stephens	
Kenneth Breckenridge	
JOSE ELIZONDO	
Bernardo Sandoval	
LARRY GLUCKLER	
HARRY LIRA	
RAY SOMBARA	
Ronald Kuhn PK	
CHRIS CAMPOS	
PHILIP STEWART	
PAUL FONG	
NEAL D. PEART	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
~~Carol~~ Carol E. Ansley	Carol E. Ansley
Walter M. Sieann	Walter M. Sieann
RICHARD L. WEST	Richard L. West
Michael Norton	Michael Norton
Johnny Newsom	Johnny Newsom
Tom Keehn	Tom Keehn
Rex Zielesch	
Melissa Frederiksen	Melissa Frederiksen
RICH MONTGOMERY	
ADAM HAN	
DAN SWETT	Dan Swett
Myrlin Davies	
ROBERT B. WADEMAN	Robert B. Wademan
DANIEL C. KINDECH	Daniel C. Kindech
Aaron Long	
Albert BRYANT	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
David Croll	
Jerry Howard	
DONALD HOWARD	
MARK REIFF	
Bob Stewart	
MARGIE ROSASCO	
Tommy L. McClellan	
Steve Weiss	
Joshiro Aoki	
Kenneth Breckenridge	
Chuck RUSH	
RICHARD J. YEUNG	
Dan Croco	
George Tibbitts	
DENNIS L. Meloy	
Matt Doering	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Thomas Richardson	
Fred Broeck	
Eric Star	
John Truitt	
David Holdrick	
Mike Gnoss	
Sky Miramontes	
Ron Vannucci	
Rusty Selmeister	
Larry Chamberlain	
Louis Craig Sharp	
Albert John Benedict	
José F. Rosas	
Jeremy Bivert	
Les A. Roberts	
William A. Lee	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Callie McArthur	
Joseph Hutchins	
Rodney Schreiner	
Eric Schreiner	
James R Akin Sr	
James R. Akin	
NANCY HUNT	
MICHAEL T CARDOZA	
Andrew Lawrie	
Cory Summers	
Jane Osborne	
Ray Osborne	
FRANCISCO ESQUEZ	
Rhonda Hunter	
PATRICE PIPER	
Kayla Sakurada	

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
March 14, 2012

Printed Name	Signature
ROGER S. HAUGEN	
Brenda Hauger	
Kathleen Haugen	Kathleen Haugen
Sharon Ecker	
DEE HAUGEN	
KENNETH R BALL	
Eduardo Ayala	Eduardo Ayala
Mike Hendry	
Kyle Hathaway	
Stacy Couch	Stacy Couch
MIKE THALL	
Bob Steidlmayer	
MARGIE TRIMBLE	Margie Trimble
JACK TRIMBLE	Jack Trimble
MIKE VOORHEES	
BRYAN Shadinger	

American Farm Bureau Federation/California Farm Bureau Federation

YOLO COUNTY FARM BUREAU

69 West Kentucky Avenue • P.O. Box 1556, Woodland, California 95776
530-662-6316 • FAX 530-662-8611 • www.yolofarmbureau.org

PRESIDENT
Chuck Dudley
1ST VICE-PRESIDENT
Joe F. Martinez
2ND VICE-PRESIDENT
Fred Manas
SECRETARY/TREASURER
Denise Sagara

Index No. 192

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Charles Dudley	Charles Dudley
Eric Pawlsen	
Jeff Merwin	
FRED MANAS	
Bob Paschini	
John S. Chiles	John S Chiles
Mike Heringer	
Nancy F. Lea	Nancy F. Lea
James English	
Casey Stone	Casey Stone
Jim Peart	
Anna Fricke	Anna Fricke
Barbara Butterfield	Barbara Butterfield
Don Tompkins	Don Tompkins
STAN LESTER	Stan Lester
Robert Bamming	Robert Bamming

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
March 14, 2012

Printed Name	Signature
Jerry Stadinger	
SUZIE KELM	Suzie A Kelm
Donald CARD	Donald Card
Debra Card	Debra Card
LEROY PENNINGTON	
Bill Howell	Bill Howell

State of California
Central Valley Flood Protection Board
Central Valley Flood Protection Plan
February 21, 2012

Printed Name	Signature
Lincoln Ferry	

Lauren Ward

Index No. 193

Handout @ Woodland Hearing

The following comments are applicable to the DPEIR and the Draft 2012 Central Valley Flood Protection Plan:

Statutory Objectives: The Executive Summary of the 2012 Central Valley Flood Protection Plan Draft Environmental Impact Report sets forth the Statutory Objectives to be met on pages ES 13 and ES 14. These include:

"Ensure that technically feasible and cost-effective solutions are implemented to maximize the flood risk reduction benefits given the practical limitations of available funding, and provide a feasible, comprehensive, and long-term financing plan for implementing the plan." (Page ES 13)

Statutory Objectives Not Met: Neither the DPEIR nor the Draft Plan meet these statutory objectives. In fact, there is no financial analysis of the four options contained in either of the documents nor is any financing plan presented. Various, but not all, components of the estimated cost and savings of the various options are sprinkled throughout the Draft Plan but no comprehensive analysis of costs and benefits is made. More significantly, no estimates of Operations and Maintenance expenses are provided, making it impossible to compare the respective options and allocate resources among them.

The only references to financing are 34 lines of text found on pages 2-50 and 2-51 of the DPEIR and pages 4-36 through 4-40 of the Draft Plan. These sections refer generally to hopes for Federal grants, local district cost-sharing, and State bond funds but they do not meet the statutory objectives. The comprehensiveness of these sections might best be described by the colloquialism about an old fellow who is "fixing to get ready to get started to get going".

Financial Analysis: Using the data presented in the Draft Plan and ignoring the absence of Operations and Maintenance expenses,,following is a financial analysis of the four options presented. It shows that:

1. All of the four options presented have an interest cost each year (from $360 million to $1.314 billion) that exceeds 100% of the annual projected flood losses of $329 million per year if no project is undertaken.

2. The plan omits all operating and maintenance costs for any of the options, thus understating the cost of each option.

3. None of the options presented can be described as financially feasible.

(Continued on next page)

Financial Analysis of Four Options

Option	Protect High Risk Communities	State Systemwide Investment Approach
Estimated Capital Cost	$9-11 Billion	$14-17 Billion
Mid Point of Est Cost	$10 Billion	$15.5 Billion
Estimated reduction in Expected annual damages of $329 Million if no project	63%	67%
	$207 Million	$220 Million
Interest on Capital Invested at 3.6%	$360 Million	$558 Million
Net Annual Loss Before Operations and Maintenance	$153 Million	$338 Million

Option	Achieve SFPC Design Capability	Enhance Flood System Capacity
Estimated Capital Cost	$19-23 Billion	$32-41 Billion
Mid Point of Est Cost	$21 Billion	$36.5 Billion
Estimated Reduction in Expected annual damages of $329 Million if no project	47%	80%
	$155 Million	$263 Million
Interest on Capital Invested at 3.6%	$756 Million	$1.314 Billion
Net Annual Loss Before Operations and Maintenance	$601 Million	$1.051 Billion

From the above tables it can be seen that:

All of the options have an annual interest cost greater than 100% of the projected annual flood damage costs of $329 Million. Expressed another way, it would be cheaper for the State of California to compensate the victims of flooding for 100% of their losses than to undertake any of the four options presented.

Because DWR has not presented any estimate of Operations and Maintenance Costs, the true burden to the State from undertaking any of the options is even greater than shown here.

Federal Cost Sharing?

Both the DPEIR and the Draft Plan discuss the hope that Federal cost sharing will be available for nearly half the project. Yet on page 1-19 of the Draft Plan we find the

statement: *"Primarily in order to demonstrate a federal interest, flood damage reduction benefits of a project must exceed project costs. In other words, the benefit-to-cost ratio must be greater than one. To be recommended for funding in the President's budget, a more robust benefit-to-cost ratio is generally required."*

Ignoring the Operations and Maintenance Costs which have been omitted and the interest cost on borrowed funds , and dividing the annual estimated savings into the projected capital investment, the number of years required to reach a 1:1 benefits-to-costs ratio for each of the options is:

Option	Cost / Savings in Years
Protect High Risk Communities	48.3 years
State Systemwide Investment Approach	70.5 years
Achieve SFPC Design Capability	135.5 years
Enhance Flood System Capacity	138.8 years

Even in the Federal world, these payback periods could not be considered to meet a 1:1 Costs-to-Benefits ratio.

And Please Note: Because the calculations above do not include any Operations and Maintenance Costs, the number of years required to reach a 1:1 cost-to-benefits ratio is much longer for all options.

Please Also Note: The first two options compared, "Protect High Risk Communities" and "State Systemwide Investment Approach" are projected to save nearly the same amount, $207 Million vs $220 Million respectively, yet the State Systemwide Investment Approach is projected to cost $5.5 Billion more. The number of years required to earn that extra $13 Million back is 423 years! Viewed another way, drop 8 zeros from the estimated cost and savings and the incremental investment in the Systemwide option is akin to spending $55 to save 13 cents.

If the Department has been charged with proposing financially feasible alternatives, the Systemwide approach must have missed that stage of the vetting.

Absence of Storage

While the DPEIR acknowledges that climate models forecast less Sierra snowpack and earlier runoff, the Draft Plan is deficient in not providing for increased storage to mitigate flooding and, more importantly, provide water for California's needs.

Wildlife Habitat

The recommended Systemwide approach contemplates permanent removal from production of 10,000 acres of prime farmland, justified in part by the assertion this will become wildlife habitat. However by including this land in bypasses which must be maintained to minimize obstruction to flood flows, the quality of this habitat will be severely degraded.

At a cost of $10,000 per acre DFG could purchase 10,000 acres of habitat it wants at a total cost of $100 million. The Draft Flood Plan should not be used as an excuse to spend $ billions to accomplish an objective that can be accomplished much more cheaply.

Public Response

The Flood Board has been repeatedly told by the various components of the responding public that:

1. No removal of prime farmland should be made.
2. No removal of land from county tax rolls is wanted.
3. Bypass expansion is not wanted.
4. Flood control is wanted.
5. More storage is wanted.
6. Wildlife habitat and riparian corridor protection is desirable.
7. Financial feasibility must be considered.

Alternative Proposal

To meet the requests of the responding public, the following alternative plan is offered:

Flood Control. Adopt the option "Protect High Risk Communities". This will provide virtually the same measure of flood protection ($207 million vs $220 million) as the Systemwide approach at a cost $5.5 Billion less than. While it does not meet the financial feasibility test, it is the least financially offensive of the options presented.

Increase Storage. Spend $4 Billion on increasing storage on the Sacramento, Feather, and San Joaquin river systems.

Proposals already exist to raise Shasta Dam by 18.5 feet at a projected cost just over $1 Billion. Such a raise is projected to increase storage by 14% or 630,000 acre feet. At a value of $100/acre foot, this water is worth $63 Million to the State in addition to its value for hydro power generation and flood control mitigation. There are also proposals to raise Shasta Dam by more than 18.5 feet, some by as much as 35 feet, which should be studied.

Increase storage on the Feather River system by raising the Oroville Dam and/or increasing storage in the Forebay and Afterbay. Again, three values are derived from increased storage -- water value, hydro power generation, and flood control mitigation. Allocate $1 Billion to the Feather River system subject to further DWR studies.

Allocate $2 Billion for increasing storage south of the Delta. The greatest need for water is south of the Delta and more storage in this part of the state reduces the problems associated with moving water through the Delta.

Purchase easements on lands in the Central Valley Flood Plain. Acquire $1 billion of non-development easements on lands within the 200 year flood plain. These easements would permit farming to continue, would leave the land in private ownership and on the tax rolls, and would prohibit development which does not provide its own protection – at its own cost - against a 200 year flood.

Allocate $1 billion for riparian restoration and public recreation in the Central Valley. Restore riparian habitat on the Sacramento, Feather, Yuba, American, and San Joaquin river systems. Acquire public access facilities and public recreation lands within the river corridors.

The total projected cost for these proposals is $16 billion or roughly the same as the Systemwide approach and it addresses four pressing needs: more water storage, more public recreation facilities, improved wildlife habitat, and flood protection. As the stored water and recreation have positive values, it also may meet the statutory financial feasibility requirement.

s/Lauren Ward

4/11/12

YANA BERRIER

Index No. 194

April 7, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Rm 151
Sacramento, CA 95821

RE: Flood Corridor Expansion: FTR1 Conceptual Setback Area, Feather River.

We, the undersigned land owners, home owners, tax payers and residents of Rio Oso and East Nicolaus, Sutter County, object to the proposed setback as provided by FTR1 Conceptual Setback Area, Feather River, as attached.

The area proposed to be taken for the purposes of expanding the area enclosed by levees, consists of thousands of acres of productive farm land on which hundreds of homes and businesses are located. This area constitutes the business and employment livelihood of many residents of this community for years. It provides substantial federal, state and local tax revenues. The soils are some of the most fertile in California for growing farm produce. The land owners contribute substantially to Sutter County revenues through property taxes. If this area is condemned, substantial tax revenues will be lost. People will lose jobs and livelihoods will be destroyed.

We are informed and believe that not only do the engineering studies not support the building of a set back levee on the Rio Oso/South side of the Bear River for flood protection, but the cost of construction and the cost of paying compensation for the taking of lands and livelihoods from the owners would substantially outweigh the possible benefit, if any at all, from this project.

We further object to the way this plan is being adopted. No formal, advance, written notice was ever given to any of the landowners/homeowners directly impacted by this proposed project. Many people only heard of the public meeting on April 6, 2012 by word-of-mouth. The meeting was held during working hours

when many people could not attend. The plan will, in effect, constitute a "taking" of our land under the 5th Amendment. Once the set back levee is adopted as part of the plan, the value of land inside the levee will go down to almost nothing. Nobody will want to build or buy a house or farm land, refinance or enter into long-term farm lease contracts. We should have been given full and fair notice and were not.

In conclusion, we strenuously object to the adoption of the conceptual set back levee on the Rio Oso side of the Bear River as illustrated in FTR1, attached. It is not advisable nor supportable by the engineering or any cost/benefit analysis as flood protection and, accordingly, should be summarily rejected. We respectfully request that FTR1 be revised in any adopted Plan to reflect the elimination of any proposed set-back levee on the south side of the Bear River where it flows into the Feather River.

cc: Doug LaMalfa, State Senator

Dan Logue, State Assemblyman

Sacramento Bee Newspaper

Appeal Democrat Newspaper

News -10 Sacramento

CBS Sacramento News

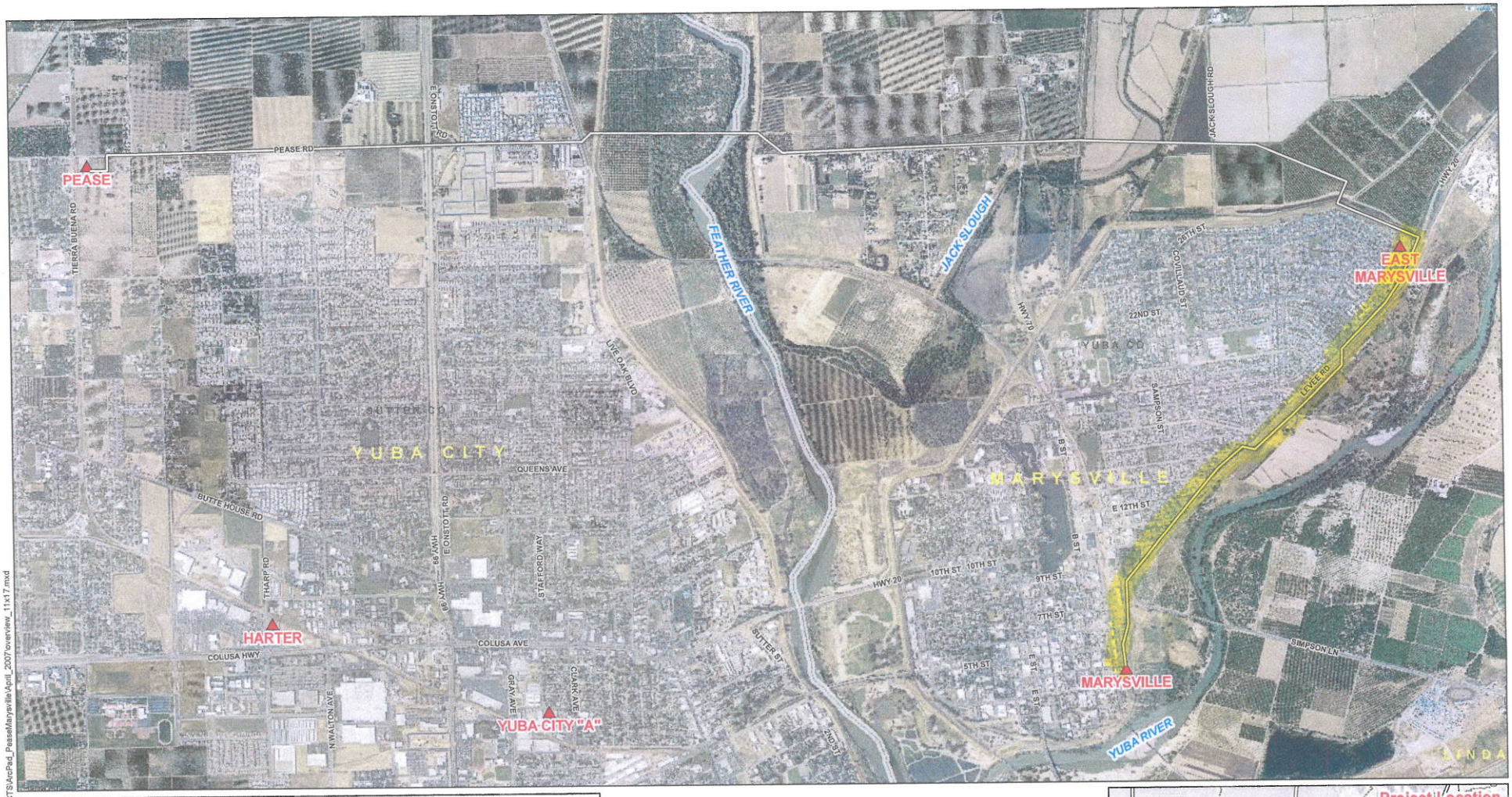
Fox 40 News

Figure E-8. FTR1 Conceptual Setback Area, Feather River

Name/Signature	Address, telephone number
CHARLES L. BERRIER Charles L. Berrier	1865 BERRY Rd, Rio Oso, CA 95674
HANNELORE A. BERRIER Hannelore A. Berrier	1865 BERRY RD. RIO OSO, CA 95674
Sally J. Kaffaros	1830 Berry Rd Rio Oso Ca 95674
Manuel Kaffaros	1830 Berry Rd. Rio Oso 95674
Manak Singh Sandhar	2151 Wilcox Ranch Rd, Plumas Lake 95961.
Richard Rutsch	1644 BERRY Rd, Rio Oso 95674
Jenny Rutsch	1644 Berry Rd. Rio Oso, Ca 95674
Shirley M Rafter	1400 Mark Hopkins Ave Rio Oso, 95674
Ronald Rafter	1400 Mark Hopkins Ave Rio Oso
B. N.	15666 Berry Rd Rio Oso 95674
Sandra Norman	15666 Berry Rd. Rio Oso 95674

Name/Signature	Address, telephone number
Trudy Albert Trudy Albert	1357 Berry Rd Rio Oso CA 633-0920
Bill Scheiber Bill Scheiber	1302 Berry Rd, Rio Oso, CA 633-0239
Arlene Bell	1951 Berry Rd. Rio Oso, Ca 95674
Charles H Bell	1951 Berry Rd Rio Oso 95674
[illegible] Wagner	2021 Scheiber Rd Nicolaus CA 95659
Jennifer J Wagner	2021 Scheiber Rd Nicolaus CA 95659
Steve C Willey	2427 Scheiber Rd. Nicolaus CA 95659
[illegible] C. Scheiber	1999 Scheiber Rd Nicolaus Ca 95659
Maureen D. Scheiber	1999 Scheiber Rd. Nicolaus Ca 95659
Shannon Butler Shannon Butler	1999 B Scheiber Rd Nicolaus CA 95659 656-2313
John R. [illegible]	2080 Rio Oso Rd., Rio Oso, CA. 95674
Richard F. Tarasch	628 Fourth Ave, Rio Oso, CA 95674
Stephen Berrier	1475 Mark Hopkins Ave. Rio Oso 95674

Name/Signature	Address, telephone number
Pritam Kaur Heir	1711 ~~Venga~~ ventage Court
Surjit S. Rahul	1877B Radaley estates Dr yuba city CA-95993
Kulbir S Thur	1130 4th AVE Rio Oso 95671 CA.
Jana Berrier	1475 Mark Hopkins Ave Rio Oso



Pease-Marysville 60kV Transmission Line Project

FIGURE 1: Project Location

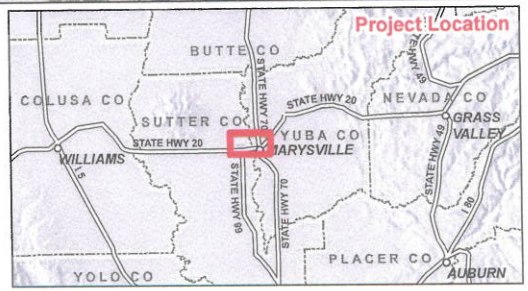
Photo date (AirPhotoUSA): 05-01-2006

Substation

Scale: 1:24000
One inch represents approximately 2000ft

0 0.5 1 2 Miles

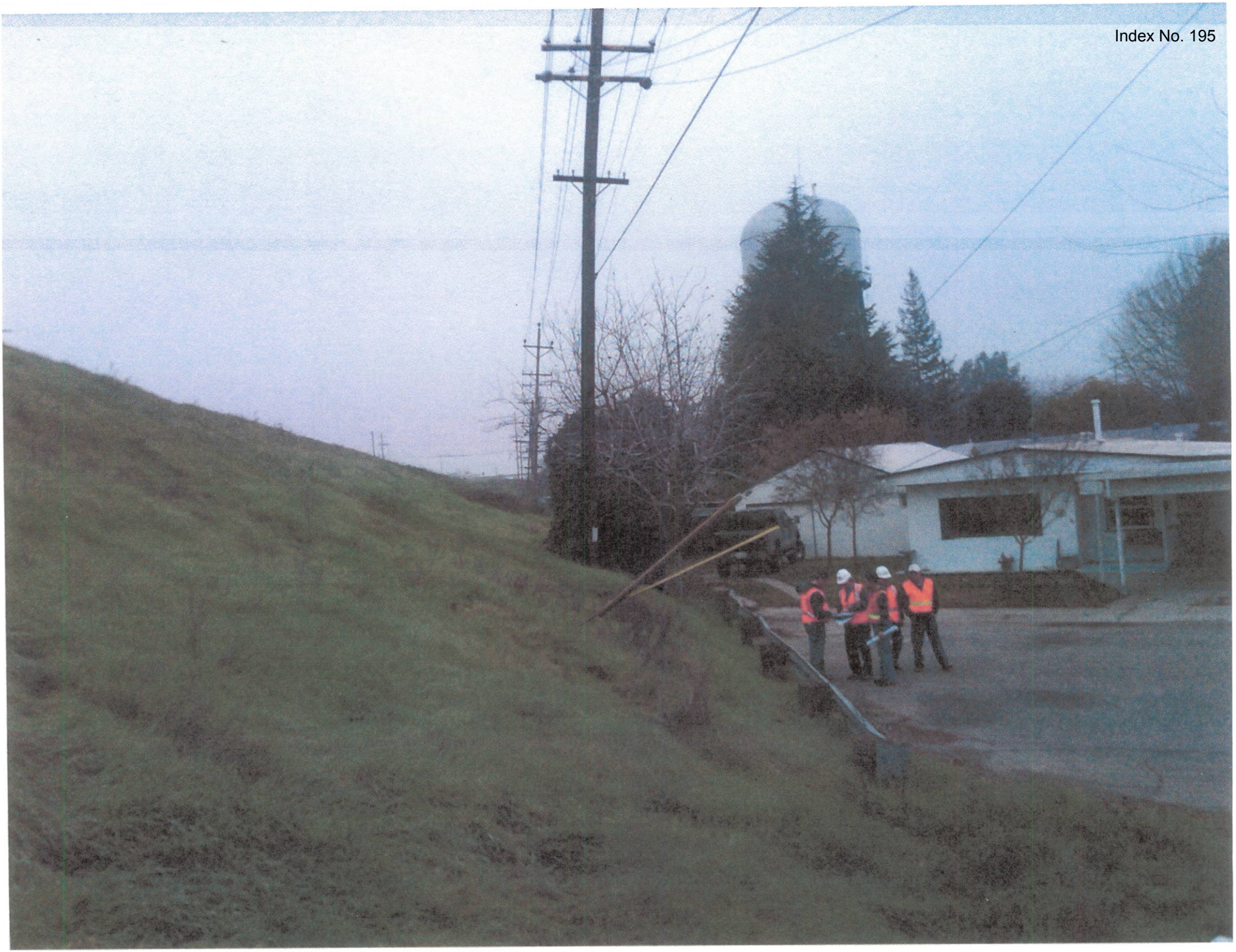
= to be relocated due to Marysville Ring Levee Project



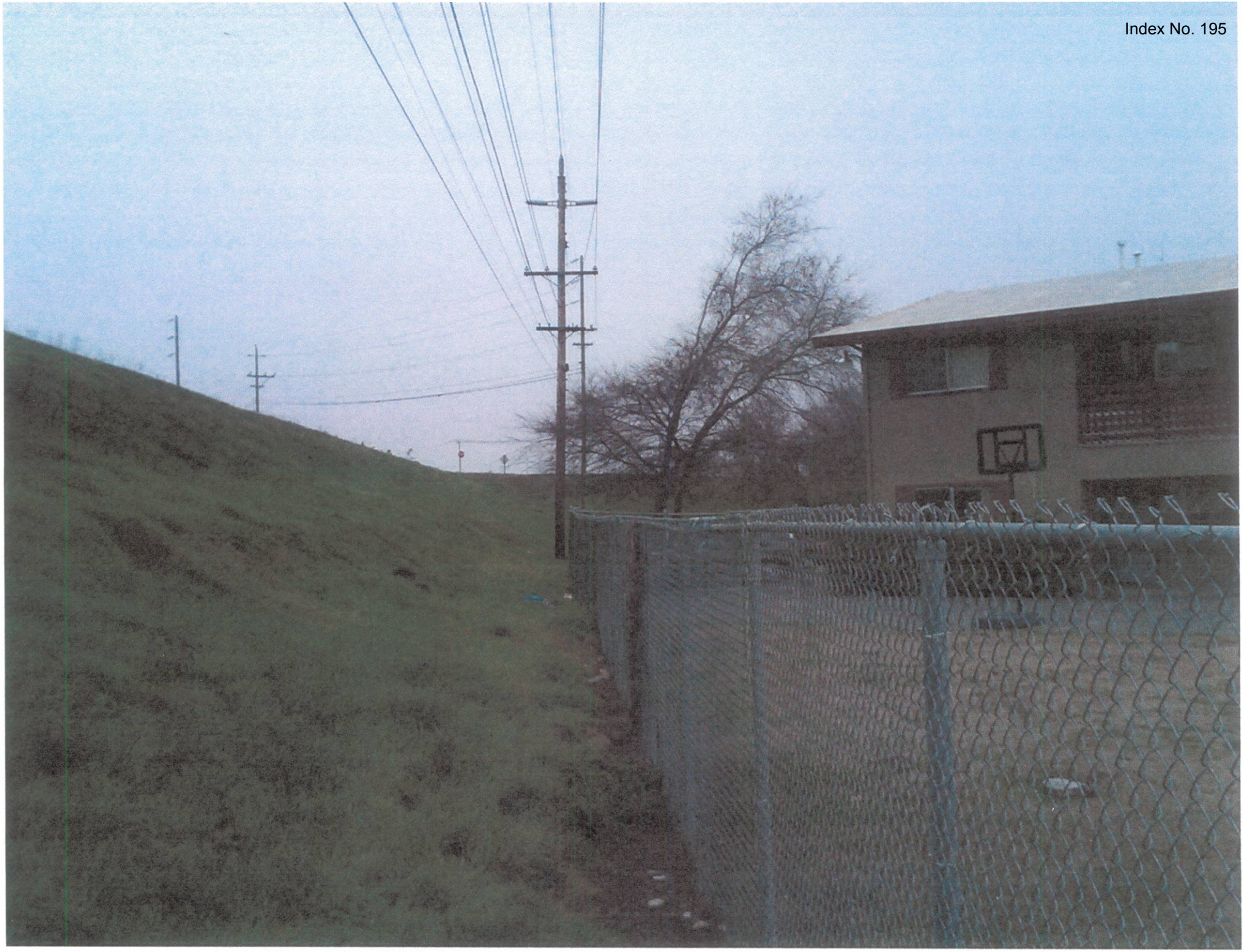
by EJP0 at 05/03/2007 02:35 PM file: C:\DATA\PROJECTS\ArcPad_PeaseMarysville\April_2007\overview_11x17.mxd

Index No. 195

Index No. 195



Index No. 195



Index No. 195

Moricz, Nancy

From: dadofranki@yahoo.com
Sent: Tuesday, April 17, 2012 5:17 AM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Chris Torres
owner
Chris Torres Farming and equipment
p.o. box 349
princeton, CA 95970-0349

April 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I have attended the workshops and this proposal is not complete! It needs to be sent back to staff for review and completion. It neeeds to include more study on the effect on agriculture. We have had members go to the meetings and be promised to be heard and then the time canceled. This is not correct or fair, it seems the environmental segment gets the most attention on the back of agriculture.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural

stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Chris Torres
5307012462
owner
Chris Torres Farming and equipment

Bill Edgar, President April 16, 2012
CENTRAL VALLEY FLOOD PROTECTION BOARD
California Natural Resources Agency – State of California
3310 El Camino Avenue, Room 151
Sacramento, California 95821

My grandfather, Tom Madden bought his 300 acre farm from his father-in-law after he married my grandmother, Margaret Meyers. It didn't look anything like it does today. Back then the Sutter Bypass wasn't even built. My dad, Ross Madden was the next steward of this land. He continued to improve the property by digging wells to be used when the Bypass was empty during drought years. I laser leveled most of the land back in 1979 to improve yields and reduce water usage. Now this land is under my supervision. I'm only the steward for a little while but my responsibility is to leave it intact and better for the next generation.

I'm Tom Madden, the forth generation watching over this land. Land that's been in my family for over one hundred years. I would like to take a couple of minutes to give my suggestions to the recently proposed Central Valley Flood Protection Plan. This plan proposes building 1600 miles of new levees in the Sacramento and San Joaquin Valleys eliminating over 40,000 acres of farmland. Don't put a new levee out in the middle of my field! This isn't just farmland, it's California farmland. Some of the most productive in the world! This farmland is the result of hard work and sacrifice. It has evolved into a very eco friendly 300 acres. Drainage from rain in the Sutter Buttes and surrounding fields is captured and recycled as irrigation water from Poodle Creek. This year-round water supply is host to local ducks and migrating water fowl, bass and catfish plus the occasional tule elk and beaver.

40,000 acres of prime farm land will be eliminated forever with this flood control plan… This farm land is part of our states economy. The eighth largest economy in the world. California is also the fifth largest food & agricultural commodity producer in the world. Revenue from this property is difficult to replace. California farmland is irreplaceable, they don't make it anymore! Its revenue is shared with local residents, from the equipment operators, the seed and fertilizer salesman, the local equipment dealers and the American manufactures of California built equipment like me. This revenue continues to trickle down to the gas station owner, the waitress at the restaurant and all the other local retail stores and area business locations. Don't forget the annual income tax and property taxes that have been collected and distributed over the past 100 years.

You as board members can insure these 40,000 acres stay in production and part of our economy. It's a moral obligation and remember… indirectly this acreage pays your salaries.

It's easy to disagree and complain about a plan. It's much more difficult to come up with a better idea. But I have a suggestion! Leave the levees where they are! Just raise them and improve them. Change the way you maintain them and control the vegetation on them. Over the years settling and erosion has occurred resulting in less reliable, significantly lower structures. That's no reason to build all new levees at a huge cost to everyone! Raise the existing structures a few feet! This is more cost effective than building new levees out in the middle of some of the most productive farm land in the world!

But before you do that try this idea... Network your existing reservoirs, dams and weirs with technology. Create a smarter water system that holds and releases water based on real time digital information. Information that comes from many sources such as weather satellites, digital flow meters located in small streams in the sierras. Add snow pac monitoring equipment that not only measures depth but moisture content real time from many locations. Let's eliminate the Groundhog Day like snow pac measuring guy with the pool. This is the 21st century lets act like it! As part of the digital monitoring network let's also measure the outward flow data including tide elevation and wind push from the delta and San Francisco Bay. Envision a system that utilizes all available technologies to manage this resource responsibly. Improve the effectiveness and eliminate the wasted water being dumped prior to a predicted warm rain on a winter snow pac. The current system now uses "hunches and guesstimations" protecting us from the "pineapple express"! Very little date measuring projected run off to calculate how much room to allow in the reservoirs. Managers have to play it safe in fear of flooding the towns down stream if their guess is wrong.

Let's utilize our Silicon Valley resource to combine and create technologies and install them on all 147 major dams, reservoirs plus weirs in the state. We can responsibly manage California's water resource and improve flood control more effectively for future generations without eliminating farm land. If Google can take an up to date picture of every one of our homes and business locations and offer it to the public for free... then technology can be developed to monitor and manage our precious waterways.

This committee has a big responsibility. Flood control is a noble cause but eliminating 40,000 acres of California farm land is unconscionable. Thank-you for listening to my concerns.

Sincerely;

Tom Madden

Moricz, Nancy

From: 1cjm@frontiernet.net
Sent: Tuesday, April 17, 2012 8:42 AM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Catherine Marsh
Bookkeeper
Joseph M. Marsh Farms
PO Box 1308
Arbuckle, CA 95912-1308

April 17, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

So much money is being spent on developing this plan that so many actual residents and adjoining landowners don't want. I feel like you are not listening to the folks that actually live and work near the proposed projects who know what has worked in the past and what has not. Many have tried to tell you their thoughts but I don't see those ideas being incorporated into the plans.

I hope and pray that storage is the first step. We are simply two back to back low rain years away from real problems in meeting the urban, environmental and agricultural needs of our state. And those dry years are more a part of our natural weather cycle than the big flood years.
Additional storage would take some of the burden off the current bypass system. The added bounus bonus would be generating productive work for contractors, suppliers, engineers and all the support services that would
accompany such a task. Think of the subsequent recreational location a
new reservoir would create and the economic boost that would provide for our neighbors.

Please consider storage first and listen closely to those who know the history of their regions.

Sincerely,

Catherine Marsh
530-476-3773
Bookkeeper
Joseph M. Marsh Farms

April 17, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

SUBJECT: 2012 Central Valley Flood Protection Plan (DRAFT)

Dear Ms. Moricz:

The Sierra Sacramento Valley Medical Society (SSVMS), representing over 2,300 physicians in El Dorado, Sacramento and Yolo counties, is pleased to provide this letter of support for the initial draft of the 2012 Central Valley Flood Protection Plan.

It is clear from the literature that the Sacramento area is at-risk for a flood disaster such as the one that recently devastated New Orleans. In order to protect the health and safety of the residents in our community, we must commit to adequate flood protection.

Thank you for the opportunity to review the draft plan. We look forward to a final report and the ultimate implementation of the goals set forth in the document.

Sincerely yours,

David Herbert

David Herbert, MD
President

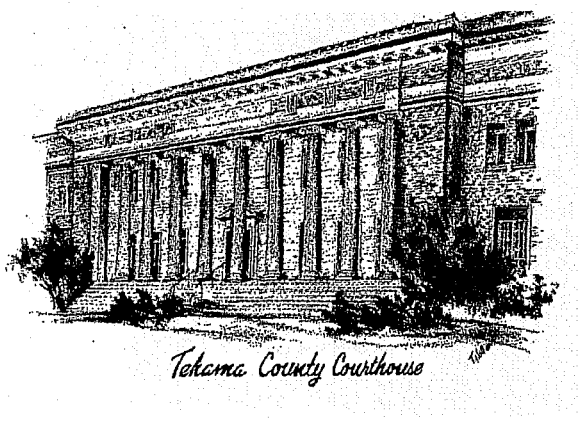
cc: Aileen Wetzel, Executive Director
Donald Lyman, MD, Chair, Public & Environmental Health Committee

5380 Elvas Avenue, Suite 101 / Sacramento, California / 95819-2396 / 916.452.2671 / 916.452.2690 FAX / www.ssvms.org / info@ssvms.org

Board of Supervisors
COUNTY OF TEHAMA

Index No. 200

District 1 – Gregg Avilla
District 2 – George Russell
District 3 – Dennis Garton
District 4 – Bob Williams
District 5 – Ron Warner



Williams J. Goodwin
Chief Administrator

April 17, 2012

Central Valley Flood Protection Plan (CVFPP)
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board Members:

I have reviewed the draft 2012 Central Valley Flood Protection Plan (CVFPP), and share the concerns expressed by others that the draft Plan sacrifices sensible flood planning for nebulous environmental goals, and fails to fulfill its critical and legally-mandated function. However, the purpose of this letter is more specific – to warn the Board that adoption of the Plan and its technical attachments in their current form raises a substantial risk of State liability for "pre-condemnation" damages under *Klopping v. City of Whittier* (1972) 8 Cal.3d 39.

The California Supreme Court has authorized private property owners to recover inverse condemnation damages whenever a government agency acts improperly either by unreasonably delaying eminent domain action following an announcement of intent to condemn *or by other unreasonable conduct prior to condemnation.* The courts have clarified that such liability does not require that the government *formally* commence the eminent domain process, but may also be established where the government makes its intention to "take" private property clear in other ways, *and then proceeds to engage in conduct that significantly invades or appropriates the use or enjoyment of that property.*

The draft CVFPP makes it abundantly clear that the State intends to "take" identifiable private properties in clearly defined areas for floodway expansion and habitat purposes. (The technical attachments expressly propose the deliberate flooding of identified properties, which is inherently a compensable "taking.") The effects upon the value of these properties and the ability of the owners to use and enjoy their land is obvious.

Unlike merely conceptual flood planning activities, which do not generally give rise to *Klopping* liability, the CVFPP goes much farther. State law (including Senate Bill 5) expressly gives the CVFPP binding effect: Local governments must incorporate the CVFPP's analysis into their General Plans and zoning ordinances, and are effectively precluded from approving any land use or development that may conflict with the CVFPP. Further, the Board's own regulations require that property owners obtain an encroachment permit for any construction or other work "within any area for which there is an adopted plan of flood control" or simply "if it is *foreseeable* that the plan of work *could be* injurious to or interfere with the successful execution, functioning, or operation of any facilities of an adopted plan of flood control *or of a plan under study.*" Under these provisions, it is virtually inconceivable that the State or any local government will permit an owner whose property is affected by the CVFPP to undertake any development or other use

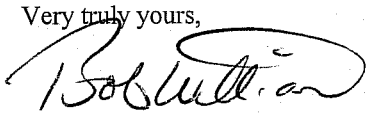
727 Oak Street, Red Bluff, CA 96080 • (530) 527-4655 • Fax (530) 527-3764

of their property that might hinder the CVFPP's contemplated "taking" of that land. Quite the contrary, the intended and likely effect of the CVFPP will be to "freeze" the use of that property in its current state, thereby depressing its value to the benefit of the future condemnor (i.e., the State) and the detriment of the property owner. This is precisely the type of "oppressive conduct" and "special and direct interference with the owner's property" that the Supreme Court held compensable in *Klopping*.

As a taxpayer and property rights advocate, I oppose both the burden that this places on the affected property owners, and the unnecessary public expense that these ill-advised proposals will surely create. I urge the Board to reject the current draft CVFPP and technical attachments, and to direct its staff to develop a revised draft that properly balances genuine flood planning needs with meaningful consideration of taxpayer expense and private property rights.

Thank you for your consideration.

Very truly yours,



Bob Williams
Tehama County Supervisor
District 4

Emailed to:
Senator Doug LaMalfa
Assemblyman Jim Nielsen
Supervisor Steve Lambert (Butte County)
Supervisor James Gallagher (Sutter County)
Supervisor Denise Carter (Colusa County)
Supervisor Roger Abe (Yuba County)
cvfppcom@water.ca.gov

727 Oak Street, Red Bluff, CA 96080 • (530) 527-4655 • Fax (530) 527-3764

CITY OF WEST SACRAMENTO

WSAFCA
West Sacramento Area Flood Control Agency

April 18, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic Environmental Impact Report.

Dear Ms. Moricz:

The West Sacramento Area Flood Control Agency (WSAFCA) and the City of West Sacramento (City) have reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and ***not*** a list of projects to be approved now for implementation. We appreciate DWR's efforts to date on the CVFPP development.

We support the CVFPP's prioritization for improving the urban levees. Our community has greatly benefited from being able to take advantage of the Early Implementation Program, using this program to repair levees for the I Street, CHP Academy, and Rivers EIP Projects. We look forward to continuing to work with the CVFPB and DWR on implementation of our next phase of improvements as part of the Southport Sacramento River EIP Project. We believe these projects go beyond being just supportive of the CVFPP by achieving multiple objectives such as recreation and ecosystem restoration in addition to much needed flood protection improvements. We encourage the CVFPB and DWR to continue to make improving the urban levees a high priority as you move toward implementation of the Plan.

We also support the concept of system improvements, such as modifications to the Yolo Bypass. However, modifications to the Flood Control System of this scale may have significant adverse effects to levees protecting the City of West Sacramento, and to Yolo County agriculture and property owners that need to be carefully considered and mitigated. We encourage the CVFPB and DWR to partner with local agencies in implementation of the CVFPP to ensure local concerns are addressed. We believe giving local agencies an option of leading the system improvements process (planning, design, construction) will significantly increase the chances that we will be successful in carrying out the vision contained in the plan.

We appreciate both DWR and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to continued cooperation as we implement the Plan.

Thank you for the opportunity to provide these comments.

City of West Sacramento
Toby Ross, City Manager

WSAFCA
Kenneth A. Ruzich, General Manager

Moricz, Nancy

From: lhumphreys09@gmail.com
Sent: Wednesday, April 18, 2012 10:07 AM
To: Cvfpp_Comments
Subject: Flood Protection Plan Comments

Lisa Humphreys
704 Waltz Ave
Gerber, CA 96035-2041

April 18, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Lisa Humphreys

Moricz, Nancy

From: glenncfb@att.net
Sent: Wednesday, April 18, 2012 10:07 AM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Glenn County Farm Bureau
831 5th Street
Orland, CA 95963-1743

April 18, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Glenn County Farm Bureau

April 7, 2012

To: Central Valley Flood Protection Board

I would like to submit the following comments regarding the current Flood Plan:

First of all you keep looking to take more and more land to put into the floodways. This only puts off the problem for a few more years. Then you come back and say we need more land for the floodways. Why don't you get out of your offices and survey the existing rivers and waterways? Develop a spread sheet to compare how much water was carried through the waterways (say 60 – 70 years ago) to how much is carried today. What is the elevation of the bottom of the rivers today compared to when the levees first were put into place. They are silted in and overgrown with trees, shrubs and weeds. Trees and shrubs allowed to grow on the levees threatens their integrity or so Safety of Dams says regarding the strength and safety of dam embankments. So it should be the same for river levees. Common sense tells you that water slows down considerably when there are obstacles in the way. It backs up and overflows. If you don't start doing something within the levees of the rivers and creeks you will either have to increase the height of the levees or keep taking more and more ag land for the floodways. When do you stop? How high do you go with the levees? How much land was taken the last time you reviewed the flood plan?

I don't think I have to tell you that agriculture plays a very important part in the economy of California. It doesn't stay with just the employees on the farm. It creates jobs throughout the state, i.e. food processing, freight, farming equipment. Employees in these categories spend their money in grocery stores and retail stores creating more jobs.

Yes, you have environmental issues, but we have allowed these to get way out of hand and you need to start reversing this trend.

Etta Lee Ramos

Etta Lee Ramos
4490 Gallagher Rd.
Rio Oso, CA 95674

RECEIVED
APR 10 2012
By

April 11, 2012

RE: Central Valley Flood Protection Plan

Dear Sirs:

We own our 97 year old home along the East side of the Sacramento River one mile above Knights Landing in Sutter County. We own the adjacent farmland to the low-water line of the East bank of the Sacramento River. We would fight very hard not to be included in the CVFPP. Widing or setting back of the levee would destroy our home, farm shop and equipment yard as well as our river pumps. The capacity of the river could be increased if all the debriscould be pulled from the river like it used to be before the Hard-Core enviromentalist wouldn't let the Corp of Engineers do it any more. Dredging the high spots would icrease the capacity. Levee Setbacks would push any winter seepage farther out into the Basin.

"Bypass" Expansions would not be necessary if the existing bypasses were cleared of all vegetation and excess dirt and kept that way. There is no need for an additional 40,000-acre footprint of Bypass expansion, especially 10,000 acres of permanent habitat included in this plan. This is not a flood control plan. It is a plan to satisfy the enviromentalist to keep the area "Natural".

Why is it that the agricultural and rural areas share greater burdens, pressures, risks and liabilities when compared to urban and urbanizing areas?

We hope that the CVFPP as proposed now will not be authorized. The plan would be extremely expensive and would harm a lot of farmers, landholders and rural areas.

Sincerely,

William P. Lockett

William P. Lockett
21448 Cranmore Rd.
Knights Landing, CA 95645
530-735-6310

RECEIVED
APR 13 2012
By

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
David Lamon, City Services Director	City of Marysville	dlamon@marysville.ca.us	CVFPP	Appendix A, Attachment 8J	Table 4-12, page 4-14	The City of Marysville and Marysville Levee District have reviewed the overall plan and portions specific to the Marysville Ring Levee Urban flood control improvements. Overall we commend the plan and feel that it is a good framework for future flood control projects and System improvements. However, we are concerned with information related to the Marysville Ring Levee Improvements range of costs provided in Appendix A, Attachment 8J, Table 4-12 (page 4-14). This table shows a range of costs from $161.9 million to $194.3 million. According to the text, "A project cost was provided by DWR Flood Projects Office for each urban area. For purposes of this cost estimate, these were estimated to be low cost. In most cases, the low project cost estimate was increased by 20 percent to provide the high end of the cost estimate. For projects that have advance design studies, or are in progress or completed, the low and high costs are the same (i.e. 0 percent increase between low and high estimate). These projects also have a higher level of engineering already completed compared to other urban improvement projects, so there are no additional risk assessment, feasibility, engineering, and permitting costs included in the estimates." However, the Marysville Ring Levee Project is currently being implemented by the USACE through the Federal Yuba River Basin, California Project. Construction began in 2010 and is scheduled to be completed in 2016. According to the Yuba River Basin, California, Marysville Ring Levee Engineering Documentation Report (USACE, April 12, 2010), the total estimated project cost, including contingency and inflation through the midpoint of construction, is $92.5 million. Further, we have worked with DWR and the Corps to further refine the design and necessary improvements and have realized approximately 50% cost savings on Phase 1 alone. Therefore, we suggest that this table be revised to reflect a range of costs between $70 and $92.5 million per the USACE published Engineering Documentation Report to avoid contradictory cost information causing confusion for project stakeholders.	

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-17	4th bullet regarding work windows. In the second sentence it refers to "new " species. Recommend deleting "new" and replacing it with "additional".	If habitat is improved and increased in and near the flood system, an intended outcome is increases in population sizes and, potentially populations of additional species using restored areas.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-18	3rd full paragraph. Recommend deleting the phrase "where feasible" and elsewhere in the document. Without additional information the reader does not know how an effort is evaluated for feasibility.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-12	The USFWS supports the concept of setback levees and widening the floodplain for both environmental and public safety reasons and where future feasibility studies show the benefits. We recognize that these actions can have a detrimental impact on agricultural and other interests and plan to work collaboratively with all involved to develop and implement sound projects.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2.7	2-25	The USFWS concurs and supports the idea of creating a flood system that would lower flood control operations and maintenance costs and may also be compatible with enhancing habitats within and adjacent to the flood system.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-30	6th bullet. We suggest this bullet be strengthened to include the language from the DWR Environmental Stewardship Policy which goes beyond "considering" opportunities for ecosystem restoration.	All levels of project planning and development should include environmental stewardship and ecosystem protection and restoration as criteria in project funding decisions.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph. Recommend deleting "to the extent feasible" in the first sentence.	Levee projects in urban areas should consider setbacks based on the level of existing development and the potential benefits.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph, 3rd sentence. Recommend deleting "consider" from the sentence.	Other improvements should incorporate ecosystem preservation, restoration and enhancement as funding criteria for project design and funding.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-14	Feather River Bypass. The Service manages 10,311 acres of conservation easements and 733 acres of fee-title wetland habitat in the Butte Sink. The Service has concerns on the effect of creating a 32,000 cubic-foot per second bypass on or near Cherokee Canal and how that could affect the wetlands managed by the Service. Four major water delivery and fish passage structures have been built on or near Cherokee Canal and it is unclear how the bypass would effect the function and integrity of these structures.	Coordinate with the Service during the Feasibility stage and the regional planning stages. The Service has a role both as a regulator, responsible for implementing the Endangered Species Act and Fish and Wildlife Coordination Act, and also as a land manager of numerous refuges in the Central Valley.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-16	Section 3.5.5, last paragraph. We recommend deleting "where feasible" at the end of the last sentence.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	4th bullet. It should be made clear in this bullet that life-cycle management does not apply to the lower 1/3 of the waterside levee slope.	

USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	5th bullet. There needs to be some clarification on use of term riparian habitat. Riparian habitat is the interface between the terrestrial and aquatic areas. Therefore, some of riparian forest referred to here would need to occur within floodplain (waterside of the levee). Habitat removed on the landside of the levee and levee crown would generally not be considered riparian habitat although some of the vegetative species may be the same. The upper 2/3 of the waterside levee could be considered riparian depending on the species composition and frequency of inundation.	These are important distinctions which need to be worked out in development of the Conservation Strategy.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-26	1st bullet. It should be clarified whether or not a project which does not meet at least one of the criteria listed here for "no-regrets program or action" would truly be considered a no regrets project by the State as it relates to early implentation projects.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-35	Phase II. It is disappointing to see that setback levees may not be constructed until Phase II. We understand these take time to plan; however, it seems to imply here that they could not be a part of Phase I. Given that Phase I work is planned for the next 5 years, we would not want to see it discouraged as part of an EIP program.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-1	The Conservation Framework does not focus on upland areas along with the broader watershed. This limitation could result in the failure of restoration actions. A standard starting point for any riverine restoration project, is to match the project to contemporary flow and sediment transport regime while balancing it with historical flow and sediment transport regime. These historic regimes are controlled by larger-scale geomorphic features. A watershed scale perspective is integral during the design phase of restoration/enhancement projects.	Incorporate a watershed approach to the Conservation Framework and Strategy.
USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-15	Table 2-3. Delta smelt is also State listed.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-3	USFWS fully supports DWRs Environmental Stewardship Policy which includes a provision for DWR to include environmental stewardship and ecosystem restoration as a criterion in project funding decisions for all DWR programs.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS agrees that consolidating meandering levees into shorter setback levees would decrease O&M, and provide improvements in floodplain processes, habitat quality, quantity and connectivity.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS concurs designs and budgets for flood projects should include actions that provide ecosystem benefits.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-16	LCM-USFWS reiterates its support for the LCM concept. However, we would expect that any vegetation removed on the waterside of the levee be planted elsewhere in the system on the waterside of the levee.	

USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-22	Collaborating with Existing Regional Conservation Plans	You should also add CDFG Ecosystem Restoration Program and the Central Valley Project Improvement Act's Anadromous Fish Restoration Program.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.5	ES-19	2nd bullet. We recommend deleting the word "needs" in the last sentence and insert clarifying language.	Each agency has its own requirements, guidance, and role in project implementation, and there are challenges associated with meeting the requirements of State and Federal laws under the jurisdiction of these agencies.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Modified State System wide Investment Approach Alternative include LCM?	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Achieve SPFC Design Flow Capacity Alternative include LCM or a variance proposal?	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-37	There is a discrepancy in the language regarding mitigation plantings in the floodplain between Impact BIO-A-2 and Impact BIO-A-3. In A-2 it states: *Any mitigation plantings in the floodway will not be permitted if they would result in* ***substantial increases*** *in flood stage elevations or alter flows in a manner that would have a* ***substantial adverse effect*** *on the opposite bank* . In A-3 the statement is: A*ny mitigation plantings in the floodway will not be permitted if they would result in* ***increases*** *in flood stage elevations, or* ***alter flows*** *affecting the opposite bank.*	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Mitigation Measure BIO-T-1a: Before an NTMSA [or LMTA] is implented, the CNDDB will be searched to determine whether sensitive communities, habitats, and species observation records may be present in or near the project area.	CNDDB is a good tool, but one should not assume species absence based solely on negative search results for particular species.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Impact BIO-T-1, 3rd bullet. It would also be appropriate to consult with the USFWS as compliance with the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act may be needed.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	1	1-5	line 18, the CVFPP study area does not encompass most of California (see Figure 1-3 on page 1-8).	Recommend the sentence be rewritten to: Because of the interconnected nature of flood management, water supply, and land use management decision making, the CVFPP study area encompasses much of the Central Valley.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	2	2-12	line 31, suggest deleting "may be" and replace it with "are encouraged to…." This language closely aligns with the bullets on page 2-5.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.3.1	3.3-11	The detriments of flooding on agricultural production are discussed, but the reason so much farmland exists on historic floodplain areas is because of the benefits of soil and nutrient replenishment for agricultural crops.	Add a discussion that some agriculture may benefit from occasional flooding.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-42 & 43	There is a discussion regarding the thinning of riparian habitat. Do you mean narrowing or both thinning and narrowing. This could have different affects on different species.	Clarify the meaning of thinning.

USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-44	The USFWS has concerns for the effect the VMS could have on habitat connectivity. In some reaches of the plan it would be very difficult to adequately offset the loss of vegetation due to VMS because the replacement vegetation would not be located in a way which restores connectivity.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	We agree with the bullet in line 8, however acreage is also an important component.	You should also be thinking in terms of acreage in addition to function and value.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	You discuss providing compensation habitat that has been implemented by a levee maintenance agency or other entity. What other entities are you thinking of?	Clarify what potential other entities may be providing habitat restoration for compensation.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-49	A bullet discusses doing a survey of shaded riverine aquatic (SRA) habitat before construction activities occur. This sounds as though it would be site specific. We believe a survey of the entire system need to be conducted very early on in the planning effort in order to determine the significance of the SRA habitat to the overall system.	Include a mitigation measure to survey SRA habitat for the entire system.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-74	The CNDDB is to be searched to determine what sensitive habitats and species may be present and where. The CNDDB only shows species that have had a positive occurrence due to a survey. This would exclude areas that have sensitive habitats or species, but have not been surveyed and species that can be very difficult to detect even when directed surveys are done.	Examine species ranges and habitat preferences in order to determine what minimization and avoidance measures should be included for NTMAs.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-76	When discussing compensation habitat, providing an endowment and conservation easement should be mentioned.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-82	The PEIR assumes that you can offset adverse effects to species and their habitats due to construction-related effects. However, in some cases this could be very costly or even impossible. Widening the bypasses or creating new bypasses could effect a large acreage of existing wetlands and rice. Some of these areas have a conservation easement held by the Fish and Wildlife Service for the protection of migratory birds. Changes in the ability to acquire water, the depth and/or duration of flooding, damage to infrastructure, the need for increased sediment removal, the need for increased invasive plant removal, and increased maintenance costs have not been analyzed.	Include an effect analysis which analyzed the effects on all of the concerns outlined in this comment. We believe that Service land is not the only land that would have these kinds of effects. There are numerous Department of Fish and Game Wildlife Areas that could be affected by bypass expansion or creation, as well as conservation easements and lands held by private conservation organizations.

				3.6.4	3.6-82	Similar to the above comment, the PEIR does not address the effects to habitat that would be used to create or enlarge bypasses. Currently, there are two conservation banks for giant garter snake, which border the eastern levee of the Sutter Bypass. Expansion of this bypass to the east would cause significant effects to these lands which serve as compensation for adverse effects to giant garter snake. While snakes can and do use the bypass during the summer months, adverse effects occur to overwintering snakes when the bypass floods through potential mortality through drowning. In addition to the conservation banks, there is rice habitat adjacent to many bypasses, which provides habitat for giant garter snakes, but would also be negatively affected by incorporating these areas into the bypasses.	Analyze effects of habitat loss to giant garter snake and avoid bypass expansion in areas with high quality habitat.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-84	There is a statement which says "Authorized losses of habitat will not exceed the function and value of available compensation habitat." It can be difficult to determine the value of habitat to a particular species in order to offset any loss of value. While it is important to look at the quality of the habitat, the sheer loss of quantity of habitat would require that it at least be replaced and depending on temporal effects it may need to be replaced in greater quantity than what is affected.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-89	As stated above, the USFWS has concerns on the long-term effects of VMS on riparian connectivity. In order to adequately analyze the effects of VMS and LCM to the system, DWR should survey the rivers within the planning area in order to review which areas currently lack connectivity and therefore are negatively affecting riparian species which require connectivity as well as which areas would be degraded and cause fragmentation.	Include a survey of the riparian habitat, in order to analyze the effects of VMS and LCM on riparian habitat connectivity. This would also potentially locate areas for possible setback levees.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-90	There is a bullet which implies that if there is little to no woody vegetation existing, then the VMS would result in little change from existing conditions. While this is true, it also does not allow for potential to improve conditions. This would permanently create a degraded condition, which may cause the eventual decline of some species (riparian brush rabbit).	Look at the rivers within the planning area as a system and determine where connectivity is needed. These areas would be adversely affected by not allowing vegetation to grow on them in a future condition. This effect should be included in the document.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
08ESMF00-2012-CPA-0100

APR 18 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Ms. Moricz:

We appreciate the opportunity to comment on the Public Draft 2012 Central Valley Flood Protection Plan (Plan). As you are aware, the Fish and Wildlife Service has participated to the extent possible in Plan development by attending various workshops, briefings and providing written comments on various sections of the draft Plan over the past few years prior to its release for the public review process. We believe the California Department of Water Resources (DWR) has brought together a good descriptive document that can be adopted by the Central Valley Flood Protection Board (Board). After adoption by the Board the Plan can move forward to feasibility studies and ultimately development of regional planning strategies that will more specifically address projects to lower flood risk in flood prone areas and integrate ecosystem restoration activities. Prioritization and funding of flood risk reduction and ecosystem restoration actions will be a critical component of the Plan's post-adoption processes.

Following are a few general comments and enclosed are some specific comments which we have entered into the excel spreadsheet posted on the Central Valley Flood Protection Board website for receiving comments.

The California Central Valley Flood Protection Act of 2008 (Senate Bill 5) defined objectives for reducing the risk of flooding in the Central Valley. The Plan was directed to describe means for improving both structural and nonstructural performance and eliminating deficiencies in the State Plan for Flood Control Facilities. Other objectives to meet included promotion of natural hydrologic and geomorphic processes; increasing quantity, diversity and connectivity of riparian, wetland, floodplain and shaded riverine aquatic habitats; promoting the recovery and stability of native species populations and overall biotic community diversity; and identifying opportunities for expanding or increasing use of floodway corridors. Development of these types of multiple benefit projects will be critical for future project implementation actions.

Development of a comprehensive, long-term financing plan will also be critical. We understand this is currently being worked on and is scheduled to be completed in 2013. A major concern we have is that little funding will be available for implementing actions for the supporting goals, such as promoting ecosystem functions, after the Plan's primary goal of improving flood risk management is fully funded. We believe the Plan should provide assurances that go beyond just

mitigation of adverse impacts of any proposed projects, and actually incorporate ecosystem restoration actions. Additionally, as the Plan is adopted by the Board, the Board should make it clear that the adoption includes Attachment 2, the Conservation Framework. We note that the DWR Environmental Stewardship Policy includes provision for DWR to include environmental stewardship and ecosystem protection and restoration as a criterion in project funding decisions for all their programs. We believe this language should be made clear within the Plan. We look forward to working with DWR and others on implementing this policy on proposed projects.

There are many statements in the Conservation Framework stating that improving ecological conditions in flood systems depends on improving hydrologic and geomorphic processes (i.e., sediment erosion, transport, and deposition). We concur with such statements. However, it should be recognized that the most effective (and realistic) way to enhance ecological conditions downstream of dams and within levee systems, is to explicitly alter both the contemporary hydrologic and geomorphic processes within the floodway to more closely resemble the natural hydrograph. Success or failure of restoration actions within the floodway will be largely dependent on how well a given project is analyzed in relation to such physical processes. In addition, a given ecosystem restoration project should be designed in relation to appropriate alterations to the current flow and sediment transport regime (as controlled by flood control facilities). For example, a restoration project may not function appropriately in the long-term without a combination of periodic gravel augmentation and incorporation of adequate flows to properly maintain the placed gravel.

Lastly, it is still unclear how the Plan will integrate with other large scale planning efforts taking place in the Central Valley such as regional Habitat Conservation Plans, the Bay Delta Conservation Plan, Delta Stewardship Council's Delta Plan, and San Joaquin River Restoration Plan. The Plan acknowledges these and other efforts, but does not state how the various efforts will be integrated.

We look forward to working with DWR, the Board and others on the regional planning efforts and development of the Conservation Strategy to follow adoption of the Plan. If you have any questions regarding these comments please contact Doug Weinrich at (916) 414-6563.

Sincerely,

Susan Moore
Field Supervisor

Enclosure

cc:
Bay-Delta FWO, Sacramento, CA
Stockton FWO, Stockton, CA
Sacramento NWR Complex, Willows, CA
Mary Ann Hayden, DWR, Sacramento, CA

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-17	4th bullet regarding work windows. In the second sentence it refers to "new " species. Recommend deleting "new" and replacing it with "additional".	If habitat is improved and increased in and near the flood system, an intended outcome is increases in population sizes and, potentially populations of additional species using restored areas.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	1	1-18	3rd full paragraph. Recommend deleting the phrase "where feasible" and elsewhere in the document. Without additional information the reader does not know how an effort is evaluated for feasibility.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-12	The USFWS supports the concept of setback levees and widening the floodplain for both environmental and public safety reasons and where future feasibility studies show the benefits. We recognize that these actions can have a detrimental impact on agricultural and other interests and plan to work collaboratively with all involved to develop and implement sound projects.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2.7	2-25	The USFWS concurs and supports the idea of creating a flood system that would lower flood control operations and maintenance costs and may also be compatible with enhancing habitats within and adjacent to the flood system.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	2	2-30	6th bullet. We suggest this bullet be strengthened to include the language from the DWR Environmental Stewardship Policy which goes beyond "considering" opportunities for ecosystem restoration.	All levels of project planning and development should include environmental stewardship and ecosystem protection and restoration as criteria in project funding decisions.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph. Recommend deleting "to the extent feasible" in the first sentence.	Levee projects in urban areas should consider setbacks based on the level of existing development and the potential benefits.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-7	2nd paragraph, 3rd sentence. Recommend deleting "consider" from the sentence.	Other improvements should incorporate ecosystem preservation, restoration and enhancement as funding criteria for project design and funding.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-14	Feather River Bypass. The Service manages 10,311 acres of conservation easements and 733 acres of fee-title wetland habitat in the Butte Sink. The Service has concerns on the effect of creating a 32,000 cubic-foot per second bypass on or near Cherokee Canal and how that could affect the wetlands managed by the Service. Four major water delivery and fish passage structures have been built on or near Cherokee Canal and it is unclear how the bypass would effect the function and integrity of these structures.	Coordinate with the Service during the Feasibility stage and the regional planning stages. The Service has a role both as a regulator, responsible for implementing the Endangered Species Act and Fish and Wildlife Coordination Act, and also as a land manager of numerous refuges in the Central Valley.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	3	3-16	Section 3.5.5, last paragraph. We recommend deleting "where feasible" at the end of the last sentence.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	4th bullet. It should be made clear in this bullet that life-cycle management does not apply to the lower 1/3 of the waterside levee slope.	

USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-15	5th bullet. There needs to be some clarification on use of term riparian habitat. Riparian habitat is the interface between the terrestrial and aquatic areas. Therefore, some of riparian forest referred to here would need to occur within floodplain (waterside of the levee). Habitat removed on the landside of the levee and levee crown would generally not be considered riparian habitat although some of the vegetative species may be the same. The upper 2/3 of the waterside levee could be considered riparian depending on the species composition and frequency of inundation.	These are important distinctions which need to be worked out in development of the Conservation Strategy.
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-26	1st bullet. It should be clarified whether or not a project which does not meet at least one of the criteria listed here for "no-regrets program or action" would truly be considered a no regrets project by the State as it relates to early implentation projects.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	2012 Central Valley Flood Protection Plan	4	4-35	Phase II. It is disappointing to see that setback levees may not be constructed until Phase II. We understand these take time to plan; however, it seems to imply here that they could not be a part of Phase I. Given that Phase I work is planned for the next 5 years, we would not want to see it discouraged as part of an EIP program.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-1	The Conservation Framework does not focus on upland areas along with the broader watershed. This limitation could result in the failure of restoration actions. A standard starting point for any riverine restoration project, is to match the project to contemporary flow and sediment transport regime while balancing it with historical flow and sediment transport regime. These historic regimes are controlled by larger-scale geomorphic features. A watershed scale perspective is integral during the design phase of restoration/enhancement projects.	Incorporate a watershed approach to the Conservation Framework and Strategy.
USFWS	USFWS	Douglas_Weinrich@fws.gov	USFWS	USFWS	2-15	Table 2-3. Delta smelt is also State listed.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-3	USFWS fully supports DWRs Environmental Stewardship Policy which includes a provision for DWR to include environmental stewardship and ecosystem restoration as a criterion in project funding decisions for all DWR programs.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS agrees that consolidating meandering levees into shorter setback levees would decrease O&M, and provide improvements in floodplain processes, habitat quality, quantity and connectivity.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-4	USFWS concurs designs and budgets for flood projects should include actions that provide ecosystem benefits.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-16	LCM-USFWS reiterates its support for the LCM concept. However, we would expect that any vegetation removed on the waterside of the levee be planted elsewhere in the system on the waterside of the levee.	

USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Attachment 2	5	5-22	Collaborating with Existing Regional Conservation Plans	You should also add CDFG Ecosystem Restoration Program and the Central Valley Project Improvement Act's Anadromous Fish Restoration Program.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.5	ES-19	2nd bullet. We recommend deleting the word "needs" in the last sentence and insert clarifying language.	Each agency has its own requirements, guidance, and role in project implementation, and there are challenges associated with meeting the requirements of State and Federal laws under the jurisdiction of these agencies.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Modified State System wide Investment Approach Alternative include LCM?	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	ES.6	ES-21	Does the Achieve SPFC Design Flow Capacity Alternative include LCM or a variance proposal?	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-37	There is a discrepancy in the language regarding mitigation plantings in the floodplain between Impact BIO-A-2 and Impact BIO-A-3. In A-2 it states: *Any mitigation plantings in the floodway will not be permitted if they would result in* ***substantial increases*** *in flood stage elevations or alter flows in a manner that would have a* ***substantial adverse effect*** *on the opposite bank* . In A-3 the statement is: A*ny mitigation plantings in the floodway will not be permitted if they would result in* ***increases*** *in flood stage elevations, or* ***alter flows*** *affecting the opposite bank.*	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Mitigation Measure BIO-T-1a: Before an NTMSA [or LMTA] is implented, the CNDDB will be searched to determine whether sensitive communities, habitats, and species observation records may be present in or near the project area.	CNDDB is a good tool, but one should not assume species absence based solely on negative search results for particular species.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR		ES-38	Impact BIO-T-1, 3rd bullet. It would also be appropriate to consult with the USFWS as compliance with the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act may be needed.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	1	1-5	line 18, the CVFPP study area does not encompass most of California (see Figure 1-3 on page 1-8).	Recommend the sentence be rewritten to: Because of the interconnected nature of flood management, water supply, and land use management decision making, the CVFPP study area encompasses much of the Central Valley.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	2	2-12	line 31, suggest deleting "may be" and replace it with "are encouraged to…." This language closely aligns with the bullets on page 2-5.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.3.1	3.3-11	The detriments of flooding on agricultural production are discussed, but the reason so much farmland exists on historic floodplain areas is because of the benefits of soil and nutrient replenishment for agricultural crops.	Add a discussion that some agriculture may benefit from occasional flooding.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-42 & 43	There is a discussion regarding the thinning of riparian habitat. Do you mean narrowing or both thinning and narrowing. This could have different affects on different species.	Clarify the meaning of thinning.

USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-44	The USFWS has concerns for the effect the VMS could have on habitat connectivity. In some reaches of the plan it would be very difficult to adequately offset the loss of vegetation due to VMS because the replacement vegetation would not be located in a way which restores connectivity.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	We agree with the bullet in line 8, however acreage is also an important component.	You should also be thinking in terms of acreage in addition to function and value.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-47	You discuss providing compensation habitat that has been implemented by a levee maintenance agency or other entity. What other entities are you thinking of?	Clarify what potential other entities may be providing habitat restoration for compensation.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.5.4	3.5-49	A bullet discusses doing a survey of shaded riverine aquatic (SRA) habitat before construction activities occur. This sounds as though it would be site specific. We believe a survey of the entire system need to be conducted very early on in the planning effort in order to determine the significance of the SRA habitat to the overall system.	Include a mitigation measure to survey SRA habitat for the entire system.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-74	The CNDDB is to be searched to determine what sensitive habitats and species may be present and where. The CNDDB only shows species that have had a positive occurrence due to a survey. This would exclude areas that have sensitive habitats or species, but have not been surveyed and species that can be very difficult to detect even when directed surveys are done.	Examine species ranges and habitat preferences in order to determine what minimization and avoidance measures should be included for NTMAs.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-76	When discussing compensation habitat, providing an endowment and conservation easement should be mentioned.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-82	The PEIR assumes that you can offset adverse effects to species and their habitats due to construction-related effects. However, in some cases this could be very costly or even impossible. Widening the bypasses or creating new bypasses could effect a large acreage of existing wetlands and rice. Some of these areas have a conservation easement held by the Fish and Wildlife Service for the protection of migratory birds. Changes in the ability to acquire water, the depth and/or duration of flooding, damage to infrastructure, the need for increased sediment removal, the need for increased invasive plant removal, and increased maintenance costs have not been analyzed.	Include an effect analysis which analyzed the effects on all of the concerns outlined in this comment. We believe that Service land is not the only land that would have these kinds of effects. There are numerous Department of Fish and Game Wildlife Areas that could be affected by bypass expansion or creation, as well as conservation easements and lands held by private conservation organizations.

				3.6.4	3.6-82	Similar to the above comment, the PEIR does not address the effects to habitat that would be used to create or enlarge bypasses. Currently, there are two conservation banks for giant garter snake, which border the eastern levee of the Sutter Bypass. Expansion of this bypass to the east would cause significant effects to these lands which serve as compensation for adverse effects to giant garter snake. While snakes can and do use the bypass during the summer months, adverse effects occur to overwintering snakes when the bypass floods through potential mortality through drowning. In addition to the conservation banks, there is rice habitat adjacent to many bypasses, which provides habitat for giant garter snakes, but would also be negatively affected by incorporating these areas into the bypasses.	Analyze effects of habitat loss to giant garter snake and avoid bypass expansion in areas with high quality habitat.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-84	There is a statement which says "Authorized losses of habitat will not exceed the function and value of available compensation habitat." It can be difficult to determine the value of habitat to a particular species in order to offset any loss of value. While it is important to look at the quality of the habitat, the sheer loss of quantity of habitat would require that it at least be replaced and depending on temporal effects it may need to be replaced in greater quantity than what is affected.	
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-89	As stated above, the USFWS has concerns on the long-term effects of VMS on riparian connectivity. In order to adequately analyze the effects of VMS and LCM to the system, DWR should survey the rivers within the planning area in order to review which areas currently lack connectivity and therefore are negatively affecting riparian species which require connectivity as well as which areas would be degraded and cause fragmentation.	Include a survey of the riparian habitat, in order to analyze the effects of VMS and LCM on riparian habitat connectivity. This would also potentially locate areas for possible setback levees.
USFWS	USFWS	Douglas_Weinrich@fws.gov	CVFPP-Program EIR	3.6.4	3.6-90	There is a bullet which implies that if there is little to no woody vegetation existing, then the VMS would result in little change from existing conditions. While this is true, it also does not allow for potential to improve conditions. This would permanently create a degraded condition, which may cause the eventual decline of some species (riparian brush rabbit).	Look at the rivers within the planning area as a system and determine where connectivity is needed. These areas would be adversely affected by not allowing vegetation to grow on them in a future condition. This effect should be included in the document.

Reclamation District No. 479

April 16, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Board Members:

We would like to express our opposition about the currently proposed Central Valley Flood Protection Plan. We have a number of reservations about the actions, projects, and measures laid out in the presentation on April 12, 2012 in Colusa, California. The most alarming concern is reengineering the natural hydrology of the Northern Sacramento Valley, specifically, the Cherokee Canal project, which moves Feather River Basin flood water to the Sacramento River Basin. Although this measure may give relief to the east side of the Valley, it magnifies the dangers and impact of flood water to the west side, specifically the Colusa area.

These impacts include:

1. More pressure on east side levees; and
2. Areas will be flooded longer and deeper than they have been historically.

On the webcast meeting of the CVFPB, several speakers talked about willing sellers, but at no point during the presentation did it address the acquisition of land by unwilling sellers. Also, the plan does not address where agricultural interests are made whole or compensated from damages from the increased environmental mitigation that the plan calls for. Since the plan calls for addressing increased damages to airports caused by enhanced habitat, it seems that the plan should call for addressing the increased damages to agricultural operations caused the increased amount of habitat.

Noel Lerner gave a general outline of levee improvements, all weather roads, and other flood fighting measures that would be funded in part by this plan and a cost sharing component that would be funded by Prop 218 measures. Since he didn't expand on this, I am left to assume that local governments would need to fund or put a ballot measure in front of voters for an increase in taxes - passage of which is doubtful at best. What happens if local agencies do not have the funds to cost share theses proposals, and ballot measures do not pass to raise this additional funding?

We understand the need for flood protection. Many families live on the west side of the Mormon Basin, The response by the Board's personnel, when these questions and other have been asked, has been that we need to get started as soon as possible on this multiyear project. We appreciate the need for the State to take action to protect our citizens; however a hasty plan can be worse than no plan.

Our suggestion/question is why we do not utilize the present bypasses and enhance their capacity by clearing out the debris that has grown in them over the years? Let's ensure local planning agencies do not endanger the public by allowing development in areas that do not presently have proper flood protection. This has been allowed to occur all around the Yuba City/Marysville and Sacramento city areas.

We should slow the plan down and let all the stakeholder's concerns and impacts be evaluated. If there are some adverse impacts, those being impacted need to be made whole and justly compensated, if there is no other alternative.

Let's not rush to finish a plan just to meet a deadline when we citizens who live in the area will be living with and paying for the results forever.

Sincerely,

Charles Marsh, President

Cc: Reclamation District No. 479 Board Members

PO Box 884, Colusa, CA 95932 Phone: (530) 458-4849 Fax: (530) 458-3850

State of California California Natural Resources Agency COLUSA AREA COMMENTS

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date 04-18-12 Name MICHAEL D. ANDREOTTI

Phone (optional) 530-458-7626 E-mail (optional) _____

Affiliation LAND OWNER

Address (optional) _____

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☐ Both

My family is now going into the fourth generation of farming in the Colusa and Sutter County. This proposed levee set back on Moonbend road and in fact the whole project is totally irresponsible and devistating to all landowners and future generations to come. Taking more water and creating more habitate from

Please continue on back of this card, if needed.

vital, developed farm land is a disasterous thought process. The people who plan these ridiculous projects should keep in mind that the present system of levees and bypassed are sufficient if properly maintained as use to be in the past. How about taking care of what has been there for a century.

Michael Andreotti

MICHAEL ANDREOTTI

FOLD HERE

Return address: _____

PLACE STAMP HERE

Post Office will not deliver without postage.

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

TAPE

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date 04-18-12 Name MARK C. ANDREOTTI

Phone (optional) 530-458-7626 E-mail (optional) _____

Affiliation LAND OWNER - ORYZA PARTNERSHIP

Address (optional) _____

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☑

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☐ Both

MY FAMILY HAS BEEN FARMING IN THE COLUSA AND SUTTER COUNTY AREAS FOR APPROXIMATELY EIGHTY YEARS. THIS PROPOSED LEVEE SET BACK ON MOONBEND ROAD IN COLUSA IS AN ENVIROMENTAL DISASTER. YOUR PLAN TO TAKE EXISTING FARM GROUND OUT OF PRODUCTION AND MAKE THE SET BACK LEVEE AND PLANNED HABITATE AREA IS COMPLETELY IRRESPONSIBLE. THIS IS PUTTING HABITATION OVER HUMAN NEEDS. TAKING OUT PRODUCING FARM GROUND IN NORTHERN CALIFORNIA AND TAKING

Please continue on back of this card, if needed.

THAT WATER FOR THE SOUTHERN CALIFORNIA AREA IS ALL THIS AMOUNTS TO, AND IS WRONG. TAKE THE MONEY, DREDGE OUT THE SACRAMENTO RIVER AND CLEAN THE TREES AND BRUSH OUT OF THE BYPASS SYSTEM THAT HAS BEEN IN PLACE FOR OVER 100 YEARS.

MARK C Andrestti

Mark Andrestti.

4/18/2012

FOLD HERE

Return address: _____

PLACE STAMP HERE

Post Office will not deliver without postage.

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

TAPE

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
R Davies	Davies Oil	robjdavies@yahoo.com				It is with great concern for our community that I ask the board to consider the impact of its' actions. Colusa County is much like the greater body of California in that it is driven largely by the commerce of agriculture. Truly few in numbers, California farmers have helped to feed the world for over 100 years. Through much adversity, the California farmer has worked hard to keep food not only on his table but yours and mine as well. However, his commitment to task comes with the responsibility of not only caring for his crops but the health and well-being of all that influences his land. Like the farmer, you are charged with the responsibility to consider the health and well-being of those influenced by your actions. This includes those in highly populated areas such as Natomas as well as those of us who live in smaller yet no less important communities. From Redding to the Sacramento Delta, you are obligated to keep whole each and every citizen, to the best of your ability. It is my understanding that part of the proposal before you puts valuable farmland at risk of becoming floodplain, an outcome we adamantly oppose. To take out of production, to put one

Proposed Modification

Moricz, Nancy

From: jcardoza40@gmail.com
Sent: Thursday, April 19, 2012 3:22 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

John Cardoza
26793 Airport Ct.
Manteca, CA 95337-8800

April 19, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

I would like to state I am proudly involved within a multi-generation family farm along the San Joaquin River that would be greatly affected. I also work for an environmental organization within California.

This proposal would devastate the backbone of local communities and family farm operations that have been around for decades and some longer. I realize it is difficult for those who have not spent a significant amount of time out within the proposed affected mapped area to be disconnected from the actual important issue at hand... THE PEOPLE! The ones who live, work, play and raise families in these areas. It is in our best interest financially, environmentally, and agriculturally as citizens of California to throw out this shameless proposal.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing

bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

John Cardoza

SJAFCA
San Joaquin Area FLOOD CONTROL Agency

April 18, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

COMMENTS TO THE PUBLIC DRAFT 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN (CVFPP)

We acknowledge DWR's efforts to complete the Public Draft of the Central Valley Flood Protection Plan (Plan), and appreciate the opportunity to provide comments. We commend DWR staff for the additions and changes made to the Plan recognizing the importance of both the State Plan of Flood Control (SPFC) and non-SPFC levee systems in achieving our flood protection goals. In addition, we support comments provided by California Central Valley Flood Control Association, San Joaquin County, and the combined comments of California State Association of Counties, Regional Council of Rural Counties, and League of California Cities.

We have reviewed the public draft document (including Attachment 2 - Conservation Framework) with emphasis on the Lower San Joaquin River basin. Our review provides the following general comments to reflect our suggestions to improve the Plan:

1. ***The Highest Priority should be Public Safety/Flood Protection*** – Our concern is that limited funding may be exhausted on non-life safety improvements leaving significant populations at risk. The Plan should prioritize flood protection, and once this is achieved, implementation of the remainder of the State Systemwide Investment Approach (SSIA) should be pursued.

2. ***Compliance with SB5*** - Preparation of the Plan was a requirement of SB5 but the Plan does not discuss how it will facilitate compliance with SB5. The Plan indicates that implementation of the SSIA will extend beyond the 2025 deadline of SB5 but does not discuss the ramifications and impacts this will have on Central Valley communities.

   For local communities to comply with SB5 regarding 200-year flood protection findings for new development, they must have access to 200-year hydrologic, hydraulic and floodplain data well in advance of the mandated timelines. Local agencies expected the Plan to provide much if not all of that data. However, the apparent lack of this information in the Plan will make it very difficult for cities and counties in the Central Valley to determine by 2015 what improvements are needed to achieve 200-year protection. The Plan should address how cities and counties can comply with the Plan given that many of the major system improvement data, under the control of the State and/or Federal governments, may not be completed by 2015.

22 E. Weber Avenue, Room 301, Stockton, CA 95202-2317 (209) 937-7900

3. ***Sacramento River vs. San Joaquin River -*** The focus of the Plan reinforces the perception of a bias toward directing the majority of its resources to improving the Sacramento River Basin. The Plan should ensure that both basins are treated equitably and receive the same levels of protection.

   Paradise Cut Bypass should be treated like the bypasses in the Sacramento River system. This is a critical bypass built by the USACE that has not been maintained. Improvement to this bypass could provide significant flood stage reduction to the San Joaquin River benefiting the communities of Stockton, Manteca and Lathrop.

   We appreciate the Plan adding the Smith Canal Closure Structure and the Mormon Channel Bypass Projects to the Attachments and Appendices. However, the Plan should discuss the projects and add them to the exhibits.

4. ***Completion of the Lower San Joaquin River Feasibility Study (LSJRFS) -*** The LSJRFS started three years ago and is jointly cost-shared by the USACE, the State, and SJAFCA. SJAFCA's share is jointly cost-shared with 11 reclamation districts, San Joaquin County, Stockton, Lathrop, Manteca and Lodi.

   The LSJRFS uses DWR's hydraulic and hydrologic models, LIDAR and geotechnical data. The LSJRFS and the Plan should be consistent. The Plan should prioritize the completion of the LSJRFS to comply with SB5 and ultimately achieve 200-year protection for our communities.

In addition, the following are our specific comments to reflect our suggestions to improve the Plan:

1. The Plan should have 200-year flows for streams in the Stockton area (i.e., Bear Creek, Calaveras River, Diverting Canal, Mormon Slough, French Camp Slough, San Joaquin River, etc.). It is our understanding of the Interim Levee Design Criteria that 200-year flow must be determined by assuming all upstream levees protecting urban/urbanizing areas are improved to 200-year and other levees are no lower than their authorized design elevations (it is also our understanding that this will result in a greater flow than a 200-year event using the Corps Feasibility Study approach).
2. The Plan should also include any re-operations/modifications/coordination to upstream reservoirs and new reservoirs that could all lower the 200-year flood flows. These various alternative improvements should be specifically discussed with resulting reductions to 200-year flows.
3. The Plan should quantify impacts of sea level rise and climate change to 200-year flood flows. Per the Interim Levee Design Criteria, "urban and urbanizing area levee and floodwall designs should consider the potential for sea level rise and climate change to increase runoff and peak stages ..." The Plan should provide data to cities and counties for consistency in determinations.

4. The Plan should include restoration (sediment and brush removal) of the existing Paradise Cut Bypass. The Plan should include expansion of the Paradise Cut Bypass with its resultant reduction on 200-year flow in the San Joaquin River.
5. The Plan incorporates the Urban Level of Protection Criteria (ULOP) which requires cities/counties to demonstrate that drainage systems on the landside of levees and areas not protected by levees provide 200-year protection. It will be cost prohibitive/impossible, especially for infill development, to route a 200-year event through existing streets/collection systems to terminal drains/pump stations.
6. Grant programs should be created/funded to facilitate local agencies to move forward with the planning efforts to comply with the SB5. Otherwise, the Plan should discuss how cities and counties are to fund these efforts and the ramifications if they are unable to do so.
7. Figure 2-3 (Revised Map per Errata) it is difficult to determine the appropriate location and extent of proposed improvements, i.e., flood structure, easement, etc.,
8. Paradise Cut is an existing facility needing improvements vs. being referenced as new or proposed facility (Section 2.5.1, Section 3.5.2).
9. Sections 3.6.1 and 3.6.2 should include detailed descriptions for the improvements in each waterway including location, extent and type of proposed improvements and cost estimates that can be correlated with Figure 3-3.
10. Figure 3-3: It is difficult to determine which urbanizing areas are protected by the non-SPFC levees shown on the map. For example, it appears that the Shima Tract levee is protecting non-urban area, whereas Shima Tract is an approved City of Stockton development (annexed with approved EIR, master development plan, tentative map, etc.).
11. Figure 3-3: It is difficult to determine the extent and purpose of the levees located in the South Delta near Lathrop. It appears they are connected to the Paradise Cut Bypass. If so, they should be shown as urban levees as they are in place as part of the protection for urban areas.
12. Table 3-3: Needs to be expanded to include detailed information. For example on the 65 miles of Stockton non-SPFC levees, the table should include: proposed waterway to be improved, location, extent and type of proposed improvements, cost estimates, and areas protected - urban or non-urban.
13. Section 3.14.2: SSIA increased benefits to regional economies should also include benefits from tax/income from new development, as well as lower flood insurance rates.
14. Section 3.14.4, Ecosystem Restoration Benefits should discuss impacts to agricultural communities, i.e., the 10,000 acres of land taken out of production and the 25,000 acres proposed for crop changes or land use conversion.
15. Section 3.14.5, Open Space and Recreational Opportunities should discuss impacts of conversion and land use change.
16. Residual Risk Management projects (Table 3-4) should include the San Joaquin channel in the enhanced Operations and Maintenance element.
17. Section 4.2, Levee Vegetation Management Strategy should include an exhibit to clearly illustrate the adaptive levee vegetation management strategy (same as Figure 5-2 of Attachment 2 – Conservation Framework).

18. For the Plan to work, we need to understand what the financing plan is, and how this will affect local agencies. The plan should have cost shares that make sense or have incentives for local participation.
19. The Plan should discuss the USACE policy on only funding projects with B/C greater than 1. Many of the projects in the Plan may not meet this criterion. Therefore, the anticipated Federal funding in the Plan is overestimated.
20. On December 13, 2011, we specifically requested cost estimates and a list of proposed improvements included in the three alternatives and the SSIA. In addition, on January 11, 2012, we requested data from the information stated in the Plan, page 1-28, second and fourth paragraphs:

    Paragraph 2:
    Computer models were used to evaluate the hydrologic and hydraulic performance of the flood management system, comparing the existing system to preliminary approaches with various combinations of levee improvements, expanded bypasses, and additional reservoir storage. These models simulated storm precipitation, runoff, reservoir operations, and flows moving downstream through the system to the Delta. The models took into account levee heights and fragility, weir spills, levee failures, and other dynamic processes that can occur during major floods. The output from these hydrologic and hydraulic models was used in additional models to estimate flood damages in the protected floodplains.
    Paragraph 4:
    Costs of capital improvements and programs were also evaluated on a reconnaissance level for the purpose of comparing preliminary approaches. Cost estimates used in this report were based on 2011 dollars.

    Although additional information was incorporated in the form of attachments and appendices to the Plan, this information is not sufficient or specific enough for a detailed review of the Plan. It is also difficult to correlate the additional information with the tables and exhibits on the Plan, i.e., one would not be able to determine how, with the estimates on the attachments, the Plan arrived with estimates on Table 4-3, SSIA Range of Investments. One also cannot tell, by looking at the exhibits, whether the projects on the list from the attachments and appendices are included or not.

    Information on the Plan should be consistent with the attachments and appendices. The Plan indicates 65 miles of non-SPFC levees are included in the SSIA, though the estimate in Attachment 8J only accounts for 60 miles. The LSJRFS is estimated at $10 million on Attachment 7A, whereas on Attachment 8J, the estimate is $15.4 to $18.5 million. Also, the Mormon Slough Bypass, though included in the projects list and estimates, is not mentioned in the plan or the conservation framework where most of the bypasses are cited.

We also have the following comments on Attachment 2 – Conservation Framework:

1. This attachment needs to be updated. Page 1-3, Section 1.1.1: Document still states that CVFPP is focused on SPFC facilities only.
2. Page 1-5, Section 1.1.2: The integration of flood protection and ecosystem enhancement is a good idea. However, for urban projects this may be an onerous proposition especially if they will be considered as co-equal goals.
3. Page 4-15, Section 4.2.5: Landowner Incentive Programs – Plan should identify proposed incentives for habitat enhancements and should require long term contracts.
4. Page 4-16, Section 4.2.6, Levee Maintenance and Repair Para. 3: Framework states that long term regulatory approval will be secured in advance. The Plan should identify responsible agency.
5. Page 4-21, Section 4.2.9, Para. 3, Set Back Levees: Replacing winding levees with straighter levees to reduce O&M expenses is a good measure. However, if the enclosed land within the bends is requested for mitigation purposes this will be a costly proposition for urbanizing areas. If this land is in agricultural production, impacts to rural communities need to be discussed.
6. Page 4-34, Section 4.3.5: Lower San Joaquin River – Merced River to Stockton: A site map should be included showing the conservation activities identified for the Lower San Joaquin River Planning Area.
7. Page 5-28, Section 5.7, Science and Conservation Planning Information, Par. 3: Analyze & Model – It should be mentioned that the analysis and the modeling will be accomplished in coordination with all regulatory agencies.

Once again, we appreciate the opportunity to provide these comments. Comments on the Draft Programmatic Environmental Impact Report will be submitted separately. We look forward to working in partnership with DWR and the Board in the refinement, adoption and implementation of the Plan.

JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

JBG:JJN:GMB

cc: Melinda Terry, Executive Director
California Central Valley Flood Control Association

John Maguire, Engineering Services Manager
San Joaquin County Flood Control and Water Conservation District

Roger Churchwell, Deputy Executive Director
SJAFCA

::ODMA\GRPWISE\COS.PW.PW_Library:194145.1

Moricz, Nancy

From: Suzi Kinkle [sckinkle@sbcglobal.net]
Sent: Thursday, April 19, 2012 4:50 PM
To: Cvfpp_Comments
Subject: Public Comment RE: DRAFT Central Valley Flood Protection Plan

PUBLIC COMMENT RE: DRAFT Central Valley Flood Protection Plan

To Whom It May Concern:

There are fatal flaws in the Central Valley Flood Protection plan. In the very beginning of your planning stages you needed the input and knowledge countless local citizens whom live and work along the very waterways you are attempting to protect or restore—which is it?

Restore brings " habitat restoration" to mind, protect brings "…maintaining the integrity of the exiting flood control system…" Maintenance—that is the very root of this problem.

Granted you had the input of a handful of local and very knowledge folks (Louis Bair, Tom Ellis, Ben Carter, Lady Bug Doherty—to name a few from Colusa County), however it was made very clear at the April 12, 2012 Colusa County Public Meeting that their input was cut short.

Face the facts, this is the 21st century, life has evolved from pre-levee times-- there IS habitat, along with millions of citizens (rural and urban—we are all equal) and yet we have silt and debris build-up in flood control channels that has not been be adequately maintained for the good of *all* citizens.

The idea of proposed, costly set back levees impacting tens of thousands of acres of productive agricultural land is NOT the answer. How would you mitigate the loss of ag land and private property rights, not to mention the billions of dollars lost in agricultural commodities (California economy)?

Our question is…what is the mandate, the mitigation-- for the thousands of folks who are dedicated to their professions, their livelihoods of farming? There are laws protecting endangered species, where is the law that protects the farmer, their private property and their rights.

Lastly, how could you possibly maintain what you have proposed in the DRAFT Central Valley Flood Protection Plan when you cannot maintain the existing flood control system?

Signed:

Douglas and Suzi Kinkle

2007 Alameda Avenue

Davis, CA. 95616

April 19, 2012

Index No. 215

State of California | California Natural Resources Agency

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date April 19, 2012 Name Woody Yerxa, President

Phone (optional) _____ E-mail (optional) _____

Affiliation Colusa Shooting Club

Address (optional) P.O. Box 1082, Colusa, Ca. 95932

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☒ Both

We are landowners and have been Stewards of the National Habitat in the Butte Sink since 1892. We are part of the 12,000 acres of Natural Habitat in the Pacific Flyway. We are strongly opposed to the diversion of water from the eastside of the Sacramento Valley through the Cherokee Canal widening project. This action will substantially degrade the natural habitat in our section of the Butte Sink and Pacific Flyway which will have adverse impact on the Butte habitat and the wildlife that utilize this area. This includes the property and easement under the control of the Fish and Wildlife Service.

Please continue on back of this card, if needed.

State of California

California Natural Resources Agency

FOLD HERE

Return address: _____

PLACE STAMP HERE

Post Office will not deliver without postage.

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

TAPE

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date April 19, 2012 Name Woody Yerxa

Phone (optional) _____ E-mail (optional) _____

Affiliation Landowner- Section 17 14N 1E

Address (optional) P.O. Box 209, Colusa, Ca. 95932

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☑ prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☑ Both

As a landowner I strongly object to the plan to change the levee south of Grimes, Ca as it will destroy a good part of our property, infrastructure and water delivery systems. This proposal is nothing more than a land grab by the State of California to protect the urban area of Sacramento at the expense of the rural communities of California. There is a great deal of land in the Sacramento area that should never have been built upon prior to the 200 year flood protection being established. This was not done and now you want us in rural California and the taxpayers of California to pay the price.

Please continue on back of this card, if needed.

CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

Executive Director | MELINDA TERRY
President | MIKE HARDESTY
Vice President | LEWIS BAIR
Treasurer | KENNETH A. RUZICH

April 18, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

The California Central Valley Flood Control Association (CCVFCA or Association) and its members offer these comments on the draft Central Valley Flood Protection Plan (CVFPP) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). The draft plan properly seeks to articulate a vision by which investments can be made in flood control infrastructure over the next several decades; how the flood control system could be modified to improve public safety while reducing conflict with competing demands; and identifying non-structural and other flood management actions to further reduce flood risk.

Importantly, the Association's comments are made with the understanding the plan is seeking to be a vision or a framework for planning important projects to occur in the future and ***not*** a list of projects to be approved now for implementation. Our comments are made with the understanding that: (i) more planning, coordination with stakeholders, and decision-making is required before any of the various projects discussed in the State System-Wide Investment Approach (SSIA) are to be approved, let alone implemented in the future, and (ii) the plan, when adopted, will not act to prevent a local community from implementing sensible levee repairs or improvements deemed necessary at the local level and do not create a hydraulic impact. That said, the Association believes it is critical for the CVFPB to revise the plan before adopting it to address each of the comments below or ensure each comment is adequately addressed through a detailed and time-specific implementation framework. In light of the short time for plan adoption, we have sought to limit our comments to only the issues of critical concern that would prevent the Association from supporting the Board's adoption of the plan.

910 K STREET, SUITE 310, SACRAMENTO, CA 95814 | TEL. (916) 446-0197 | FAX. (916) 446-2404 | WWW.CVFLOOD.ORG

Our substantive themes are summarized herein and a more detailed comment on each of these themes is contained in the attached document:

- To provide greater flexibility and cost-effectiveness, we believe it is necessary to consider adopting an optional alternative to the traditional U.S. Army Corps of Engineers (USACE) Civil Works Program for the State and locals to use, in the event the Federal process is an unreliable vehicle for implementing flood protection improvements in the valley. This will allow the State and locals to move forward with sensible levee repairs and improvements deemed necessary at the local level, without the Corp if necessary. We propose the CVFPP include a series of tools/options which could be used to implement the plan, in the event the Federal government does not participate in the historically traditional manner. (See Comment A on the Attached.)

- We believe it to be most prudent to prioritize our limited present and future revenues toward physical improvements to the system rather than costly studies. We strongly recommend funding for the planning element of the plan be limited, with the remaining local and State investment proposed for 2012-2017 focused on design and construction of specific flood risk reduction projects. We believe that State funding of efficient USACE studies, such as those under the new 3X3X3 program, is an appropriate use of the planning funds. (See Comment B on the Attached.)

- We recommend the draft plan be amended to explicitly consider local and regional agencies as the primary option for studies and construction of all improvements, including system improvements. In offering this recommendation, we recognize there may be some occasions where the scale of a project (or other factors) may render a local approach impractical, particularly with regard to construction. However, local involvement is still highly valuable and relevant for the reasons described below. We further believe the draft plan should include a detailed outline for implementation in the next year, including a timeline and a program for State funding of local involvement. (See Comment C on the Attached.)

- The draft plan uses information from the economic analysis and displays it in a way that could be interpreted as proposing a new method for evaluating hydraulic impacts. We are opposed to deviating from the long-standing policies of both the CVFPB and USACE that make clear strengthening a levee does not constitute an adverse hydraulic impact. We request this section of the plan be revised to make clear that this information is for purposes of evaluating the economics of the alternatives and not a proposal to deviate from the CVFPB and USACE's established procedures for analyzing hydraulic impacts. (See Comment D on the Attached.)

- The plan's primary focus needs to be public safety. As drafted, implementation of the draft plan will have significant impacts to agriculture in the Central Valley. The plan includes clarity of that vision for the urban areas, but far less clarity for the rural areas, due to insufficient coverage of impacts. While the plan identifies the potential impacts on the rural areas and discusses the need for programs to mitigate these impacts, the plan does not make adequate commitments to these programs and appears to underestimate costs necessary to meet the objectives of the plan, thus failing to address the broader

implications of the Plan to the agricultural economy. The lack of specific commitment for rural levee repairs and improvements must be prioritized and addressed in the plan's early implementation and include language to ensure the cost underestimates do not disadvantage rural communities or preclude necessary funding for rural projects and small communities later. (See Comment E on the Attached.)

- The plan needs a consistent message on the potential for climate change to affect extreme precipitation events. While some portions of the plan properly describe the state of the science on the effects climate change may have on these events as uncertain, recommending further study and flexibility to address future changes, other portions of the draft plan use much more alarmist terminology, such as "…climate change is likely to generate more extreme floods in the future." The draft plan must use terminology consistent with the literature review and science. (See Comment F on the Attached.)

It is our belief that each of these themes can and should be addressed before the CVFPP is adopted or through a detailed and time-specific implementation framework. In addition to the specific changes we offer here, we request the CVFPB again evaluate which documents it needs to adopt by the statutory deadline.

Our review of the various appendices of the plan has shown many good quality documents, but some documents go astray at times on key issues. Importantly, some of our comments herein can be addressed by the CVFPB electing to adopt the plan ***but not necessarily all of*** the appendices by the June deadline and continuing discussion and revisions of the other documents. Should the CVFPB desire to adopt the appendices, the Association would have many more comments which would need to be addressed for the Association to not actively oppose the plan.

Further, a decision by the CVFPB to adopt the plan, and not the appendices, is consistent with the view that the plan articulates a vision or framework, and not a list of specific projects. Under this formulation, the appendices remain valuable resources upon which future detailed planning will occur.

We appreciate DWR and the CVFPB's willingness to engage on these issues and look forward to discussing these comments and assisting DWR and the CVFPB in developing modifications to the draft plan and its appendices to allow adoption by the statutory deadline. In addition, as noted in the Legislative Matrix attached to the main body of the draft plan, the CVFPB is permitted to appoint advisory committees to assist with the plan's development. We encourage the creation of such committees and would be happy to actively participate.

Finally, in our review of the many appendices of the draft plan, and the draft PEIR and supporting documents, we have identified several other specific comments. However, we have limited our comments to just the significant ones in light of our proposal that the appendices not be adopted by the June deadline. These comments are provided in the attachment.

If you have any questions about the materials in this letter, please feel free to contact me, or to call Ric Reinhardt at (916) 456-4400 or Scott Shapiro at (916) 520-5234.

Thank you for the opportunity to provide these comments.

Melinda Terry
Executive Director

Comments of the California Central Valley Flood Control Association on the Draft Central Valley Flood Protection Plan

COMMENT A: The role of the Federal government in Central Valley flood management. The Federal process for investing in flood control projects is no longer functioning as it was intended to for all projects. The U.S. Army Corps of Engineers' (USACE's) planning, design, and construction process can take upwards of 20-30 years with costs far exceeding the costs of a locally driven process. USACE's recent record is compounded by Congressional difficulty with authorizing projects in a timely fashion and appropriating funding necessary to construct projects in a reasonable timeframe. In light of these challenges, the USACE and the Obama Administration appear to be poised to implement essential beneficial changes intended to reduce this costly bureaucratic quagmire. USACE recently designated the Sutter Basin Feasibility Study as a pilot study for a new accelerated model of study completion. Likewise, USACE General Walsh has directed staff to cut dormant studies (potentially a third of those pending nationwide) to make room for resources to be applied to the remaining studies; and those remaining studies are to be completed within three years at a cost of under $3 million. However, while these are essential reforms we support, the USACE does not yet have a record of successfully modifying their lengthy and expensive study process. Even if successful, significant concerns remain that Congress will authorize studies and appropriate money for construction of the full gamut of projects previously authorized and funded.

The uncertainty associated with future Federal involvement, or its value due to the aforementioned concerns, is in contrast to the significant role given to the USACE in the implementation of the draft plan. The draft plan assumes the USACE will be involved not only in studies and construction for local or regional projects, but that the USACE will also have a significant role in system-wide studies and improvements. While inclusion of USACE as a partner has the potential to bring financial resources to our valley and can work for certain studies and projects, it also brings with it a more time consuming and expensive process, likely resulting in higher construction costs, and uncertainty that at the end of the studies there will be a defined Federal interest that the Administration will follow through with a recommendation for authorization and funding. This strategy poses too much unnecessary risk and uncertainty to the State and local interests and therefore should not be the only option available in the plan. While these delays and additional costs are worth it to State and local agencies when the USACE can complete a study quickly and Congress can quickly authorize and provide a reasonable level of annual appropriations, the delays, costs, and uncertainty are not a good deal without Federal funding arriving in a timely manner. In addition, there is no stated strategy for how to implement system-wide improvements consistent with current federal funding requirements such as the current benefit-cost formulation, or how these requirements would need to be changed if the State and local agencies see benefit of moving ahead without the USACE.

For these reasons we believe it would be prudent to consider including language for an optional alternative to the traditional USACE Civil Works process for some flood control projects going forward, to be used in the event the USACE's expensive and cumbersome study and construction process proves to be the less efficient, cost-effective and viable vehicle for flood protection improvements throughout the valley. We believe a combination of tools can help make the State's plan achievable, even without the additional Federal resources. We therefore recommend

the following section be inserted into Chapter 4.1.4 of the plan at the end of the section entitled "Role of USACE in Flood Risk Reduction Projects":

> As noted, the SSIA relies heavily on the USACE for the planning, funding, and implementation of local, regional, and system-wide improvements. However, the trend over the last several decades has been for the USACE to have a much less prominent role in implementing levee improvement projects in the Central Valley. For example, while the USACE has conducted feasibility studies, many of the Central Valley's urban areas have moved forward with construction programs for the same levees. This is not to say there have not been successes with partnering with the USACE, such as the Common Features Project on the American River, the Marysville Ring Levee Project, and the Joint Federal Project to modify Folsom Dam. However, these successes have been few and far between in comparison to the number of studies underway. In order for the SSIA to succeed as drafted, it will be essential the USACE and Congress be dedicated partners for flood damage reduction projects in the valley, requiring appropriations in the valley on the order of $500 million annually for at least two decades. To the extent this model does not work going forward, the implementation approach for the SSIA needs to allow the study and implementation to be shifted away from USACE for some studies and projects and toward the State and locals, while also seeking other ways for the Federal Government to cost share in these projects. This alternative approach might be used for many of the projects to be pursued under the plan, or only some of the projects where Federal involvement proves difficult. While this alternative approach for Federal involvement represents a radical realignment of the historical local-state-Federal roles, it can be accommodated through the use of the following tools:
>
> (1) locally and regionally-led studies can determine the most cost-efficient and highest benefit projects to be pursued, at a lower cost than USACE's traditional civil works study process; (2) likewise, local construction can be performed at a lower cost; (3) local construction of system-wide improvements can be accelerated to occur over a ten year period, instead of a 25-30 year period, for a lower cost and also avoiding flood damages by completing projects sooner than could be done based on the historic timeline for USACE projects; and (4) new revenue streams for Federal funds can be explored, such as a block-grant program as administered by the U.S. Department of Transportation, USDA, and/or FEMA, or a low-interest revolving loan program administered through a Federal infrastructure bank.
>
> DWR and the CVFPB will work collaboratively with local agencies and the USACE to evaluate the most-promising studies and projects upon which to partner and proceed with the remaining activities utilizing the tools from the alternative approach outlined above.

COMMENT B: The pursuit of flood damage reduction projects through lower-cost, expedited studies. Page 4-32 of the draft plan identifies the activities that are included in the draft plan for "Flood System Risk Assessment, Engineering, Feasibility, and Permitting." Table 4-3 identifies the costs associated with this element. Significantly, to date over $450 million has been spent, an additional $450-$530 million is proposed over the next five years, and a total of

$1.89-$2.3 billion is estimated over the life of implementation of the CVFPP. However, it is not clear what portion of this is for planning versus what portion is allocated to engineering for specific projects. If this is primarily for planning efforts, this represents an enormous investment which would be disproportionate to the value of such planning studies and seems to follow the expensive and lengthy USACE process described above. While the greatest value of a plan is to be able to make informed, intelligent decisions and to understand the effect of those decisions on a complicated and integrated system, more data is not always useful. As the USACE has discovered through its pilot study program, sometimes all that is necessary is identifying the risk that remains from not having more data. It is essential these issues not be over-studied. To do so, increases costs and delays critical to needed public safety improvements. We do not support perpetuating such a flawed and outdated model. In addition, some of these projected costs appear aimed to support a Federal-centric study program, which as discussed above, may not be the best path forward, or even if it is the accepted path, it should be a lower cost under the newly proposed Federal 3x3x3 model.

In addition, the ability to develop revenues to fund these programs requires us to present success stories, and demonstrate we are good stewards of public funds. This is true whether requesting general fund or bond appropriations from the State Legislature, advocating to the public to support approval of future bond issuances, or raising local share through a Proposition 218 election. Therefore, we believe it to be most prudent to prioritize our limited present and future revenues toward physical improvements to the system rather than more costly studies.

COMMENT C: Future projects must be implemented promptly through a bottom-up structure. Section 4.4.1 of the draft plan appropriately recognizes a role for local agencies in developing regional plans and in implementing future projects. However, it is does not clearly delineate the respective roles of the State of California and local agencies. The draft plan states the State intends to seek active involvement from local agencies in the development of regional plans, but it appears the State is proposing to lead this effort, as it has done with the draft Plan development with the support of State contractors as consultants. While this process may be able to quickly provide significant human resources toward these tasks, doing so may prove problematic in addressing the complexity of issues at the local level such as concerns of property owners, interest groups, and local communities. Implementing any flood control project, and in particular large-scale projects which require moving levees, is almost always controversial and difficult to achieve without local support. Local agencies are best equipped to navigate this process as they are closer to the property owners, understand the issues communities face to implement a project, and are capable of overcoming these obstacles, as demonstrated with the success of the EIP projects. In addition, local agencies will often be capable of completing construction of the system improvements more quickly and at a lower cost than either DWR or the USACE.

For these reasons, we recommend the draft plan be revised to explicitly consider local and regional agencies as the primary option for studies and (in appropriate circumstances) construction of improvements, including system improvements. We further believe the draft plan should include a detailed implementation framework for the next year, including a timeline and a program for funding local involvement.

The boundaries of the proposed regions should also be revisited with local input and support sought. The boundaries of the regions are critical building blocks for a regional planning effort that will only succeed with local endorsement and expertise. Unfortunately, some of the boundaries as currently described will create division and discord in the subsequent planning process unless they are modified. For example, the region encompassing the Feather River Bypass should include affected stakeholders that would be subjected to higher and longer duration flows in the Butte Basin.

The following language should be used in place of the text included in the draft plan in Section 4.4.1:

> To document site-specific flood system improvement needs and to utilize the local experts in developing local flood damage reduction and investment strategies, the State will look to local entities and other interested stakeholders to define local flood system improvements that support the SSIA. This work will be site-specific for individual river reaches and may begin with each FPZ within the potential implementation regions or regional projects/programs and associated feasibility analyses.
>
> The regional plans will typically be prepared by a coordinated effort of local maintaining agencies and regional flood management agencies, with oversight by DWR and involvement of the counties and cities within the region, and agricultural and environmental interests. The role of counties and cities in the planning process is important because, among other things, they are required to update their general plans to incorporate information used to prepare the regional plans. In some instances, a particular city or county may also be vested with a leading role (akin to that of local maintaining agencies and regional flood management agencies) in regional plan preparation. DWR will support the planning process by providing any available information, coordinating the actions of the various regional groups, lending expertise, and providing financial assistance for preparing the regional plans. The financial assistance for planning will be provided without a local cost share (subject to appropriation), with the local agencies contributing their considerable staff time and expertise to the process.
>
> The local agencies sponsoring the planning process may elect to form a joint powers agency for the planning effort, or may elect to develop a partnership through the use of a memorandum of understanding, in which they establish basic operational fundamentals such as governance, relative fund contribution for construction of future projects, regional coverage, and other issues. While DWR's integrated regional water management grant program is not necessarily an applicable model to fund these efforts, there may be certain aspects of the program which can be used to accelerate the creation of a funding program for these regional plans.
>
> Based on analyses conducted for selected projects in a region, a regional financing strategy will also be prepared and will identify potential federal, State, and local cost-sharing. The cost-sharing formula will be based upon guidelines prepared by DWR and may differ based on the nature of the flood risk reduction needs of and

systemwide benefits achieved in each region. The regional analyses will be combined with the regional financing plan to form a regional flood management plan. To implement SPFC improvements from a systemwide perspective, evaluations will consider monetary and nonmonetary benefits on a regional basis, to be updated as system improvements are defined over time.

The State and its local and regional partners will need to develop benefit-cost analyses by focusing on different project purposes in various reaches of the system. For example, in urban areas the focus would likely be on flood risk reduction, while in rural-agricultural areas the focus would be on rural levee repairs, levee improvements for the small community supported by floodplain management and improved ecosystem function and sustainability. The State proposes to provide a greater cost-share at the local level for environmentally beneficial projects, such as setback levees, to promote the use of these projects. Among other forms of creative local cost-sharing, the State will allow local rural entities to cover their specific cost-sharing requirement with in-kind services, agricultural conservation easements, and other compatible elements.

Development of regional flood management plans and formulation of specific capital improvement projects will continue after completion of the 2012 CVFPP. This plan development process will coordinate with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts with these other efforts. The information gathered for the regional flood management plans will be used to choose projects to be implemented during the five year life of the 2012 CVFPP and will help development of the State basin-wide feasibility studies scheduled for completion by 2017.

A review of areas protected by facilities of the SPFC initially identifies regions with varying characteristics (see Figure 4-3). Ultimately, more or fewer regions may be used, depending on organization and preferences of local entities.

We believe the CVFPB should consider inclusion of a timeline in the plan such as the following:

Milestone	**Deadline**
Self-determination of proper regional workgroups with DWR involvement	September 15, 2012
Grant program applications for regional studies made available to regional workgroups	September 30, 2012
Grant applications due to DWR	October 31, 2012

DWR award of grants	November 30, 2012
Draft regional plans presented to DWR from regions	July 30, 2013
Final regional plans presented to DWR	September 30, 2013

COMMENT D: Clarification regarding economic versus hydraulic analysis. While not pervasive, in certain key places the draft plan uses information from the economic analysis and extrapolates those results to describe changes in flood stages, which might be interpreted by the reader as representing hydraulic impacts associated with the action of strengthening levees in each alternative. Such an approach would be inconsistent with current practice and not supported by the Association.

Currently, the CVFPB and USACE analyze impacts of proposed projects by examining changes in roughness, geometry, levee height, and levee location. Both the CVFPB and USACE have concluded that mere strengthening of a levee does not have an adverse impact. The philosophy behind this approach is that no community should rely on benefiting from failure of upstream levees. While the CVFPB's approach has been to use traditional deterministic methods to calculate hydraulic impacts, the USACE has developed a new procedure that is risk based, which is documented in "Documentation and demonstration of a Process for Risk Analysis of Proposed Modifications to Sacramento River Flood Control Project Levees" (USACE HEC, 2009). However, under either approach, the CVFPB and USACE have consistently found that strengthening an existing levee does not have a hydraulic impact on upstream or downstream communities, therefore this Plan should not deviate from this accepted approach.

Attachment 8C of the draft plan analyzes the benefits of system improvements by failing the unimproved levees at an elevation DWR has determined has an 85% probability of failure; and then quantifies the changes in stage in the system from where the water no longer enters the basin once the system-wide improvements are in place. While appropriate for evaluating the economic benefit of such an alternative, this information should not be displayed or promoted in a way that could be interpreted as a hydraulic impact analysis. In addition, it is inherently difficult to estimate the elevation at which a levee will fail anyway. The likelihood of a levee failing is a function of many factors, including the flood elevation, the duration of high stages, and ongoing flood fighting efforts. While the draft plan takes a reasonable approach for purposes of an economic analysis, it would not be appropriate to use this same methodology for calculating hydraulic impacts. Accordingly, this distinction should be made clear in the plan.

COMMENT E: The CVFPP and its effects on rural levees and agriculture. Implementation of the draft plan, and in particular the commitment to system-wide improvements aimed at public safety, will have significant impacts to agriculture in the Central Valley. The direct loss of farmland from the footprint of levee improvements, coupled with the conversion of 10,000 acres

of farmland to habitat and decreased productivity resulting from putting 30,000 acres of farmland currently protected by levees into the bypasses, will threaten the sustainability of agriculture as the dominant economic engine of the Central Valley. While the draft plan includes elements to benefit the agricultural areas, additional action is needed, such as consideration of the reinsertion of previously deleted Management Action #82, which would allow the State to provide appropriate compensation to rural land owners. The following are aspects of the draft plan that need to be strengthened or added to offset the impacts to rural communities and agriculture to minimize the long-term effect on the sustainability of agriculture in the Central Valley:

a. Commitment to Small Communities – The draft plan acknowledges the value of small communities and the need to preserve these communities to support the agricultural economy. The system improvements have the potential to benefit many of these small communities. However, implementation of the system improvements will likely take decades and may not provide adequate protection for these communities in the interim. The draft CVFPP does identify an option to make structural and non-structural improvements to benefit the small communities separate from benefits to be achieved from system improvements. But, many of these structural and non-structural improvements will have implementation challenges. It is anticipated many of the small communities would prefer structurally improving the existing levees, or construction of new levees, as an alternative to elevating structures. However, the draft plan makes clear there are limits on the level of funding that should be spent on making structural improvements by establishing a planning level threshold of approximately $100,000 per house for investment in structural measures. This threshold may make sense, and can be relied upon by small communities if the draft plan contained reasonably accurate cost estimates for the structural measures. However, as illustrated in the following comments on two of the cost estimates contained in the draft plan, the estimates for these measures do not always appear reasonable. While these examples are from the Sacramento system, the comments are applicable to small communities throughout the valley:

Wheatland – The City of Wheatland is an urbanizing community with an approved general plan that will result in the population exceeding 10,000 people when build-out is complete. The City, RD 2103, and RD 817 have been coordinating on the implementation of a program of levee improvements to protect Wheatland and have completed five miles of repair to the Bear River levee under the EIP Program. They have identified the need to improve an additional four miles of levee on Dry Creek to complete the levee improvement program. While little is known about this levee, RD 2103 requested MBK Engineers and Wood Rodgers prepare a scope of work to conduct a problem identification study and alternatives analysis for the four miles of levee. Their cost estimate to conduct the study (not perform repairs) was approximately $1.1 million. This study has not yet been conducted, but what is known is the entire reach of the Dry Creek levee is freeboard deficient and there are likely slope stability and geometry deficiencies as well. While the per mile cost of repairs is anticipated to be significantly lower than what has been typical of the urban areas, a planning level estimate of $3 million-$5 million a mile, for a total of $12-$20 million to improve all four miles of Dry Creek appears reasonable. In contrast, appendix 8J of the draft plan, page D-42 and figure D-16, identifies the need to repair 16.07 miles of levee to protect Wheatland, but states that only improvements to the Dry Creek levee are recommended. The appendix does not identify the length of the Dry Creek repairs,

but does estimate the cost of these improvements at $0.9 million total. It is not clear how this number was developed, but local analysis suggests this estimate is not accurate.

Nicolaus – Appendix 8J of the draft plan, page D-23 and figure D-8, identifies the need to repair 13.27 miles of the existing levee, but states "...hydraulic modeling results overlaid on an aerial photograph showed no inundation during a 1 percent AEP flood in the town." The modeling is clearly inaccurate, as the town is immediately adjacent to the RD 1001 levee and the town was recently mapped by FEMA into the 100-year floodplain. Of particular concern to this community is that a levee failure in the vicinity of the town would result in rapid, deep flooding, with water temperatures approximately 50 degrees and a high likelihood of loss of life. The text on page D-23 identifies the cost of repairing "Segment 247" at $1.9 million. However, there is no definition of what Segment 247 is and whether or not it includes all of the 13.27 miles identified on figure D-8. While detailed studies have not been performed on this reach of levee, it is comparable in height to levees in RD 784 and RD 1000, with similar levee geometry and foundation conditions. Therefore, it is likely the costs of improving this levee to meet FEMA 100- year standards would be comparable to what has been required for the TRLIA and NLIP programs. Accordingly, a planning cost of $15 million a mile would be more realistic for this levee. If all 13.27 miles are necessary to provide this community with 100-year protection, a more accurate cost estimate would be $199.05 million, rather than the $1.9 million estimate included in the draft plan.

While we understand the numbers contained in these two examples may represent errors in drafting or other unique circumstances, a review of these two examples does show that if the draft plan had more accurate costs estimates, the likely conclusion is the State would not invest in levee improvements for these two communities based on the $100,000 per house threshold. Failure of the State to invest in these small communities based on faulty numbers will increase risks in these communities. If the cost estimates in the adopted CVFPP are under-predicted, it will have significant implications for the effectiveness and implementability of the CVFPP, as the small communities have the expectation that implementation of the CVFPP will include levee improvements for many of the small communities. Failure to correct these faulty numbers will result in a likely backlash from the small communities, rural areas, and agricultural interests complaining the State did not deliver what was promised during the development of the CVFPP and puts their communities at unacceptable risks. Everyone will benefit from having accurate cost estimates of what it will take to provide 100-year protection to the small communities, so these communities are not neglected in the State's investment decisions, and so they understand the benefits they can expect from implementation of the CVFPP. In the absence of confidence the cost estimates are accurate, we recommend the draft plan clearly provide the State's commitment for the protection of small communities, but without the inclusion of the $100,000 estimate per home as the ***only*** basis to determine if structural adjustments are cost-effective. During the regional planning which will occur following adoption of the CVFPP, local interests can develop better cost estimates to protect these small communities upon which good planning decisions can be made.

b. Investment in the Rural Areas – The draft plan identifies a rural levee program and the need to develop a rural levee repair standard. Early plan success is dependent on the support of all flood protected communities: urban, small community and rural agriculture. The

immediate development of a rural levee repair standard is a necessary and critical component for the successful early implementation of the Central Valley Flood Protection Plan. Support for this Plan from the rural agricultural community is predicated on the adopted Plan specifying how this rural standard will be developed and a commitment to do so concurrently with other early implementation components benefitting non-rural communities moving forward. The draft plan appropriately proposes differing levels of flood protection for urban areas, small communities, and rural areas. However, the rural areas are deeply concerned there is not a firm commitment to fund the rural levee repairs and levee improvements for the small communities. Instead, all rural investments are conditioned by the phrase "if funding is available" or "where feasible." The rural areas comprise more than 75% of the miles of levees analyzed and yet less than 15% of the draft plan investment is even "conditionally" dedicated to the rural areas. The rural areas ***must*** have a commitment on the level of funding to be spent from 2012-2017 on rural levee repairs and improvements for the levee systems that protect small communities.

It is understood that levee improvements and repairs for the rural areas are limited by available funding, cost to benefit requirements of the Federal and State programs, as well as the locals' ability to cost share. However, since rural areas will remain the most at-risk of flooding, will receive the lowest level of funding, and have the least ability to cost share, consideration should be given in the Plan to the benefit the rural areas are providing and an appropriate cost share should be established for the rural levee repair program that considers these factors. We believe the following should be taken into consideration when contemplating how much should be invested in the rural areas and in developing the cost share guidelines for a grant program to fund rural levee repairs:

- Rural areas provide a benefit to the urban areas by flooding first, providing a relief valve and transitory storage for the system. Rural areas should receive recognition for their contribution to the system and for protecting the urban areas.

- Removal of productive agricultural lands from a rural levee district's boundaries for the expansion of existing bypasses as well as the proposed new bypasses will increase the burden on the remaining property owners to fund the District's levee maintenance program.

- Placing land currently protected behind a levee into a bypass or floodway will significantly decrease the productivity of this land, having adverse effects on the local economy. This will be further amplified by lands converted to habitat.

- The draft CVFPP fails to adequately acknowledge the substantial systemwide benefit the levees defining the bypasses provide. It does so by ignoring the State's systemwide responsibility to provide for the maintenance, repair and rehabilitation of these facilities. Current practice imposes a disproportionate financial burden on adjacent landowners to fund the operation and maintenance of these levees, in some cases solely to provide protection from the redirected impacts of the flood control system.

- These areas have historically, and will likely continue, to receive the lowest priority for funding levee repair projects despite their importance to the system and urban areas.

- The rural levees are accepting higher levels of flood risk by agreeing that their levees do not need to be improved to meet today's engineering standards for the 1955/57 design.

- The rural areas will need assistance to invest in wet and dry flood proofing of their homes, storage and processing facilities, as well as retail and commercial structures to offset accepting a lower level of protection.

- They will also be paying higher flood insurance costs by being mapped into an A zone, which should be accounted for.

- The loss of farm land, combined with the decreased productivity of land added to the bypasses will result in higher operational costs, reduction in crop production, and have impacts on marketability and value, which must be fairly compensated.

- If unmitigated by this Plan, these areas will decline, leading to a reduction or loss of rural communities and adversely affect real estate values in the rural areas.

- Reduction in farmable acres also reduces future assessment dollars necessary to create a local share for future projects.

The above considerations should serve as the basis for developing an effective rural levee program as part of the early implementation of the Plan mentioned previously. It can be argued that for any and/or all of the above items, the rural agricultural areas should receive benefit for its contribution to the system-wide aspect of the plan. Consideration should be given to limiting the local cost share to 10% and allowing this to be paid by in-kind services, rights of way, and borrow. We endorse allowing conservation easements within basins to be used as one way of generating credits towards the cost share of repair projects.

c. Changes to the NFIP to address agricultural issues – The CCVFCA is appreciative that DWR understands the difficulty agricultural areas are facing as a result of being mapped into a FEMA A zone. The draft plan acknowledges the need for changes to the NFIP. Local agencies with an interest in this issue have formed the Agricultural Floodplain Management Alliance (AFMA) to seek legislation to amend the NFIP to create a new "agricultural zone" to address the problems that have been identified. The State of California's active support is very important to achieving the needed changes to the NFIP; and we are hopeful DWR and the CVFPB will make it a priority to explicitly and actively support this effort.

d. Other actions to mitigate the impacts on agriculture – The draft plan notes the system improvements proposed as part of the plan could remove as many as 10,000 acres of land from agricultural production and subject another 30,000 acres to relatively frequent seasonal inundation in expanded bypass systems, reducing agricultural production. The significance of these losses will be compounded by the conversion of many thousands of additional acres throughout the region to habitat in connection with the Bay Delta Conservation Plan or similar efforts. The plan should provide measures to compensate for any resulting fiscal and economic impacts on rural counties due to lost tax revenues and diminished economic activity. In addition to direct compensation, some of these measures could be developed in concert with programs such as the SACOG Rural and Urban Connections Strategy (RUCS).

COMMENT F: The need for a consistent and sensible approach to climate change. The draft plan identifies the need to address climate change. The effects of climate change can take three forms:

- "will lead to a greater fraction of seasonal precipitation occurring as rain rather than snow. . . ." (page 6 of draft plan),
- Increase the rate of sea level rise, and
- May have an effect on extreme precipitation events.

However, some of the statements in the draft plan on the likely effects of climate change on extreme precipitation events go beyond the state of the science analyzing such effects, and contained in Attachment 8k. For example, page 3-22 of the draft plan states "…climate change is likely to generate more extreme floods in the future." This statement is made throughout the report and appendices. However, in reviewing Attachment 8k: Climate Change Analysis, The Climate Change Vulnerability Analysis steers a careful course between what is known and what can be assumed about future flood potential (probability) under climate change assumptions. The document appropriately acknowledges:

"..Analysis of the probability of certain impacts could largely depend on the ability of the GCMs to characterize that probability, which may be more subjective than the level of rigor required to support a risk-based analysis (Dessai and Hulme, 2003). In flood management, risk-based analysis is often based on probabilities derived from event frequency documented in historical records. However, the extreme events and their corresponding climate signals are the most uncertain elements of the climate change research." Pages 2-3 and 2-4.

And;

"Extreme events are, by definition, temporally rare. Thus, even a highly detailed simulation or downscaled version of high-temporal resolution twenty-first century climate change will not generally be sufficient to evaluate changes in extreme event frequencies." Page 2-21

The above quotes capture the current uncertainty of the science and the challenges with developing and applying predictive methods to quantify the effects of climate change on extreme precipitation events in the Central Valley. The science has not developed to the point of being able to predict with certainty the changes that climate change will have on the frequency or severity of extreme precipitation events. Because of this reality, the report authors wisely decided that an assessment tool based on some worst case assumptions concerning changes in hydrology can be used to identify areas of vulnerability if flood magnitudes and frequency were to increase in the future. They define this methodology as the "Climate Change Threshold Analysis Approach." The method outlined in the report would identify areas or facilities of the flood system that may be more or less vulnerable to changes in future hydrology. The method is in fact a sensitivity analysis that purports to be tempered by available information from the existing flood protection system. By definition, a sensitivity analysis is not a prediction of future events, but simply an analysis of scale without any judgment as to increased or decreased levels of risk.

The proposed vulnerability assessment is a reasonable approach to understanding ways in which we could consider building flexibility into the CVFPP in the event it is later determined that climate change will affect extreme precipitation events. However, identifying areas of vulnerability is not the same thing as predicting higher or lower risk in the future. This presents a concern as to how the vulnerability information is used and with what authority the data generated is provided. Although Attachment 8k spells out the limitations of the methodology, several definitive statements are made in the main report that climate change will likely increase extreme flood events. This seems to be based on a misinterpretation of the sensitivity analysis as a prediction of future conditions under a climate change scenario. It would be more accurate to say the state of the existing science has not developed to the point of being able to quantify with certainty the effects of climate change on extreme precipitation events and the CVFPP should therefore build flexibility into the system to allow for changes in future science that may swing one way or the other in terms of the magnitude or frequency of extreme flood events.

The Pilot Study described in Section 3.3 shows both the potential and the inherent deficiencies of the methodology. The study assumes that multiples of the 100-year-flood are possible due to Climate Change. It assumes 10, 20, 30, 40, and 50% possible increases. Then it evaluates the system response to these assumptions. In parallel, it evaluates the potential of such increases by utilizing an Atmospheric River Index (Figure 3-3) to evaluate increased runoff potential. The Atmospheric River Index shows a potential increase of up to 30% because of climate change. The study then concludes:

"These results, while subject to the substantial uncertainties identified in the methodology section, confirm that inflow changes modeled in the reservoir threshold analyses are within a reasonable range." Page 3-10

There are two basic flaws to this reasoning. The first is the Index used in Figure 3-3 is ***not*** an indicator of runoff; and even if it was, the increases shown in Figure 3-3 are substantially less than 50%. Secondly, a 100-year, or especially a 200-year storm (statistically derived from extrapolating historic runoff records), has most likely already been maximized in the atmospheric modeling realm; and therefore, may have very little potential to be increased due to "climate change" adjustments.

Other specific comments on the draft plan and draft PEIR:

- Certain levees already improved by Three Rivers Levee Improvement Authority (the Feather River Setback and the Upper Yuba River Levee Improvement Project) are inaccurately shown as areas of concern in figure 2-1.

- Some communities, and in particular in the San Joaquin Valley, were relying upon the plan to provide a project-specific implementable vision for achieving 200-year protection. This plan does not provide this vision, resulting in placing a significant burden on these communities to comply with legislative mandates to incorporate the plan into local land use plans, coupled with the fast-approaching 2015 compliance deadlines contained in SB 5 without a clear path in the Plan on how to achieve them,.

- Those levees identified as urban as shown on figure 3-1 should include right-bank Feather River levees all the way north to the Thermalito Afterbay. Sutter Butte Flood Control Agency has submitted analyses to DWR showing that if these levees fail, it will cause flooding in Gridley, Biggs, Live Oak, and parts of Yuba City, areas with a combined population in the tens of thousands of people.

- The discussion of federal crediting (the "section 104 process") on page 4-42 needs to be updated in light of recent decisions by the Assistant Secretary of the Army.

- The Hydrology section of the draft PEIR improperly says Section 408 (the Federal approval process) requires that improvements not cause any increase in water surface elevation. (See page 3.13-82). In fact, there is not a requirement that there be no increase.

- The cumulative impacts section of the draft PEIR does not appear to include all of the past projects which should be considered (see section 4.3.1). For example, the West Sacramento I Street Project, the TRLIA Phase I and II projects on the Yuba River and Western Pacific Interceptor Canal, the Wheatland Levee Repair Project, the LD1 Star Bend Setback Levee, and the TRLIA Feather River Segment 1 and 3 Strengthen in Place Project are not listed, but should be

Moricz, Nancy

From: jcardoza3@csustan.edu
Sent: Thursday, April 19, 2012 9:27 PM
To: Cvfpp_Comments
Subject: Comments on the Central Valley Flood Protection Plan

Jacob Cardoza
Agribusiness
Wilbur-Ellis Manteca
24421 S.Airport Wy.
Manteca, CA 95337-8816

April 20, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Jacob cardoza
209-992-7352
Agribusiness
Wilbur-Ellis Manteca

Moricz, Nancy

From: banthonyrocha@yahoo.com
Sent: Thursday, April 19, 2012 10:07 PM
To: Cvfpp_Comments
Subject: Comments on Central Valley Flood Protection Plan

Brian Anthony
1049 Barbados St.
Manteca, CA 95337-8633

April 20, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Brian

Chronology of notable floods and droughts in California, 1827- 1997

Flood or Drought	Date	Area Affected	Recurrence Interval (in years)	Remarks
Droughts	1827- 1916	Variable	Unknown	Multiyear: 1827- 29, 1843- 44, 1856- 57, 1863- 64(particularly extreme), 1887- 88, 1897- 1900, 1912- 13.
Flood	Dec. 1861- Jan. 1862	Statewide	Probably >100	Record stages on major rivers from Oregon to Mexico
Floods	1863- 1936	Variable	Unknown	Major: Dec. 1867, Feb. 1884, Jan. 1895, Mar. 1906, Mar. 1907, Jan. 1909, Jan. 1916.
Drought	1917- 21	Statewide except central Sierra Nevada and north coast.	10 to 40	Simultaneous in affected areas, 1919- 20. Most extreme in north.
Drought	1922- 26	Statewide except central Sierra Nevada	20 to 40	Simultaneous in effect for entire State only during 1924, which was particularly severe.
Drought	1928- 37	Statewide	>100	Simultaneously in effect for entire State, 1929- 34. Longest, most severe in State's history.
Flood	Dec. 1937	Northern two-thirds of State.	5 to >100	Several peaks of record in northern and central Sierra Nevada. Damage $15 million.
Flood	Mar. 1938	Coastal basins from San Diego to San Luis Obispo, and parts of Mojave Desert.	50 to 90	Worst in 70 years. Deaths, 87; damage, $79 million.
Drought	1943- 51	Statewide	20 to 80	Simultaneously in effect for entire State, 1947- 49. Most extreme in south.
Flood	Nov.- Dec. 1950	Kern River basin north to American River basin.	25 to 80	Deaths, 2; damage, $33 million.
Flood	Dec. 1955	Northern two-thirds of State.	10 to 100	Deaths, 76; widespread damage of $166 million.
Drought	1959- 62	Statewide	10 to 75	Most extreme in Sierra Nevada and central coast.
Flood	Dec. 1964	Northern one-half of State	10 to >100	Greatest known in the history of northern California. Deaths, 24; damage, $239 million.
Flood	Dec. 1966	Kern, Tule, and	>100	Deaths, 3; damage, $18 million.

		Kaweah River basins.		
Flood	Jan.- Feb. 1969	Southern and central coastal California, parts of Mojave desert.	30 to 50	Deaths, 60; damage, $400 million.
Drought	1976- 77	Statewide, with the exception of southwestern deserts.	>100	Driest 2 years in State's history. Most severe in northern two-thirds of State.
Flood	Jan.- Feb. 1980	Central and southern coastal California.	10 to 50	Most severe in southern California. Deaths, 18; damage, $350 million.
Flood	Jan. 1982	San Francisco Bay area.	30	Severe, mudslides in mountains north of Santa Cruz. Deaths, 31; damage $75 million.
Flood	Feb. 1986	Northern one-half of State.	20 to 100	Peak discharge of record in Napa River and upper Feather River basins. Deaths, 14; damage, $379 million.
Drought	1987- 89	Statewide	10 to 40	Moderate, continuing through 1989. Most extreme in northern Sierra Nevada.
Flood	Jan. 1997	Central Valley	20 to 100	Deaths, 3; damage, $ millions.

Comments by Dale Klever, City of Colusa re: CVFPP draft April 2012

I direct the reader to review the table above, which is likely a partial list of floods and droughts. The dilemma we face is, on the one hand, too much water all at once, and on the other, periods of not enough. These huge swings in precipitation probably occurred long before the Gold Rush and recorded history. However, modern developments and civilization (the end of nomadic tribes) necessitates an effective flood control system, plus maximum storage capacity to eliminate or minimize droughts. Otherwise, California will continue to face devastation of one form or another. Flood control planning has been an on-going process since California was admitted as a state in 1850 and must remain a priority focus for the State. I commend these efforts, yet caution against a plan that considers only floods and riverine habitats, leaving droughts completely and totally out of the picture. One flood control element helps alleviate both issues; the dam. In fact, Los Angeles would benefit by installing some diversion dams or weirs in their gigantic storm channels, catching some of that storm water before it all runs out to the ocean.

(page 1-16) “Riverine habitats and ecosystem functions have been degraded over time through changes in land use, construction of dams and levees, water pollution, and other causes.” Dams are key to flood control and storage, and need not be the enemy of Central Valley riverine habitats. Very little is mentioned in the Draft Plan about dams, except for a slight mention of operational changes to minimize damage to habitat. The Oroville Dam reduced flood flows down the Feather River since it was under construction in 1964, even before it was even finished. On Christmas Day of 1955, emergency workers in Yuba City and Marysville feverishly sand-bagged the crown of the levee, while the flood waters lapped over the top of the levee. In December of 1964, when only the earthen base had been constructed, Oroville Dam averted another flood event like the one in 1955, reduced the flow

down the Feather River by 40% and prevented another incident of the river running over the top of the levees. In the particularly devastating flood of 1997, inflows to the Oroville reservoir hit more than 300,000 cubic feet per second (8,500 m^3/s), but dam operators managed to limit the outflow to 160,000 cubic feet per second (4,500 m^3/s), sparing large regions of the Sacramento Valley from flooding. This one structural element in the flood control system has increased freeboard throughout the whole stretch of the Feather River throughout it's lifespan. It has also produced habitat and recreational areas, plus electricity, also water for every use, including river flows as needed. Likewise, Shasta Dam has been protecting the Sacramento River floodway even longer.

Effective dam operation to promote riverine health and flourishing ecosystems is a very good start, as mentioned in the Draft Plan. Why not revisit dam design, since the CVFPP includes the consideration for billions of dollars and decades of upgrades? A fish ladder at Oroville Dam already provides an avenue for fish to reach a hatchery. Can this be improved and extended to reach the lake or a tributary? Fish friendly dam improvements incorporated with the straightening of levees would provide tremendous recapture of vast expanses of habitat, previously cut off or degraded.

(pg.1-18) “Many of the streams of the Sierra and the Coast Range have large amounts of mercury, mainly due to its use in capturing gold from sluice boxes during the Gold Rush, and also due to erosion from natural deposits.” Dredge is not a bad word. After hydraulic mining, the Yuba River channel filled to the point that the river level remained overbank and against the levees continually. Valley communities forced the miners to dredge out the tailings, without eliminating some of the best fishing in the world. If there is pollution collecting in the river bottoms, then maybe periodic cleaning the river bottom would benefit the health of the riverine habitat, while improving the floodway. Intelligent methods of cleaning the river channels by dredging or other, more modern, technique is another element that is non-existent in the Draft Plan.

(4-24) “One example of linking recreation and flood management, DWR and DPR developed an Interagency Agreement that supports multi-benefit project for the Colusa Sacramento River State Recreation Area. This effort is designed to provide recreation and public access compatible with wildlife habitat conservation.” I would like to read or hear more about this agreement.

(4-30) “Design and operate any new potential Feather River Bypass from the Feather River to Butte to accommodate ecosystem restoration features and benefits, including conservation and restoration of aquatic and floodplain habitats and continued compatible agricultural land uses within the bypass.” This element appears partial, as the Cherokee Canal dumps into Butte Basin without restraint or regard for residents or farmers. Almost every map in the Draft Plan shows a very large water mass covering the Butte Basin area. Will S. Green of Colusa, recognized as the one who first conceived of bypasses, would turn over in his grave if he saw this unfinished bypass plan that places families into a situation of increased risk of flooding for no good reason. A “Feather River Bypass” or more rightly termed, “Butte Bypass” needs to be a complete, delineated and defined element. Otherwise, flood risk is not eliminated, but only transferred away from Yuba City and Marysville over to the families and farmers in Butte Basin. A new Butte Bypass would need to connect to the Sutter Bypass, with an improved opening to the Sutter Bypass that can handle the increased flow.

Thank you for your efforts and consideration.

Dale W. Klever,

Public Works Director
City of Colusa

Lindahl Farms
P.O Box 263 Richvale California 95974

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for

Lindahl Farms
P.O Box 263 Richvale California 95974

growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,
Carl Lindahl
Name

Moricz, Nancy

From: JEFF MORESCO [aggiejeff@frontiernet.net]
Sent: Friday, April 20, 2012 6:52 AM
To: Cvfpp_Comments
Subject: Comment on proposed flood plan

To Whom It May Concern:

I live and farm in the Sacramento Valley in the Colusa area. I farm in and around the Butte Sink, or Butte Basin as named in your plan. I farm both inside and outside the levee system of the Sacramento River. I have been farming for the past 28 years, and grew up in this area on a farm. I **am OPPOSED** to this so called flood plan. It is clear the Dept. of Water Resources is trying to provide greater flood protection to the urban development of flood plains at the expense of agriculture and rural communities. Beyond this, the Dept. of Water Resources is trying to appease the environmentalists in this state, again at the expense of agriculture, and the safety of rural communities along the rivers in the central valley. Further, I don't see where there are adequate funds to build all these levees and by-passes, when there does not seem to be adequate resources to maintain the system we currently have to its designed capacity. This flood plan is not comprehensive, nor adequate in its flood control. It does not address issues such as additional water storage and flood protection reservoirs, nor does it address the build up of silt and debris on the various river channels, which diminish the carrying capacities of the rivers. This plan is being pushed through quickly, and many of the people affected by this are unaware of it.

I am extremely concerned about the plans for the Butte Basin area, where I live and farm. First, the plan calls for creating a new bypass out of Cherokee Canal, bypassing Feather River water into the Sacramento River watershed. I don't think a private party could legally move water from one watershed into another, I can't see how the State of California should be allowed to do this. This bypass would destroy the farmers, and the property and infrastructure built up in northeastern Colusa county and Sutter county. This would overwhelm the Sutter Bypass and would imperil the Meridian and Sutter Basins. During high flows, the new bypass would put additional pressure on the butte basin, flooding the land right up against the Sacramento River levees. This could effectively reduce the flow of Sacramento River water out of the Colusa Bypass, and increase the pressure on the Sacramento River system, causing levee breaches on the west side of the Sacramento River. There is historical evidence that this can happen. In 1940 there were heavy flows on all of the river systems. Shasta dam was not completed yet. The Feather River broke in various places, and some of its water made it to the Butte Basin. It filled this area up so high, they had to sand bag the Sacramento River levee at the Colusa Bridge to keep the Butte Sink water from breaking back into the Sacramento River. This caused various levee failures on the west side of the Sacramento River, and the town of Colusa became a virtual island. Sacramento River water made it almost to the town of Maxwell on the west side of the valley. If this were to happen today, the city of Colusa would probably be flooded, because of the levees built along the Colusa Basin Drain west of Colusa, would keep the water contained in the Colusa area. That same year, the Sutter Bypass was overwhelmed by the large flows out of the Butte Basin, and a bypass levee north east of Meridian failed and flooded the town of Meridian and the Meridian Basin. At least one person died in this area.

The history of the Sacramento Valley flood system, in my opinion, has been overlooked in the development of this plan. The levee system was conceived of and started by the pioneers that founded our cities and towns in this valley. Private landowners would build levees to protect their own property from flooding. There were always levee failures, because there were always larger floods that weren't expected. Sacramento was built in a poor spot as far as flood safety was concerned. It was established were the American and Sacramento River flows meet, just above the Delta region. It was prone to flooding, and the old town of Sacramento was actually raised up at one point by hauling in material and rebuilding the town over the top of the old town. At some point the pioneers came up with the concept of bypassing some of the river water out of the river to protect the city of Sacramento from flooding. In the early 1900's, and 1920's as the river bypasses were being planned and engineered, there was a great disagreement about which side of the Sacramento River to bypass the water. The engineers wanted to bypass the water to the west. They said the slope was better and there would be less silt build up, plus the Delta, and the Pacific Ocean are to the west, and that was the logical way to bypass the water. But wealthy farmers and land owners on the west side of the Sacramento River would not have anything to do with this plan, and eventually the Sacramento River bypasses were built towards the east into the Butte Basin. This doesn't help the Feather and Yuba River system, which has been prone to flood the Yuba City, Marysville area. Yet with the historical flooding of this area, developers have still urbanized the flood plains there. I don't believe my community should be destroyed because others have made poor decisions where to build their homes.

We have a system in place, though not perfect, it still functions fairly well. But this system is not adequately maintained. We have let the bypasses and the rivers and canals build up with overgrowth which impede water flows and put more stresses on the system. If the Dept. of Water Resources wants to spend billions building levees and condemning land, why can't they spend the money fixing what they aren't maintaining now? And why is environmentalism even a topic for discussion in this plan? This is a public safety, and property protection issue not and environmentalist land grab. This plan doesn't address the build up of silt and debris in the river systems. The Sacramento River used to be dredged up to and north of the town of Colusa, This hasn't been done for decades. Yet the river continues to silt up and rise. We are trying to contain our rivers within levees, then we must keep the channels fairly clear, otherwise, the levees will eventually become worthless as the river levels continue to rise. Set back levees are, in my opinion, useless, and nothing more than an environmental land grab. This is just putting a bandage on a problem that will never go away.

California is unique. For water it is feast or famine. This is why we should be looking into more storage and flood control reservoirs, or at least increase the capacities of the current reservoirs. The environmentalist movement has crippled this state. As the sates population continues to grow, these issues need to be addressed in an intelligent manner, not an environmental manner. Don't get me wrong, I am a steward of the land, and I want to preserve as much of the beauty and wildlife as I can, while I use the land God gave us to produce food, and a life, for my family and others. Common sense needs to prevail here.

Respectfully,

Jeff Moresco
P.O. Box 292
Colusa, CA. 95932
(530)-624-6820
aggiejeff@frontiernet.net

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Joe Lastufka	Taxpaying Property Owner - You work for me!	jlstfk@yahoo.com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	I oppose the Feather Rever bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelyhood, and you are treatening to drown me!	Do not even attempt to buil the Feather River Bypass. The government has problems maintaining what already exists. My proposed modification is that you hire someone who can figure this problem out and improve my life as well as others. That is your Job and you have failed. If you need to dredge the rivers, raise the dams, build more dams, raise the levees, then do it. Figure out how to capture more of the "floodwater" and deliver that water to southern California. Northern California gets the flood protection Southern California gets the water.
Joe Lastufka	Taxpaying Property Owner - You work for me!	jlstfk@yahoo.com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	I oppose the Feather Rever bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelyhood, and you are treatening to drown me!	Increase the water sorage capacity with higher dams or more of them. Only an envronmentalist would dislike increased water storage. Let them go without water so they can't flush their toilets and if they refuse to leave then flood them out in the winter time.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Francis & Pat Lastufka	Resident / Farmer	lstfk@yahoo.com	http://www.cvfpb.ca.gov/CVFPP/08_CVFPP-Map-brochure-11212.pdf		2	We oppose any modifications / changes to the Butte Sink floodwater drainage area that would increase the water flow into the Butte Sink specifically the additional Feather River water.	Increase the drainage capacity of the Butte Sink area without increasing the flows into it. Prove you can properly maintain what exists before increasing the flood protection systems maintenence requirements

Commentor	Commentor Agency	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 7	Urban areas are targeted for 200 year protection while rural areas are targeted for 100 year protection	provide an equitable level of protection for rural small communities
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 9	the plan notes levels of protection would generally not improve in rural-agricultural areas	consider providing a greater level of flood protection to the rural-agricultural areas
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 12	there is no mention of the sites reservoir as transitory storage	include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 3	the plan indicates 200,000 af easements in the Sacramento watershed	please indicate if these are addition easements and if so where are they located and by what method would they be acquired.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 4	the plan mentions fish passage east of butte basin	what is the nature of the improvement
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 10	23 small communities receive improved flood protection	please identify the communities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 10	it would appear that rural communities are not receiving equitable flood protection consideration consideration	at a minimum bring levees up to minum design standards
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 11	economically feasible is mentioned thru-out the document	consider providing a greater level of economic consideration to the rural communities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 11	the plan indicates the State will prioritize the improvements addressing the greatest need first	consider a more proactive engagement of local entities in determining these priorities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 13	the flexibility to shift water between watersheds is understandable	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir as it would potentially assist in mitigating additional flows to the Sacramento watershed, a watershed already recognized as being impacted.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 14	mod to moulton Colusa tisdale	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 16	there is no mention of the sites reservoir as transitory storage	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 18	what improvements how much lower how much more water don’t flow march 1	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering"
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 18	whole heartedly agree with the increased impacts to ag practices	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 22	we applaud the notion of system self mitigation	please address the apparent disparity between 'habitat establishment' and flood control functionality (i.e. trees in the bypass restrict the capacity of the bypass)
	Colusa County Public Works	CVFPP	4	4 31	The State's active support of the Agricultural Floodplain Management Alliance (AFMA) is very important to achieving the needed changes to the NFIP.	Fully Engage AFMA in discussions relative to the Flood Plain Risk Management Plan
Mike Azevedo	Colusa County Public Works	CVFPP	General Comment entire document		AS the Plan is intended to be a "frame work" or "over view' of Flood control in the Central Valley, it would seem more appropriate to not specifically indentify projects within the plan.	Remove references to project specifics throughout the document. It is also recommended that the Plan be adopted WITH OUT Technical Appendices.

Kim Dolbow Vann, DISTRICT I
Thomas A. Indrieri, DISTRICT II
Mark D. Marshall, DISTRICT III
Gary J. Evans, District IV, CHAIR
Denise J. Carter, DISTRICT V,
VICE-CHAIR

COUNTY OF COLUSA
BOARD OF SUPERVISORS
Board Chambers
547 Market Street, Suite 102
Colusa, CA 95932
(530) 458-0508
cocolusa@countyofcolusa.org

April 20, 2012

Colusa County Board of Supervisors
547 Market Street, Suite 102
Colusa, CA 95932

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821
Via Email: nmoriz@ca.water.gov

Subject: Comments on Draft Central Valley Flood Protection Plan

Colusa County appreciates the efforts that DWR and the CVFPB have made to develop a framework for flood protection in the Central Valley. It is an ambitious plan. The plan's primary focus needs to be public safety. In urban areas this is very explicit. The rural areas have much less clarity and the plan does not adequately address nor mitigate the far-reaching impacts to the agricultural economy.

Upon further review of the Plan, Colusa County, in general, feels it is irresponsible for the State to walk away from the SPFC protection that our county has relied on for over 60 years. We are now being portrayed as the relief valve for the urban areas, as well as being the area to make significant investments in ecosystem restoration activities for the State at the expense of agriculture.

Specifically we have the following comments

1. Chapter 1: Need to know what the goal of the system is in terms of flow to determine protection required. Recommend include maps of the proposed system capacity, similar to Fig. 1-4 and 1-5. What flow rates, etc, are we anticipating in the future?

2. Chapter 3.3 Small Community Flood Protection: Comment
    a. The small communities in Colusa County have survived and thrived for the past century. They have grown modestly due to the SPFC. The plan acknowledges the need to preserve these communities to support the local agricultural economy. Regional planning efforts should focus on more accurate cost estimates for small community protection in the first five years of the plan. With the exception of our small communities of Colusa, Grimes and Princeton, our agricultural areas see no established level of protection. Recommend the Plan provide that rural areas levees have a minimum of 1957 design. Additionally, a

provision that the levees will be maintained to a rural levee standard. Modify the first paragraph as follows:

i. Many small communities in the SPFC Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas, although some of these improvements may take many years to implement. The State, *in conjunction with local communities and levee maintaining agencies* will evaluate investments to preserve small community development *opportunities to reach 100 year level of protection.* State investments in small community protection will be prioritized based on relative community flood threat levels, considering factors such as population, likelihood of flooding, proximity to flooding source, and depth of flooding.

3. Chapter 3.4 Rural-Agricultural Area Flood Protection: Modify the paragraph as follows: Rural-agricultural area levee improvements included in the SSIA are not as extensive as for urban areas and small communities, *but will be maintained at the 1957 design profile.*

4. Chapter 3.5.2 New Bypasses
   Delete all references to the Cherokee Canal bypass

5. Chapter 3.14.2 Enhanced agricultural sustainability: Comment
   a. Although citizens will receive protection, most agricultural lands will not. There will be higher insurance costs for crops and property (flood). Additionally, agricultural loans will be more difficult to obtain.

6. Chapter 4.1.4: Rural Agricultural Area Flood Management: Comment
   a. Need to establish a rural levee design standard for a measured level of protection. Cost sharing needs to be minimal for these areas: 10% would be more realistic, with that including in kind staff time. Also a defined part of exiting dollars and expected dollars must be dedicated to rural-agricultural areas and small communities.

7. Chapter 4.4.1: Regional Flood Management Plans: Comment
   a. Page 4-20, first paragraph, revise to state "The regional plans will be prepared *by coordinated efforts* of local maintaining agencies.... DWR will *participate in and support* the planning process, will provide any available information, and *will provide all funding for preparation of the regional plans.*

   b. In rural-agricultural areas the focus would be on flood risk reduction supported by floodplain management. Local agencies, communities and counties should not be held to any sort of cost share for environmentally beneficial projects such as setback levees or bypasses. (Page 4-20, third paragraph, revise to state "*The state proposes to provide all funds for environmentally beneficial projects, such as setback levees and bypasses.*")

8. Chapter 4.5 2007 -2011 Accomplishments and Near-Term Priority Actions (2012 through 2017): Comment.
   a. The State's active support of the Agricultural Floodplain Management Alliance (AFMA) is very important to achieving the needed changes to the NFIP. We hope DWR and CVFPB will make it a priority to support this effort.

As an example of the impact to our County, Setback levees in Colusa County alone, taking over 4,400 acres on our side of the river, will take $44M off our tax rolls, equating to approximately $440,000 in property tax loss. Add to that the economic loss of this land to our local farmers

who buy equipment and supplies in our county. I suppose you could say there is a "public" benefit, but certainly not a local one.

Dollars and Sense: It may be difficult to obtain funding for this ambition State Systemwide Investment Approach. Wherever possible, the Board and DWR needs to work with the local agencies, cities and counties to develop plans that keep agriculture viable in the Central Valley, keep property on the local tax roles, keep farmers farming, even if it is habitat. Priority should be placed on providing flood protection to people, not birds and bunnies.

Please also evaluate what needs to be adopted by the statutory deadline. Some of the appendices have not be properly vetted or reviewed, and we support not adopting them at this time. As has been stated at many of the public hearings, phase 3 and 4 of the development process were not completed due to time constraints.

We look forward to working with the Board and DWR as the Plan moves forward.

Denise J. Carter

Denise J. Carter
Supervisor, District V

COLUSA COUNTY
DEPARTMENT OF AGRICULTURE
JOSEPH J. DAMIANO
AGRICULTURAL COMMISSIONER & SEALER OF WEIGHTS & MEASURES
100 SUNRISE BLVD., SUITE F, COLUSA, CALIFORNIA 95932
(530) 458-0580

April 16, 2012

Central Valley Flood Protection Board,

As the Agricultural Commissioner for Colusa County, I speak on behalf of my constituents, the farmers of my County. I am concerned about the loss of agricultural lands due to the proposed setback levees and bypass expansions outlined in the Central Valley Flood Protection Plan draft. The plan proposes 40,000 acres of predominantly agricultural land that will be periodically flooded. Because of this increase in flooded acres, the increase in the depth of water released to this acreage and the length of time this land will be flooded, it may have very limited use agriculturally.

Permanent crops which are often high value producers will not be planted in these areas due to the risk of prolonged flooding. Crops requiring a long growing season will not be planted in many years due to flood waters being present into late spring. Processors desiring long term contracts may not be interested in dealing with growers in these areas due to the uncertainty of the farmers' ability to produce in any given year that the land needs to be flooded. This will greatly de-value the land in these areas as well as the local economies. If you consider an average crop in these areas that typically produces a gross value per acre of only $2,500 (a very low average) and multiply that out over 40,000 acres, that equals to 100 million dollars that has the potential to be lost in any given year from the agricultural economy.

The de-valuation of the farmland in these areas will affect the ability for farmers to secure production loans, and expansion loans. This is another burden which will be imposed on farmers.

Is it necessary to expand the capacity of our existing flood control systems or can we clean up the bypasses, canals, drains, weirs, etc. to bring the system back to the original flow capacities? Can we strengthen and improve the existing levees in the entire system to protect all the communities? And, can we be more careful in the future to not build and expand communities in flood prone areas and not ask the farming communities to then pay the price to protect them?

California's agriculture, our food production, and the farmers who produce it are a valuable resource and one that should be protected.

Colusa County Court House
Erected 1861

Where is our food going to come from in the future? As we develop farmland and plant houses we take land out of production. Then, to protect the new communities you are proposing to take more farmland out of production. When will it stop? Our communities promote local food and local production which has been very popular in our state, and then our state wants to take our agricultural lands away from us.

I have attended meetings on this plan and have heard from the Department of Water Recources representatives that we as farmers and small communities "need not worry" and that once this plan is implemented "our interests will be taken care of". I find it hard to trust DWR since we have not been allowed to be as involved in the process as we would like to be, and have not been listened to in most cases. I do not find the plan as it exists to take into account the interests of farmers and our rural communities. It is not appropriate to put the burden of flood control on the backs of the farmers and the rural communities. I cannot support this plan and think that it should be restructured after adequately addressing the needs of the rural communities and the local farmers.

Joseph J. Damiano
Agricultural Commissioner
Colusa County

BUTTE
COUNTY
FARM BUREAU
Serving Agriculture For More Than 90 Years

April 20, 2012

Central Valley Flood Protection Board
Care of: Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Members of Central Valley Flood Protection Board,

Thank you for the opportunity to comment the Central Valley Flood Protection Plan (CVFPP), as well as the Draft Program Environmental Impact Report. The following remarks should be considered on BOTH the DPEIR AND the 2012 Draft Central Valley Flood Protection Plan.

Recently, the Butte County Farm Bureau Board of Directors, on behalf of more than 1,600 paid member families of the Butte County Farm Bureau (BCFB), voted UNANIMOUSLY to OPPOSE the 2012 Draft Central Valley Flood Protection Plan.

During a March 28th evening meeting in Richvale, CA, the CVFPP and the DPEIR were discussed by Department of Water Resources (DWR) staff with local farmers, homeowners, landowners, taxpayers, and Butte County Farm Bureau members. Upon considering the CVFPP, the DPEIR, and DWR comments at the meeting, many impacts and concerns were left unaddressed to the satisfaction of the BCFB. They include the following:

1. Impacts to local farms & ranches
    a. The plan proposes to change the operation and maintenance of current flood control facilities and structures while adding additional structures, all of which will have a significant impact on adjacent lands. The loss of many tens of thousands of acres of private, productive farmland, whether through easements or title transfer, is of great concern, and should be avoided by the plan entirely. Instead, the scope of current flood control facilities should be maintained, and restored to their original intent and planned capacity of quickly moving water away from farmlands and through the system.
2. The flood control system should not be used as habitat.

   a. Additional acres of habitat through construction or creation of "setback levees" acquired from productive farm lands should not be considered by the plan. As is seen already, many of these habit lands adjacent to flood control areas or structures lack a specific management plan which is beneficial for neighboring agriculture. Additionally, this habitat can create problems for swiftly moving increased water flows through the system, and create additional expense for maintaining the levees or structures, or prevent it entirely.
3. Cherokee Canal/Feather River Bypass should be dropped from the plan.
   a. This project should be eliminated from any further planning or consideration. As discussed throughout the plan, as well as DWR findings in Attachment 8J of the CVFPP, the plan addresses new acreage acquisition as part of construction and repair of new levees along the Cherokee Canal, at great expense.
4. Maintenance of New or Enhanced Structures is of great concern.
   a. Landowners and farmers adjacent to new or enhanced levees or structures could be faced with a significantly increased property tax burden to maintain the structures after construction or modification. This burden should not be disproportionally placed on shoulders of the family farmers & landowners.
5. Impacts to Agriculture & Affiliated Industries & Local Tax Base
   a. As was noted at the meeting in Richvale, losses to Agriculture were not considered by the CVFPP or the DPEIR. Before adoption of any component of the plan, financial impacts to agriculture and affiliated industries, as well as loss of local tax revenue should be considered and addressed. Additionally, the identification by the CVFPP of areas which could be considered for acquiring new habitat or farmland through easements or title transfer can potentially depress property values, and disrupt financial planning by the property owners. This too should be addressed by any plan prior to adoption.

Thank you for considering our comments about the CVFPP and the DPEIR. Again, the Butte County Farm Bureau wishes to go on record as opposing the plan in general, and would highlight our opposition to any new Feather River Bypass using the Cherokee Canal area.

Kind Regards,

Butte County Farm Bureau

American Farm Bureau Federation/California Farm Bureau Federation

YOLO COUNTY FARM BUREAU

69 West Kentucky Avenue • P.O. Box 1556, Woodland, California 95776
530-662-6316 • FAX 530-662-8611 • www.yolofarmbureau.org

PRESIDENT
Chuck Dudley
1ST VICE-PRESIDENT
Joe F. Martinez
2ND VICE-PRESIDENT
Fred Manas
SECRETARY/TREASURER
Denise Sagara

April 20, 2012

Central Valley Flood Protection Board
ATTN: Ms. Nancy Moricz
3310 El Camino Ave, Room 151
Sacramento CA 95821

RE: Comments on Draft Central Valley Flood Protection Plan

Yolo County Farm Bureau, landowners, growers and Board of Supervisors have been very concerned about the proposed Central Valley Flood Protection Plan and the effects on land in the county.

We learned only in the last few hours before close of comments that the potential footprint of the Flood Plan is much bigger than originally thought: First, there is the large portion we had already heard about: 36,800 acres acquired inside levees for new bypasses and bypass expansions, 10,500 acres of that to become habitat, 75/25 split in Yolo Bypass and elsewhere. Over and above this 40,000 acres amount, however, we only recently learned cost estimates assume 70,000 – 115,000 acres of "agricultural easements" outside bypasses, of which the cost estimate assumes separate flowage easements on 50,000 to 75,000 acreages, to accommodate 200,000 acre-feet of capacity in the Sacramento Valley, and 100,000 acre-feet of transitional storage in the San Joaquin River watershed. Of the total 40,000 acres affected by the proposed "bypass expansions," the lion's share—25,500 acres total—is in Yolo Bypass, and most of that in Yolo County.

The plan states that easements would be acquired from "willing sellers," but then goes on—without local input or prior identification of actual available lands—to incorporate these very large acreages as an assumed component of the overall, long-term blueprint that is the Central Valley Flood Protection Plan.

This late-breaking information came to our attention, concerning the greatly expanded agricultural footprint of the project, not because any of this is clearly stated up front in the actual Draft Plan, but rather only because this information was unearthed by chance from an obscure technical appendix to the plan at this very late hour in the public process.

In the process itself, many landowners and growers expressed concerns about the proposed plan, ranging from potential farmland conversion impacts, impacts on agriculture, private property rights, flood protection, costs, the timing of inundation in the Yolo Bypass, and potential unintended consequences.

Central Valley Flood Protection Board
ATTN: Ms. Nancy Moricz
Comments on Draft Central Valley Flood Protection Plan
April 20, 2012

We join Yolo County Board of Supervisors in expressing grave concerns about the speed with which this plan is being pushed through to adoption, without properly vetting, buy-in, or meaningful participation from local stakeholders. We believe you will be causing extensive and likely irreversible damage to our county and, in the strongest terms, urge you to slow down and take more time to thoroughly consider all of the consequences as you adopt a more workable plan that is beneficial to everyone.

Sincerely,

Chuck Dudley

Chuck Dudley
President

April 20, 2012

SUBJECT: Comments on the CVFPP and March 2012 CVFPP DPEIR

Attention: **Mary Ann Hadden**
Department of Water Resources

Nancy Moricz
Central Valley Flood Protection Board

Pacific Gas & Electric Company (PG&E) appreciates the opportunity to comment on the Central Valley Flood Protection Plan (CVFPP) and its Draft Program Environmental Impact Report (DPEIR). We understand that the DPEIR evaluates the State Systemwide Investment Approach (SSIA), which is the proposed approach for flood control described in the CVFPP. While the CVFPP is a long-term planning document, the SSIA consists of a programmatic set of broadly described management actions that can be implemented as part of the CVFPP. Adoption of the CVFPP by the Central Valley Flood Protection Board (CVFPB), which is anticipated in July 2012, will provide general direction for long-term implementation of improvements to the Central Valley flood management system. We have reviewed both documents and have identified several areas of concern. Below we address these concerns and provide specific comments on the text of the Utilities and Public Services chapter of the DPEIR.

COMMENTS ON THE CVFPP

PG&E understands that the CVFPP is a critical program-level document intended to manage flood risk along the Sacramento and San Joaquin River systems over the next 20 years. PG&E supports activities that will improve the levee system in the Central Valley to enhance public safety, protect public and private property, and enhance environmental values. PG&E owns and operates thousands of facilities located within the planning areas included in the CVFPP and the DPEIR. Unfortunately, neither document adequately addresses these facilities and the potential impact of the CVFPP to the generation, transmission and distribution of electric and gas service to PG&E's 15 million customers. Upgrading, relocating or protecting utility infrastructure is a complex, time-consuming, and costly undertaking, and could result in environmental impacts that are not addressed in the DPEIR.

If the CVFPP is adopted and implementation begins, we strongly urge all future project proponents to work closely with PG&E during the earliest planning phases of project planning. PG&E believes that this approach will identify the best options for addressing affected utility facilities in a manner that maximizes public safety while minimizing environmental impacts and service disruptions. The placement of gas and electric facilities in or in proximity to levees is presently permitted by existing federal and state regulations. As necessary, geotechnical mitigation measures can be incorporated into construction design to ensure that utility facilities

effectively co-exist with flood protection facilities. Relocation of gas and electric facilities away from levees should be considered the exception, not the rule.

When utility relocations are unavoidable, PG&E can help ensure that environmental impacts of such relocations are adequately addressed in the project-specific CEQA document and environmental permits for the future levee work. This will both avoid unnecessary delays associated with separate environmental review and permitting for any utility relocations and ensure that lead agencies for future levee projects comply with CEQA. We believe that through working collaboratively with the CVFPB and other project proponents, we can identify common ground that protects and improves the levee system, while at the same time ensures PG&E's ability to provide safe, reliable and affordable service to our customers.

COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

Section 3.20.1 Environmental Setting – Electric and Gas Facilities

The description of gas and electric service providers on page 3.20-5 is generic to the state overall and does not accurately reflect the scope of potentially affected utilities in the Extended Systemwide Planning Area, which is the study area for the DPEIR. As an example, the maps on pages 3.20-7 and 3.20-8 provide information only on gas and electric transmission facilities – not distribution facilities. On the electric side, PG&E has over 850 transmission towers, 9,000 distribution poles, and ten substations within 100 feet of a levee centerline within the DPEIR study area. In addition, PG&E has many other facilities including power plants, gas compressor stations, and hydroelectric facilities within the Extended Systemwide Planning Area. We are working collaboratively with the staff of DWR, CVFPB, and the US Army Corps of Engineers (Corps) to further refine the mapping of utility infrastructure within the study area. In order to accurately evaluate potential impacts and develop effective mitigation measures as required by CEQA, the scope of utility infrastructure within the study area must be adequately understood.

Section 3.20.2 Regulatory Setting

The Federal section does not accurately describe the jurisdiction of the Federal Energy Regulatory Commission (FERC). FERC regulates construction and abandonment for *interstate* natural gas facilities, which is only a small subset of the pipelines in the study area of the DPEIR. FERC does not license or permit electric transmission facilities.

The Federal Department of Transportation's Pipeline and Hazardous Materials Safety Administration regulates the design, operation, and maintenance of natural gas pipelines. These regulations are enforced in California by the CPUC through General Order 112E.

The State section should be revised to note that the CPUC has exclusive discretionary permitting authority over the location and design of public utility facilities in the state. Any required relocation of intrastate gas and electric transmission and distribution lines will be subject to the jurisdiction of the CPUC.

Section 3.20.4 Environmental Impacts and Mitigation Measures for NTMAs

Impact UTL-1 (NTMA) Potential Disruption of Utility Services and Modification or Relocation of Utility Infrastructure from Project Construction Activities

It must be noted that while this impact is considered "potentially significant," the discussion does not provide sufficient context of the magnitude of potential impacts associated with utility relocations.

Within the 1,600 miles of state/federal jurisdictional levees in northern California, we estimate that PG&E has over 9,000 power poles and 850 transmission towers within 100 feet of levee centerlines and hundreds of gas facilities that parallel or cross jurisdictional levees. The locations of these utilities are critical to the delivery of gas and electric service to customers throughout our service area. It is important to stress that, in the event of levee improvements or Corps certification, relocation of electric and gas facilities may not be necessary in most situations. Electric and gas facilities are allowable encroachments under existing regulations and have co-existed with the levees for decades. (See 33 CFR 208.10(5) and 23 CCR 123). However, if relocation is necessary to accommodate certain levee improvement projects, PG&E must be part of the planning process from the earliest stages. Given the significant urban development in the area of the CVFPP, relocation of an existing line could involve extensive rerouting which would require acquisition of new land rights as well as lengthy permitting processes. Unless PG&E is involved at the earliest planning stages, the rerouting of a utility line could significantly impact the levee improvement project schedule.

A recent example of the importance of early collaboration is the Corps' Marysville Ring Levee Project. While the DWR and Corps were planning on making significant changes to the existing levee, PG&E was simultaneously planning on upgrading its Pease-Marysville line, which is located on the Yuba River levee, to more reliably serve the needs of the city of Marysville. Since PG&E became aware of the project, we have been working collaboratively to understand how the levee improvement proposal would impact our project and potential Corps project alternatives. Due to extensive urban development immediately adjacent to the levee, relocation of PG&E's poles could require substantial rerouting of the existing line, which would increase project costs by over $10 million dollars, create additional environmental impacts, trigger a variety of environmental permits, and potentially delay electric system reliability upgrades for the City.

Mitigation Measure UTL-1 Verify Utility Locations, Coordinate with Utility Providers, Prepare and Implement a Response Plan and Conduct Worker Training with Respect to Accidental Utility Damage

Impact UTL-1 mentions utility relocation as potentially significant, yet utility relocation is not mentioned in the title of the impact mitigation measure. PG&E urges that the title of Mitigation Measure UTL-1 be modified to read, "Verify Utility Locations, *Evaluate the Need for Utility Relocation*, Coordinate with Utility Providers, Prepare and Implement a Response Plan and Conduct Worker Training with Respect to Accidental Damage".

The wording of proposed Mitigation Measure UTL-1 implies that utility relocations can be executed with minimal advance preparation. In fact, utility relocations can require years of planning and environmental review. For example, under CPUC General Order 131-D, non-exempt transmission line relocations greater than 2,000 feet in total length must obtain a Certificate of Public Convenience and Necessity or a Permit to Construct, depending on voltage, from the CPUC, which can take several years. The CPUC's rules provide an exemption for relocations that have already been analyzed as part of another lead agency's CEQA review of a larger project – such as a levee project that results in the need to relocate the transmission line -- provided that the lead agency concludes that the relocation will not result in any significant unavoidable environmental impacts. To accomplish this, the footprint and design of the utility relocation, including structure heights, must be included in the CEQA document for the levee project, and all relocation-related impacts properly evaluated in accordance with CEQA. Failure to do so will render the CPUC exemption inapplicable, which in turn could delay the completion of the levee work pending completion of separate permitting and environmental review by the CPUC. In addition to these delays, failure to properly analyze the environmental effects of utility relocation work that is directly caused by the levee project could subject the lead agency for the levee projects to CEQA-related legal challenges.

Further, utility relocation should be the exception, not the rule, for projects. The mitigation measure should clearly state that utility infrastructure within the project footprint must be evaluated and impacts avoided. Utility infrastructure can co-exist with levee improvements when they do not adversely affect the functioning of the levee.

Finally, it must be noted that determining liability for the costs of relocation is a complex assessment. In some cases, PG&E may hold encroachment permits and other consents from the CVFPB permitting the installation of utility infrastructure that may require PG&E to relocate infrastructure at its expense. However, absent these permits or consents, the priority of the land right within the CVFPB jurisdictional boundary will determine liability for the costs of any necessary relocation. Further, PG&E's CPUC tariffs provide for work requested by others, such as the CVFPB, DWR or Corps, to be paid by the requestor. Regardless of who pays for the relocation, it is a costly and time-consuming process and, as such, should be undertaken only when the risk of leaving the facilities in place warrants the expense of relocation. As a point of reference, PG&E recommends that the CVFPB and DWR review the Caltrans Right-of-Way Manual (Chapter 13 Utility Relocations) which outlines the process jointly developed by the State's major utilities and Caltrans to address utility relocations associated with proposed improvements to California's highway/freeway system.

<u>To address these concerns, and ensure that the DPEIR meets CEQA requirements, PG&E requests the following language be adopted in lieu of the current Mitigation Measure UTL-1:</u>

During the early planning stages of each project, the project proponent will coordinate with applicable regulatory agencies and utility providers to 1) identify all utility facilities within the project area; 2) design the project so as to minimize any utility relocations; and 3) plan for the

orderly implementation of any unavoidable relocation or removal of utility facilities. The project proponent will implement all of the following measures:

- The project proponent will work with the regulatory agencies and affected utilities to avoid utility relocations by co-locating utilities and flood control facilities as allowed under 33 CFR 208.10 (5) and 23 CCR 123.
- If necessary, infrastructure will be removed, relocated to safer locations, or made flood resistant in coordination with all potential service providers known to have, or potentially having, utility infrastructure in the project area.
- If necessary, infrastructure will be flood-proofed (e.g., raised on piers) in coordination with all utility providers known to have infrastructure in the project area.
- Any unavoidable utility relocations will be analyzed in sufficient detail in project-specific CEQA reviews to determine whether they would result in substantial adverse physical effects.
- If necessary, coordinate with utility providers to ensure that the appropriate agencies and affected customers will be notified of any potential interruptions in utility service.
- Before the start of construction, the locations of utilities will be reconfirmed and verified through field surveys and the use of Underground Service Alert services. Any buried utility lines will be clearly marked in areas where construction activities would take place and on the construction specifications before any earth-moving activities begin.
- Before the start of construction, a response plan will be prepared to address the potential for accidental damage to a utility. The plan will identify chain-of-command rules for notifying authorities and appropriate actions and responsibilities to ensure the safety of the public and workers. The construction contractor will conduct worker education and training on responding to situations when utility lines are accidentally damaged. The project proponent and its contractors will implement the response plan during construction activities.
- Utility relocations will be staged and scheduled to minimize interruptions in service, particularly during periods of peak demand.

Section 3.20.5 Environmental Impacts and Mitigation Measures for LTMAs

This section makes reference to the impact analysis and mitigation measures for the NTMA section (3.20.4) and thus, the comments included above apply to this section as well.

Please add Lonn Maier to the contact list for all future public notices and announcements on the availability of documents that involve the Central Valley Flood Protection Plan, the DPEIR, or other related materials. His contact information is as follows:

Lonn Maier
Pacific Gas & Electric Company
Land & Environmental Management
LCMK@pge.com
(916) 923-7020

Thank you for the opportunity to provide comments on the CVFPP and DPEIR. We look forward to working with the staff of the CVFPB and DWR, as well as the Corps, on this important planning effort.

Sincerely,

Diane Ross-Leech
Director - Environmental Policy
Pacific Gas and Electric Company

Moricz, Nancy

From: Melvin Borgman [melvin.borgman@yahoo.com]
Sent: Friday, April 20, 2012 1:09 PM
To: Cvfpp_Comments
Subject: Central Valley Flood Control Plan

Far to much valuable agricultural land is being sacrificed to "habitat mitigation".

- Rural areas are being sacrificed to provide flood protection for urban areas.

- Urban areas are not being required to give up land for their own protection.
- There are low lying areas in urban areas which were reclaimed from the river bottom that are now developed, these areas should be returned to riparian condition. This would help increase flow capacity of the river system.
- Redevelopment plans should include on site flood control mitigation in redevelopment sites.

Bypasses:

A bypass is needed from he American River east of Sacramento to south of Sacramento. When flow rates are very high from the American River Basin, the water must flow upstream from the mouth of the American River to the Sacramento Weir to escape to the Yolo Bypass. This situation increases the flood risk to areas upstream from Sacramento as well as the Sacramento Area. This feature should be included in development or redevelopment plans.

All flood control plans must include:

- Increase upstream water storage capacity both on and off stream.
- Restrict storm water drainage pumping into the river during periods of high river levels.
- All reclamation and drainage districts must be required to provide for internal storm water retention.

Flood control and water supply are NOT two separate issues.

Respectfully submitted,

Melvin Borgman

3559 Howsley Road

Pleasant Grove, CA 95668

Moricz, Nancy

From: mksankey@sankeyauto.com
Sent: Friday, April 20, 2012 1:10 PM
To: Cvfpp_Comments
Subject: Comment CVFPP

April 20, 2012

Paul and Kathy Sankey
1126 Parkhill Street
Colusa, Ca 95932
530-458-2126

Central Valley Flood Protection Plan
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

RE: Written Comments Central Valley Flood Protection Plan

Dear Ms. Moricz and Central Valley Flood Protection Board Members,

The following comments pertain to the proposed Central Valley Flood Protection Plan in the areas pertaining to Moonbend Road in Colusa, California and all other affected areas of farmland throughout the scope of the levee project. For the record, we are landowners in the Moonbend area and are deeply concerned by the fact that this project has moved forward to this point at a “reconnaissance level” without consideration being given to land owners in the proposed areas of the levee project. We believe input from landowners is vital to the movement toward a viable and sustainable solution to flood protection and the other goals of this project including “public safety, environmental stewardship, and economic stability” while “meeting the needs of all Californian's.”

We think it is worth mentioning with regard to the Moonbend area in Colusa, levee improvements and reinforcements were recently conducted on the levee on Moonbend Road. The Army Corps of Engineers took a core out of the existing levee and put in a slurry wall to eliminate weak spots within the levee and ensure the safety of residents in the surrounding areas. Therefore, why would it be necessary to take out an existing portion of the levee that has recently been repaired?

With that being said, we are extremely concerned about the lack of foresight and consideration given to the preservation of farmland in California; particularly fertile, non-renewable, and very valuable farm land that would be taken out of production by this project. It is essential that all farmland remain in production within the state of California. **Agriculture is the economic engine that drives our local and state economies in**

California. It is short sighted to think that the loss of production of this farmland will have little effect on the local and State budgets throughout the years ahead and at the very least the following should be considered:

*This project may reduce the maintenance on the overall length of the existing levee, however this project will take a lifetime of earning potential away from the land owners and future generations.
*Crop production in our area has been a way of life for generations of family farmers. Revenue generated from ag production not only yields family income, but promotes economic growth throughout the local and state economies. Farmers spend their farm dollars on farm inputs, supplies, fuel, etc. which in turn creates jobs and supports local businesses in rural areas throughout the state.

*Landowners pay to their County Tax Assessor an annual sum of tax assessments on every acre of land within the scope of this project. With local and state budgets in jeopardy, we doubt very much that rural counties can do without the tax revenue generated from the farmland in question.

*Landowners also pay a substantial water assessment to their local water reclamation districts at a pre-determined dollar amount per acre foot of water used for ag production. Without this water assessment paid by farmers, the local water agencies would also suffer substantial losses in revenue.

*Farmers feed Americans as well as attempt to meet the growing demand of the global population. With an increasing world population, it is imperative that we all act as “good stewards of the land” and protect every acre of farmland for the preservation of human kind in the future.

Public safety is a must and environmental stewardship is a noble cause, there is no denying either of these facts, however we believe both of these can be more easily and equitably achieved by reinforcing and/or reconstructing the existing levee system. This would allow for a common sense approach to flood protection with minimal disruption to existing habitat and the livelihoods' of those trying to make a living in the rural communities within the proposed project areas.

With regard to the goal of promoting economic stability, where would necessary funding come from for a project of this magnitude? With state revenues consistently lower than annual budget projections and the ever increasing national debt we find it hard to believe funds would be available for this project at this time or anytime in the near future. Furthermore, the taxpayers of California cannot afford any more tax increases to fund any new projects. The consumption of farm land and the ensuing destruction of livelihoods’ within the rural areas encompassed by this project would severely impact the viability of the local and state economies. The magnitude of debt created by this project appears to be unsustainable. In order to reach the goal of economic stability, we urge the committee, legislators, and state agencies to consult with local agencies and land owners to assess local needs and areas of concern with the existing levee system. It is our belief that the locals know their areas best, and by working closely with the locals a fair and equitable solution to flood protection could be achieved that would ensure public safety and environmental stewardship while promoting economic growth within the areas of concern of the Central Valley Flood Protection Plan.

In closing, we urge all those who have contributed to this flood protection plan, plan authors, CVFPP Board Members, State Legislators, and State Agencies to consider the following: the taking of land, a non-renewable resource for flood protection as outlined by this plan when there is an existing levee system in place that can be restored and repaired is no different than farmers deciding it is in the best interest of the public to take the land your homes are built on in our effort to increase agricultural production and fuel our efforts to feed an ever growing world population. When viewed in such a light the thought of this plan becomes equally personal to all of us. We urge all of you to extend your deadline, hold many more public hearings, and collect

more information from all people, entities, landowners, rural communities, local and state agencies before moving forward with this plan. There is a lot at stake for many with the implementation of this project as is, and we are confident there are a variety of options available and many viable solutions for flood protection for "all Californians."

Thank you for your consideration of our comments with regard to the proposed plan for flood protection within the Central Valley and throughout the State of California.

Sincerely,

Paul and Kathy Sankey
Landowners Moonbend Road
Business Owners in Colusa California

DIRECTORS
GENE HARRIS
LYLE JOB
WALT MEYER

ERIC MILLER, INTERIM SEC./ MGR.
JEFFREY MEITH, ATTY.

RICHVALE IRRIGATION DISTRICT

P.O. BOX 147
RICHVALE, CALIFORNIA 95974-0147
TEL. (530) 882-4243
FAX: (530) 882-4580
E-mail: rid@pulsarco.com

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821
cvfppcom@water.ca.gov

Re: Comments to Draft Central Valley Flood Protection Plan from Richvale Irrigation District

Dear Ms. Moricz:

Representatives from the Richvale Irrigation District (District) attended the April 6, 2012 Central Valley Flood Protection Plan (CVFPP) Public Outreach Hearing in Marysville, CA, as well as the earlier meeting held in Richvale, CA, on March 28, 2012. While the very preliminary nature of the proposal does not lend itself to thorough understanding and comment, we do have the following general comments.

First, we were alarmed by several strategies identified in the Draft CVFP Plan, specifically regarding the conceptual improvements proposed for the Cherokee Canal. The proposed improvements would directly affect the District's existing infrastructure and operations in meeting the irrigation, waterfowl, and refuge requirements of over 30,000 acres. The District has major structures located within the area of concern. The conceptual strategy also negatively impacts private lands.

Second, we believe the dual concepts of flood management, and expanded wildlife habitat, are mutually incompatible. The existing Cherokee Canal has experienced a significant loss of flood management capability due to the fact that the maintenance of its capacity is limited by the demand that its value as wildlife habitat be maintained.

We understand that the draft CFPP is in preliminary mode and it is difficult to provide concrete recommendations at this time. But we believe that an effort at public outreach demands far more specificity than is currently present. The result is that the proposal has alarmed affected public while not affording clear and concrete responses to those concerned. To ensure protection of its facilities and the landowners served by Richvale irrigation District, we request to be notified of further development of the plan and desire

notification of future actions. We will actively participate in the planning process to protect the District's facilities, and the landowners which it serves.

Thank you for your consideration.

Sincerely,

Lyle Job, President

LJ:eam

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

April 19, 2012

Via Email: cvfppcom@water.ca.gov

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Central Valley Flood Protection Plan

Dear Ms. Moricz:

This firm serves as General Counsel to Levee District One of Sutter County (LD1). LD1 was established and is authorized to protect landowners in Sutter County from flooding along the Feather River. The purpose of this letter is to provide LD1's comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). LD1 is very concerned that the Plan, as currently drafted, will not result in any tangible flood protection benefits to the public, will divert resources away from much needed levee improvement projects, and will sacrifice critical flood protection facilities in order to provide for environmental restoration.

While LD1 supports a comprehensive approach to flood control and flood protection, we are concerned that the Plan, as currently drafted, will not provide the protection needed. For example, a portion of the lands protected by LD1, and the people that reside behind those levees, are in rural areas. The Plan, as currently drafted, proposes significant improvements in levees protecting more urban areas, with no real improvements for levees in rural areas. There are several problems associated with this approach. First, it does not appear that the Plan, or the DPEIR, discusses whether such a strategy would increase the risk of levee failure and flooding in rural areas. Secondly, this strategy does not consider the remaining risk to urban areas that border rural areas, which could experience flooding if the rural levees fail. The Plan must make parallel investments in urban, small community, and rural levees, ensuring that all have an opportunity to "get better together." The Plan must also prioritize development of a rural levee standard, and recommend a grant program to provide necessary funds for critical levee repairs.

The Plan must recognize flood damage reduction as the primary goal of the Plan. Any ecosystem uses must be incidental to the primary purpose of flood control facilities. The State, in conjunction with the many local agencies that protect the public, must work to maximize and enhance flood flows through existing channels and bypasses and should not "restore" habitat in any area where doing so could have any chance of reducing flood protection or increasing the risk of floods. The DPEIR does not adequate discuss the nature and scope of restoration and, without that critical information, the DPEIR does not serve the purpose of disclosing potential environmental impacts of the proposed project.

The Plan must include a significant role for local agencies, such as LD1, to participate in regional workgroups to develop and influence which projects should be pursued for the region. DWR should provide adequate funding for the activities of these workgroups and must also ensure prompt adoption of new guidelines to fund construction (both urban and rural) for projects to be implemented under the Plan. Development and selection of these projects must be done through a "bottom-up" process, and not a "top-down" process that resulted in the current version of the Plan.

Very truly yours,

Daniel Kelly
General Counsel to Levee District
One of Sutter County

DK:yd

RIVER ISLANDS
AT LATHROP

Index No. 235

Moricz, Nancy

From: Ramon Batista [RBatista@cambaygroup.com]
Sent: Friday, April 20, 2012 1:50 PM
To: Cvfpp_Comments
Cc: Susan Dellosso; Ric Reinhardt; Glenn Gebhardt; Stephen Salvatore; Punia, Jay; Marino, Len
Subject: Additional Comments on Draft Flood Plan - CVFPB
Attachments: April 20, 2012 Delta Plan Comments - Spreadsheet.xlsx

Importance: High

Ms. Nancy Moricz

I am providing the attached additional comments of Califia, LLC (River Islands) on behalf of Susan Dell'Osso, Project Director, regarding the Draft State Plan of Flood Control ("Draft Flood Plan") and PEIR. We previously provided comments on the Draft Flood Plan in February 2012 and on the previous Descriptive Document in May 2010. Due to the large size of the Draft Flood Plan and the extensive appendices, it has taken some time to review the documentation and complete our comments. The attached comments, provided on the form provided by the CVFPB staff, provides additional detail regarding the Draft Flood Plan. We would like to append our previous comments to include the comments listed below as part of the administrative record.

Should you have any questions regarding these comments, please contact me at the phone number or email address shown below.

Ramon Batista
Director of Planning and Entitlements
River Islands at Lathrop

73 West Stewart Road
Lathrop, CA 95330
Phone: (209) 879-7900
Mobile: (209) 495-2871
Fax: (209) 879-7928
rbatista@cambaygroup.com
www.riverislands.com

Comment No.	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
1	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		We believe that the BDCP, Delta Plan and Delta Conservation Plan should be consistent with regards to land use policy. Specifically, these plans should all include a policy that the plans will not usurp private property rights and shall respect the vested rights given by prior local land use approvals. A policy that definitively states that notwithstanding any other policy provided in the Delta Plan, that in no way should the Delta Plan abrogate existing vested rights	Provide a policy statement as follows: "Notwithstanding any other policy provided in this Delta Plan, in no way shall the Delta Plan abrogate any existing vested property right of any property affected by the Plan."
2	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan does not define "200-year flood protection" that is required for urban areas.	If a clear definition for 200 year flood protection cannot be provided, then the Plan should include a direct statement that development will not be delayed pending specific information. It should be up to the local agency to determine the 200 year event. In areas where specific 200 year modeling has been done, as in the Lower San Joaquin River area, the Plan should include a statement that the existing modeling is sufficient for use in determining the 200 year event.
3	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan does not mention urbanizing areas where development is occurring that has been previously approved by local governments.	The definition and requirement for 200-year flood protection should extend to urbanizing areas as well as established urban areas.
4	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		All references to the Paradise Cut flood bypass should indicate its location south of Stewart Tract.	(Same as comment).
5	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan should acknowledge that Califia funded and owns the HEC-RAS flood model utilized by the Plan that should be used in establishing the 200 year flood event.	(Same as comment).
6	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		We believe that the attachments and appendices to the Delta Plan should illustrative only since they are so voluminous and detailed, that there has not been adequate time to review them completely.	(Same as comment).
7	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	General Comment		The plan should acknowledge that approved development within the Secondary Zone of the Delta should not be affected by the Plan's policies, other than the existing requirement to provide 200-year flood protection.	(Same as comment).
8	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 2.8	2-29	Section 2-8 includes a reference to “deep flood plains” as areas inundate three feet or greater. The section should clearly state that the Plan does not intend to create a new definition and that the term is being used in the context of this section only.	(Same as comment).
9	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.2	3-6	Figure 3-2 incorrectly shows the Stewart Tract (area north of Paradise Cut) as part of an expanded flood bypass. Previous correspondence from Califia includes an updated figure that corrects this error.	Insert updated Figure 3-2 as previously provided.

10	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.5.2	3-15	We are pleased to see the language regarding the evaluation of a Lower San Joaquin River Bypass and the potential for the State to purchase easements from willing sellers to accommodate the bypass. The section should be expanded to describe the current effort between Califia, LLC, NRDC, Natural Heritage Institute, DeltaKeeper, American Rivers and others to move this project forward. The description of the project should also indicate the specific location within the Pescadero Tract as an expansion of the existing Paradise Cut bypass.	Include language in this section to describe the current effort between Califia, LLC, NRDC, Natural Heritage Institute, DeltaKeeper, American Rivers and others to move this project forward. The description of the project should also indicate the specific location within the Pescadero Tract as an expansion of the existing Paradise Cut bypass.
11	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 3.15	3-44	The text box on this page titled, "Limiting Growth in Central Valley Floodplains" indicates that "urban flood risk reductions under the SSIA will be limited to areas protected by facilities of the State Plan of Flood Control." It should be noted that Paradise Cut, the only existing flood bypass in the San Joaquin River system is part of the facilities in the State Plan of Flood Control and is proposed for expansion with the Lower San Joaquin River bypass improvements.	Included language that Paradise Cut, the only existing flood bypass in the San Joaquin River system is part of the facilities in the State Plan of Flood Control and is proposed for expansion with the Lower San Joaquin River bypass improvements.
12	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	Draft Delta Plan	Section 4.4.2	4-21	Stewart Tract and Pescadero Tract should be shown as part of Lower San Joaquin River region and not Delta-South within Figure 4-3. The Stewart Tract in particular is an urban area with vested, existing entitlements within the Secondary Zone of the Delta. Paradise Cut is the key existing facility of the State Plan of Flood Control to alleviate flooding on the San Joaquin River in the region, and future expansions of the bypass will include areas of the Pescadero Tract.	Update Figure 4-3 to show Stewart Tract and Pescadero Tract as part of the Lower San Joaquin River region.
13	Susan Dell'Osso, Project Director	Califia, LLC dba River Islands at Lathrop	sdellosso@cambaygroup.com	DPEIR	Section 5.2.3	5-6 and 5-7	This section states that the Modified SSIA Alternative, "also includes expanding the Yolo Bypass and widening Fremont Weir, but does not include any of the other bypass expansions and related improvements contained in the proposed program. This alternative presents a less construction-intensive alternative that addresses only the most critical stressors on public safety, operations and maintenance, and ecosystem function, while minimizing potential adverse environmental effects." We believe that this statement is erroneous and downplays the importance of a flood bypass for the San Joaquin River watershed. The existing Paradise Cut bypass, the only bypass in the San Joaquin River watershed can be improved/expanded to help alleviate potential flood damage to a large portion of the cities of Stockton, Lathrop, and Manteca and protect vital public facilities located near Stockton, such as San Joaquin General Hospital, the San Joaquin County Jail and Veteran's Administration Facility.	This alternative should be modified to include improvement/expansion of Paradise Cut and the Paradise Weir, in addition to the planned improvements to the Yolo Bypass and Fremont Weir.

College *of*
Environmental
Design **LANDSCAPE ARCHITECTURE**
AND ENVIRONMENTAL PLANNING
University of California, Berkeley
202 Wurster Hall #2000
Berkeley, California 94720-2000
phone 510.643-9335
fax 510-643-6166

20 April 2012

William Edgar
President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Mr. Edgar and Members of the Central Valley Flood Protection Board,

Thank you for the opportunity to submit comments on the Draft of the Central Valley Flood Protection Plan. We applaud the progressive step by the state of California and DWR to begin to address California's flood risk in a comprehensive and systematic way. While there are many positive features of the Plan, our brief comments today draw attention to an aspect of the plan that must raise serious concerns for Californians:

Increasing flood protection in urban areas to a 200-year standard without additional measures or limits to growth for urban areas will likely induce urbanization and increase flood risk to life, property, and to the State of California. The CVFPP Life Risk Analysis incorrectly indicates the opposite—that the SSIA will reduce risk.

Where new dense development would otherwise be prohibited, Figures 3-1 and 3-2 of the Plan show vast areas of land (in green) that will be 'protected' by 200-year urban levees and subsequently open for dense development under the State Systemwide Investment Approach. This means thousands more residents in places like Yuba City and Marysville on lands that are still vulnerable to floods exceeding a 200-year event. The risk of being flooded by floods larger than the 'design flood' is known as *residual risk*. The residual risk of being flooded even if 'protected' by 200-year levees is still remarkably high: Over a 30 year period (the typical length of a mortgage), there is a 14% chance of being flooded. Over a period of 100 years, a 39% chance. These are the probabilities of being flooded only from larger floods overtopping the 200-year levee. The risks are actually much higher because the levees could fail from shaking in earthquakes or other failure causes.

It is commonly observed that, "There are two types of levees: those that have failed and those that will fail" (ASFM 2005). Levees only reduce the *probability* of a flood in a given year. Thus, it is important

to anticipate and plan for the eventual failure of the levees. The flooding that results from levee failure is characterized by a sudden rushing wall of water, provides little warning, and conveys sufficient force to pull buildings from foundations, sweep people off of their feet, and damage critical infrastructure. While Hurricane Katrina raised public awareness of flood risks, the images from the flood may make Californians underestimate the impact of flooding here. In New Orleans, we saw images of men calmly wading through flooded streets, pushing rafts, which they could do because water temperatures were about 80°F. When the levees fail in the Sacramento Valley, water temperatures will be around 40°F. Exposure to such cold water will bring swift hypothermia and death.

Our review of the CVFPP Attachment 8G- Life Risk Analysis indicates that DWR may have drawn misleading, convoluted conclusions that indicate the SSIA reduces risk, when in fact, this strategy actually increases risk.

The Life Risk Assessment uses data from the 2000 Census despite the significant build out that has occurred (or will occur) in flood-prone communities of Central Valley. Urban Levee Improvements shown in figure 3-1 and 3-2 of the CVFPP are likely to induce growth. The data presented underestimates the risk by underestimating 1) the number of people exposed under any of the CVFPP approaches, 2) the number of people who may not survive a flood, 3) the number of people who would demand emergency services and shelter during a flood, and 4) property and infrastructure damages that would occur.

As best we can tell, the analysis and expected 49.8% benfits from loss of life reduction (figure 2-1) are misconstrued because they consider only that the probability of flooding has decreased (by increasing "protection level" to 200 years) without considering that the consequences of flooding have increased.

For a specific example: In Table 4-1, does Yuba City's (SAC25) Life Risk Reduction from 8.2 to 2.4 include the future growth behind levees in the region? Or does it simply reduce the probability of flooding/failure, while not accounting for the increase in population (exposure)? If the latter is the case, it is not only inaccurate, but unethical to conclude that the SSIA is reducing the risk to loss of life.

Communities are exposed to involuntary risk

Increasing risk behind levees is of even greater concern because 'protected' communities are not aware of the risk. In 2009, we surveyed residents in an affluent, levee-protected neighborhood in Stockton to assess residents' awareness of flood risk. We found out that residents did not understand their flood risk, had been informed that they were "not in a floodplain" – despite the fact that their houses were built below sea level (Ludy & Kondolf 2012). This study is significant because it shows that even an affluent, highly educated population with professional jobs did not understand that they were still vulnerable to severe and likely fatal flooding, and the residents were consequently unprepared for floods.

Given that people can only take measures to reduce their risk if they are aware of that risk, exposing them to this risk involuntarily means they cannot make the decision to avoid or reduce their risk. This is unethical and increases the state's liability and will further strain state resources like those needed for emergency response and recovery.

Increased protection is only acceptable with additional measures to reduce risk and limit growth. We recognize the extreme challenge the state has in both allowing communities to grow while keeping protecting people and property. We therefore acknowledge the States interest in increasing the levels of protection in urban areas. However the levees-only approach is unacceptable because it induces urbanization and increases risk.

Increasing protection to Urban Areas is therefore *only acceptable* and only generate the positive risk reduction benefits referred to above where existing dense urban areas achieve a greater level of protection. Increasing protection *increases* risk where it induces urbanization by increasing vulnerable populations and property in areas that would otherwise remain undeveloped. That levees induce urban development where it was formerly discouraged by nuisance flooding is well documented. The effect is accepted by scientists and policy analysts, going back to the pioneering work of Gilbert White (1945), and as illustrated in Figure 1 below.

We therefore support increased flood protection only with additional measures that limit growth and reduce risk such as:
-Conservation easements to prevent further urbanization of undeveloped floodplains
-Mandatory flood insurance with risk-based premiums to reduce financial liability for damages
-Building codes with flood resistant materials to minimize damage when a levee overtops/fails and vertical evacuations to allow people to escape fast-rising water

Sincerely yours,

G. Mathias Kondolf, PhD
Professor and Chair
Department of Landscape Architecture and Environmental Planning
kondolf@ berkeley.edu

Jessica Ludy
Fulbright Fellow and Lecturer
Delft University of Technology, the Netherlands

References Cited

ASFM (Association of State Floodplain Managers). 2005. *Hurricane Katrina & Rita: Using Mitigation to Rebuild a Safer Gulf Coast*.

Ludy, J. and G.M. Kondolf. 2012. Flood risk perception in lands 'protected' by 100-year levees. *Natural Hazards* 61(2):829-842. DOI: 10.1007/s11069-011-0072-6

White, G.F., 1945. Human Adjustment to Floods. Department of Geography Research Paper no. 29. Chicago: The University of Chicago.

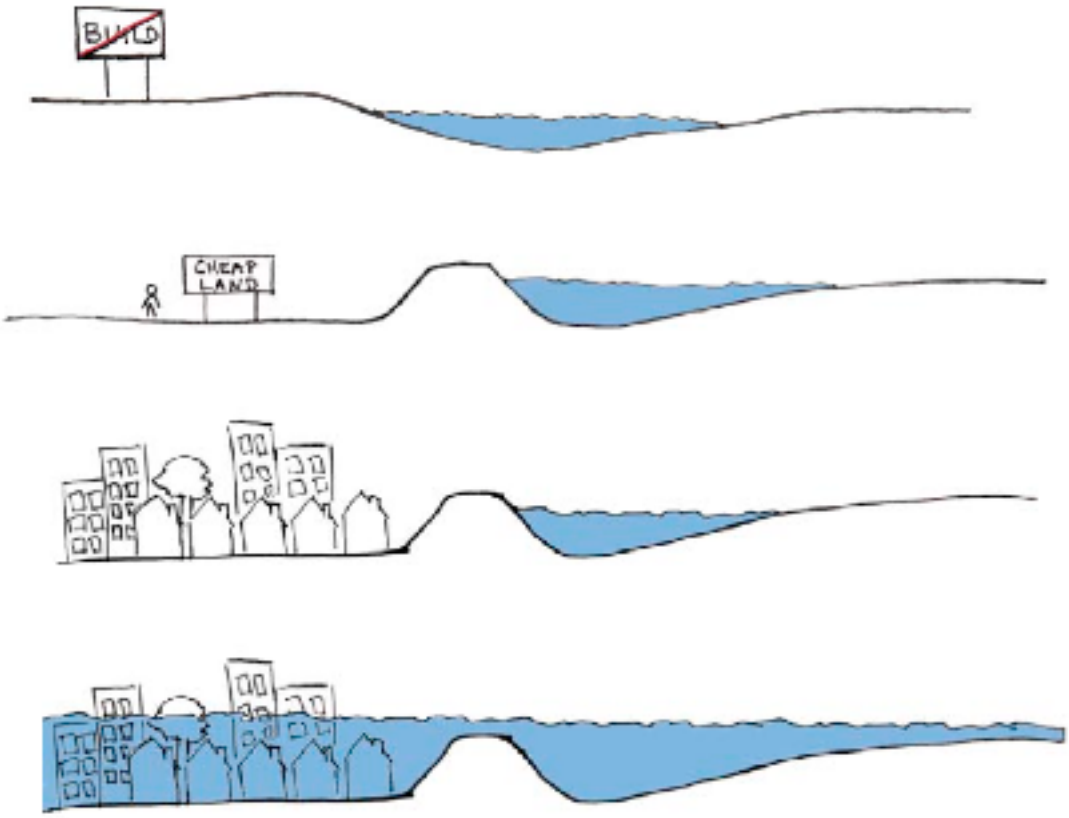


Figure 1. The perverse incentive of levees. Levee construction eliminates the frequent floods that reminded people the floodplain floods. The perception of protection against flooding induces new development in the floodplain, so that when the levee inevitably fails or is overtopped, there are far greater damages than would have been the case without the levee and its induced urbanization.

Reclamation District #777
P.O. Box 876
Gridley, CA 95948

April 20, 2012

Central Valley Flood Protection Board
Attn. Ms. Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

SUBJECT: Central Valley Flood Protection Plan Comments

Dear Mr. Cowin,

Reclamation District #777 has reviewed the public draft of the Central Valley Flood Protection Plan (CVFPP), the accompanying attachments and the Draft Environmental Impact Report (DEIR), along with attending a public hearing and workshop on the Plan.

The District encompasses approximately 13,250 acres including the City of Live Oak and the surrounding rural and agricultural areas, and contains approximately 41 miles of canals. The entire District is operated with gravity channels handling storm-water run-off from agricultural, rural and urban uses.

The District realizes the CVFPP is at a preliminary stage and details of the operations have yet to be developed, but we have a specific concern and would like it addressed in the ultimate design of the Plan. RD777 drains through two main North-South canals which drain into the State East Interceptor Canal along Pease Road. This Canal then drains into the Wadsworth Canal, and ultimately into the Sutter Bypass. During events when the Sutter Bypass is flowing, the discharge from District is significantly reduced due to the increased tail-water elevation. During these events, the canal banks may overtop, flooding the land within the District.

The proposed redirecting of up to 35,000 cfs of additional peak flows to the Sutter Bypass, combined with the more frequent flooding and longer inundation duration, will have the potential to substantially reduce the flow from the District causing additional flooding within the District, including the City of Live Oak. This will also affect Reclamation District RD2056 and RD2054 to the West of RD777 as they also drain into the State West Interceptor Canal. A pumping plant at the West end of Wadsworth canal could potentially solve the upstream problems within the District during high water events.

Reclamation District #777 requests the Plan address our concern of potential flooding caused by revising the operations within the Sutter Bypass.

Sincerely,

Jeff Spence
RD777 District Engineer

SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

April 20, 2012

VIA E-MAIL

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments of Sutter Bypass Butte Slough Water Users Association on Central Valley Flood Protection Board's Central Valley Flood Protection Plan and Draft Program Environmental Impact Report

Dear Ms. Moricz:

This firm acts as General Counsel to the Sutter Bypass Butte Slough Water Users Association (Association). The Association consists of water users along the East side of the Sutter Bypass and within the Sutter Bypass who divert water from the East Side Channel of the Sutter Bypass for beneficial purposes, including farming. The purpose of this letter is to provide comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). The Association has many concerns with the Plan and DPEIR, many of which are set forth below. The Association also joins in the comments submitted by the California Farm Bureau Federation.

The Plan calls for expansion of the Sutter Bypass. Specifically, the Plan provides, starting at page 3-13:

> Future studies to refine specific project elements related to bypass expansion should consider increasing the capacity of the Sutter Bypass to convey large flood events. Expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. Although the required width of the bypass has not been determined, DWR used a 1,000-foot increase in the bypass width for planning purposes. The evaluations for planning purposes were initially based on 75 percent of the new width allocated to agricultural use and 25 percent allocated to habitat restoration.

While the text recognizes that "future studies" will be needed to "refine project specific elements related to bypass expansion," the Plan does not clearly identify what "specific project elements" have already been developed (and will be refined). Moreover, the DPEIR completely fails to identify and analyze the many impacts that are likely to occur

with bypass expansion, including the loss of valuable and important agricultural lands and existing habitat.

Changes in operation of the bypass, including changes in operation of various weirs, may result in flooding in late Spring and early Summer, including the months of May and June. Changes in operation could result in flooding in areas where crops are planted and present during these months. The potential impacts that could result from these changes must be disclosed and fully analyzed in the DPEIR, with all impacts identified.

Not only do the Plan and DPEIR fail to identify impacts associated with the actual widening of the bypass and possible changes in operation of weirs, but the Plan also suggests significant impacts to agricultural operations that will result from the creation of new habitat within the widened bypass. For example, the Plan, at page 1-18, provides:

> [W]here wildlife habitat is proposed in proximity to existing agricultural lands, the impacts of plowing, spraying, and harvesting of agricultural lands on nearby wildlife habitat and, conversely, the impacts of protected species on agricultural lands, must both be carefully addressed to successfully implement long-term environmental enhancement projects.

As the Plan proposes to widen the Sutter Bypass and provide 25% of the expanded area for environmental restoration, and recommends "addressing" the impacts of plowing, spraying, and harvesting on wildlife, the Plan and the DPEIR must disclose the impacts to agriculture so the public can be adequately informed of the impacts of the Plan.

In addition to the concerns identified above, on April 11, 2012, the Sutter Butte Flood Control Agency (SBFCA) held a public workshop on the Plan. There, representatives from DWR attended to provide the SBFCA board with a presentation and answer questions the board had on the draft plan. After the presentation, a SBFCA board member asked whether the 25% restoration component in the Plan was to mitigate for the impacts of the flood control project or whether there were other projects, outside the Plan, that were driving the 25% figure. DWR's representative, at this meeting, candidly informed the public that the restoration component was not only for the Plan itself, but also for other ongoing DWR efforts like the Bay Delta Conservation Plan (BDCP). DWR's representative acknowledged that the Plan and DPEIR could have done a better job identifying the purposes of the restoration. The Association, therefore, is additionally concerned that the State has now proposed to take private lands adjacent to the Sutter Bypass, through the guise of a Statewide flood plan, to provide restoration lands for the BDCP.[1] Not only does the Plan completely omit this critical information, but the DPEIR wholly fails to inform the public of the need for these restoration lands (e.g., the BDCP) and fails to disclose the impacts through the direct loss of important agricultural lands and indirect loss through the creation of adjacent habitat.

Indeed, the Association is concerned that the Plan appears to place habitat restoration on an equal footing with the primary purpose of the flood control project – namely flood protection. Any flood protection plan developed by DWR and adopted by the Central Valley Flood Protection Board must recognize flood protection and flood damage reduction as the primary goal. Any ecosystem uses must be incidental to the primary

[1] The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

purpose of flood control facilities. At a minimum, the Plan must not be used as an attempt to obtain private agricultural lands, in the name of flood protection, to create habitat in support of the BDCP.

Very truly yours,

Daniel Kelly
General Counsel to
Sutter Bypass Butte Slough
Water Users Association

DK:sb

Alpine Amador Butte Calaveras Colusa Del Norte
El Dorado Glenn Imperial Inyo Lake Lassen
Madera Mariposa Merced Modoc

Mono Napa Nevada Placer Plumas San Benito
Shasta Sierra Siskiyou Sutter Tehama
Trinity Tuolumne Yolo Yuba

Chair - Kim Dolbow Vann, Colusa County
First Vice Chair - Kevin Cann, Mariposa County
Second Vice Chair - Nate Beason, Nevada County
Past Chair - Diane Dillon, Napa County

President and CEO – Greg Norton
Executive Vice President – Patricia J. Megason
Chief Financial Officer – Karl Dolk

April 20, 2012

Central Valley Flood Protection Board
California natural Resources Agency
Attn: Ms. Nancy Moricz
3310 El Camino Avenue, Room 151
Sacramento, CA 95821
Transmitted via email to: cvfppcom@water.ca.gov

RE: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the Regional Council of Rural Counties, which represents 26 of the 33 counties within the Sacramento-San Joaquin Valley, we are respectfully submitting additional comments to our previous joint letter dated February 24, 2012 on the Draft Central Valley Flood Protection Plan (CVFPP). Upon further review and discussions with our member counties we have several key concerns that we implore the Central Valley Flood Protection Board (Board) to take into consideration prior to adoption of the plan.

It is evident and commendable that the Department of Water Resources (DWR) has put a tremendous amount of effort and thought into this plan. RCRC believes the State System-wide Investment Approach is an appropriate means to achieve the goals articulated in the plan. At the public hearings held in April 2012, both the DWR and the Board emphasized that the Draft CVFPP is a framework, from which to move forward into implementation planning that will require subsequent regional planning and economic studies. It was stressed that the plan was not a commitment to and does not permit any specific projects.

We share the concerns voiced by others that many of the attachments contain enough detail that if incorporated as part of the plan could be construed to later be perceived justification to proceed with the identified projects. We recognize that DWR was under a statutory requirement to submit the plan to the Board by December 31, 2011, and had to delay that portion of the planned process that included regional planning (and local stakeholder input) prior to submittal of the Draft CVFPP to the Board. And, we understand that DWR is committed to engage local agencies in the regional planning subsequent to the Board's plan approval. Since the regional planning did not occur as part of the plan approval, we believe it is the basis not to include the

attachments as part of the plan. We request the Board adopt the framework plan and include the attachments as reference documents, not as part of the plan.

There is also concern with a lack of commitment and standards for the rural agricultural areas. The plan's primary purpose is public safety, as is supported by its primary goal to improve flood risk management. However, there is not a sense of commitment to the rural-agricultural areas and some small communities for improved flood protection. There is no levee design standard proposed in the rural agricultural areas, as there are for the small communities or urban areas. It is understood that many of these levees were not built to the 100 Year flood protection and it may not be feasible as a standard, but the Corps' 1957 design profiles could be maintained as the standards for these levees. There needs to be a stronger commitment for future rural improvements.

We understand our members that feel the urban areas are receiving the benefits of public safety on the backs of the rural agricultural areas. There appears to be a disproportional share of restoration activities in the agricultural areas without proportional flood protection benefits. The costs associated with restoration needs to be compared to flood improvements and the benefits to the rural communities needs to be considered. The restoration activities will take agricultural lands out of production, reduce property values, and decrease property taxes collected by the counties. The costs associated with environmental restoration projects should not be borne by the rural areas. When there is limited funding, public safety needs to be the first priority.

RCRC looks forward to working with our member counties, DWR, and the Board in the upcoming drafts of the CVFPP. We again thank you for this opportunity to comment and appreciate your consideration. If you have any questions, please contact me at (916) 447-4806.

Sincerely,

Mary Pitto

Mary Pitto
Regulatory Affairs Advocate

cc: RCRC Board of Directors

Index No. 240

Conservation Community Letter

to the

Central Valley Flood Protection Board

regarding the

Central Valley Flood Protection Plan

American Rivers ♦ California Trout ♦ Defenders of Wildlife

Environmental Defense Fund ♦ Friends of the River ♦ National Wildlife Federation

Natural Resources Defense Council ♦ Planning and Conservation League

PRBO Conservation Science ♦ River Partners ♦ Sacramento River Preservation Trust

Sierra Club California ♦ The Bay Institute ♦ The Nature Conservancy ♦ Trout Unlimited

Tuolumne River Trust

April 20, 2012

William Edgar
President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear President Edgar:

Thank you for the opportunity to comment on the Central Valley Flood Protection Plan (CVFPP). The draft plan is a major step toward improving the way the State of California manages the rivers of the Central Valley and the great floods that the region periodically experiences—events that climate science indicates will occur more frequently in the future. Significant effort was made to find a way to reduce the risk of flooding while supporting other public benefits including floodplain management, protection of agricultural lands, and improved water quality and supply, as well as providing for healthy ecosystems that support wildlife. The draft plan is commendable for its initial effort to address these critically important and interrelated issues. However, the draft must be improved in certain respects to ensure the plan reduces flood risk while supporting healthy river ecosystems as required by the Central Valley Flood Protection Act of 2008 (CVFPA).

Our organizations recognize and support the primary purpose of this plan: to improve public safety. The best options for protecting public safety are also the best options for restoring river functions. Healthy rivers are highly valued by the people of California because they provide a variety of economic benefits to Californians, including clean water supply, recreation, fisheries, wildlife, and flood attenuation. The CVFPA was crafted recognizing that win-win solutions increasing both public safety and ecosystem health are essential to achieve the level of public support necessary to implement the plan. For that reason, the act mandates a plan that simultaneously increases public safety and ecosystem health as the best strategy for reducing flood risk.

The undersigned organizations believe that the best way to protect Central Valley communities from flooding is to expand floodways to safely accommodate flood flows. More room for our rivers and floodways also creates more opportunities for habitat restoration, parks, recreation, and the jobs these

generate. In addition, expanding floodways will create more flexibility for managing upstream reservoirs to improve water supply reliability.

The plan correctly determines that expanding capacity of rivers and the bypass system is a key opportunity to both reduce flood risk and restore floodplain habitats, but the plan appears to delay these essential improvements into the distant future. Similarly, while we appreciate that the plan references the importance of integrated flood management to ensure that flood system improvements advance multiple objectives as required by the authorizing legislation, we are troubled by the lack of specificity regarding how DWR will actually advance multiple-objective projects on the ground. For example, although the plan includes $10 billion in line-item improvements for levee construction and enlarging storage in Folsom reservoir, it provides relatively little information about how, where, or when it will fund multiple-objective projects.

The plan is also missing a number of key elements that are either required by law or essential for success. It lacks specific measurable objectives for flood risk reduction, ecosystem function, and other supporting goals. The plan goals are less specific than the objectives enumerated in the authorizing legislation, leading us to question whether the plan will sufficiently advance the objectives outlined by the legislature. The plan also lacks a financing plan required by the authorizing legislation and a conservation strategy, which will be necessary to cost-effectively expedite permits and implementation.

After review of the plan and the underlying technical documents, we do not believe that the plan has incorporated within its range of alternatives any approaches sufficient to achieve the objectives of the authorizing legislation. For example, the plan appears to have largely dismissed levee-setbacks without first evaluating how levee-setbacks in combination with flood bypasses could reduce flood risk and meet the other objectives of the legislation. Instead, the plan emphasizes traditional levee improvements that are costly to maintain, harmful to river ecosystems, and vulnerable to catastrophic failure, with potentially serious consequences for our communities.

If the Board moves forward to adopt the plan according to the schedule provided by the legislature, we respectfully request that you make clear findings about the deficiencies of the plan and provide binding recommendations as well as a schedule for revising the plan. We agree that the State Systemwide Investment Approach (SSIA) provides a framework for conducting the next phases of planning, and we respectfully request that the Board work diligently in the near future to improve the plan in the following ways:

- **Develop a vision statement.** Briefly explain to voters and other decision makers how investment in the Central Valley Flood Management Plan will reduce flood risk, provide sustainable benefits, and make our communities more resilient to floods that may not be possible to control.
- **Commission a scientific peer review of the plan and underlying technical analysis.** The plan will cost billions of dollars. DWR staff has correctly acknowledged that the technical analysis and modeling conducted to inform the plan have not been reviewed by independent experts. Independent peer review will give taxpayers and decision makers more confidence that the plan

is based on the best available science. The peer review should focus on how planning and analytical approaches can be refined to improve the quality of future analysis and planning.

- **Develop specific, measurable objectives and performance criteria.** The plan should include Specific, Measurable, Achievable, Relevant and Timed (SMART) objectives related to flood risk reduction, ecosystem restoration, and the other plan goals before DWR invests in additional system or regional planning efforts. The ecosystem objectives should "promote the recovery and stability of native species populations and overall biotic community diversity" as directed by the legislature. While the plan will ultimately need to include objectives, we recommend that the Board integrate the Central Valley Project Improvement Act (CVPIA) goal of doubling native anadromous fish populations, the Department of Fish and Game Ecosystem Restoration Program's Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento-San Joaquin Valley Regions, and the Central Valley Joint Venture (CVJV) objectives for wetland bird habitat, riparian bird habitat, and wildlife compatible agriculture as required by law.
- **Prioritize early, multi-benefit demonstration projects.** The plan should include a mechanism to implement model projects in the next five years in each of the nine planning regions. These projects should be informative, support existing efforts and demonstrate how to collaboratively design, fund, and implement integrated, multiple objective projects.
- **Expedite completion of a conservation strategy.** Due to the complex and significant cumulative impacts of the Central Valley flood control and water management system, it will be challenging to demonstrate that the plan will meet regulatory requirements for protecting endangered species. A clear and actionable conservation strategy is essential for facilitating permits, expediting implementation, and reducing costs.
- **Expedite completion of a financing strategy.** Preparation of a financing plan is required by the legislation and essential to designing and prioritizing plan investments.
- **Better Incorporate Climate Change.** The plan and underlying analysis do not account for changes in hydrology and hydraulics that will result from climate change, change that must be considered under state policy. To enable the development of a durable CVFPP, the Board should require basin and regional plans to evaluate the effects of climate change and refine the SSIA accordingly.
- **Optimize the SSIA and reconsider the potential role of levee setbacks.** Conduct additional analyses to model levee setbacks and optimize the SSIA against measurable objectives within the parameters of the financing plan.
- **Provide specific guidance to enable local planning.** Providing guidance to local jurisdictions to limit unsafe development of floodplains was a major impetus of the authorizing legislation, but the draft does not provide any information regarding where local jurisdictions should avoid or condition new development. This step is essential both for keeping people out of harm's way and for preserving options to improve the flood system.

Conclusion

We understand that you are under time pressure to adopt the plan on the schedule provided by the legislature. Nonetheless we urge you to take time in coming weeks and months to understand and improve this seminal plan to ensure that it both delivers better flood protection and restores river ecosystems for future generations. Although the draft plan is a major step forward, it suffers from significant flaws that must be addressed in order to best serve all the people of California who will pay for plan implementation and depend on the plan to protect their personal safety, economic security, and quality of life.

As you move forward with your deliberations, we ask that you consider this and previous letters our organizations have submitted to the Board, including the more detailed analysis of the plan submitted by American Rivers. We are committed to working with you and the Board over the long run to ensure that the plan results in safe communities and healthy rivers. Thank you for considering our comments.

John Cain
American Rivers

Curtis Knight
California Trout

Eric Ginney
Sacramento River Preservation Trust

Brian J. Johnson
Trout Unlimited

John Carlon
River Partners

Steve Malloch
National Wildlife Federation

Susan Tatayon
The Nature Conservancy

Monty Schmitt
Natural Resources Defense Council

Jim Metropulos
Sierra Club California

Kim Delfino
Defenders of Wildlife

Jonas Minton
Planning and Conservation League

Ron Stork
Friends of the River

Patrick Koepele
Tuolumne River Trust

Ann Hayden
Environmental Defense Fund

Ellie Cohen
PRBO Conservation Science

Gary Bobker
The Bay Institute

American Rivers
Rivers Connect Us

William Edgar
President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

April 20, 2012

Dear President Edgar:

Thank you for the opportunity to comment on the Central Valley Flood Protection Plan. American Rivers' team of staff and consultants has extensively reviewed the plan and are pleased to present the attached comments.

Based on our review, we believe the Board should view the plan and underlying analysis, including the summary of costs and risk reduction benefits presented in chapters two and three, as preliminary. While the plan may be sufficient to serve as a framework for moving forward with more detailed planning, we believe that some key foundational steps, such as establishing specific objectives, will be necessary in the near future to focus future planning steps.

Due to the investment in the plan to date and the projected costs of implementation, we recommend that the Board commission an independent peer review of the plan to ensure that the plan is based on the best available science. The review should focus on how planning and analytical approaches can be refined to improve the quality of future analysis, so that any deficiencies in the planning approach are not carried into future planning phases.

We look forward to working with the Board, DWR staff, and other stakeholders in the weeks and months ahead to better understand the planning documents, learn from the underlying technical analysis, and improve the plan over time.

Sincerely,

John R. Cain
Conservation Director

American Rivers Comments on the Central Valley Flood Protection Plan

Table of Contents

1. Vision Statement 5

2. Goals and Objectives 6

2.1. Clarify the Relationship Between Primary and Supporting Goals 6

2.2. Suggested Revision to the "Improve Flood Risk Management" Goal 6

2.3. Role of SMART Objectives 7

2.3.1. Flood Risk Reduction Objectives 7

2.3.2. Conservation Objectives: Promote Ecosystem Function 8

2.3.3. Improve Operations and Maintenance 9

3. Beyond Mitigation - Integrated Regional Water Management Planning and Multiple Benefit Projects 10

3.1. Multiple Benefit Projects Not Adequately Integrated into the Plan 10

3.2. Demonstration Projects to Facilitate a New Era of Multiple Benefit Projects 12

4. Urban/Urbanizing Area Compliance with Senate Bill 5 Planning Requirements 12

5. Rural Versus Urban Flood Protection 13

6. Agricultural Land Conversion 14

7. Bypass Proposals, Levee Setbacks, and Other Regional Issues 15

7.1. Levee Setbacks Not Properly Evaluated 15

7.2. Flood Bypass Expansion Justified 15

7.3. Feather River Bypass 16

8. Funding and Finance Plan 17

9. Technical Analysis of Preliminary Approaches and Alternative Analysis 18

9.1. Lack of SMART Objectives is a Major Flaw 19

9.2. The Enhanced Flood System Capacity (EFSC) was Not Sufficiently Analyzed or Optimized 19

9.3. Levee Setback Alternative Not Fairly Analyzed 21

9.4. Cost Analysis Inconsistent Across Alternatives 22

9.5. Folsom Dam Improvements 23

9.6. Reliance Upon Levee Performance Curves 23

9.7. Analysis Understates Life Risk in the Following Ways 24

10. Comments on Optimizing the SSIA 25

10.1 The SSIA Not Optimized 26

11. Conservation Framework 27

12. Guidance for Regional Systemwide Plans 30

12.1. Prioritization 30

12.2. Develop new, less bureaucratic model for planning and implementing flood system improvements, particularly in rural areas 30

12.3. Systemwide Planning 31

12.4. Corridor Management Strategy 31

12.5. Eligibility Criteria for Regional Plans 32

13. Climate Change 32

14. Flood Risk Reduction 34

14.1. Plan Must Define a Tolerable Level of Risk 34

14.2. Plan May Increase Risk by Overreliance on 200-year Levees 36

14.3. The CVFPP Must Consider the Full Set of Risk Management Tools 37

14.4. The CVFPP Should Consider Community Resiliency and Recovery 37

14.5. Risk analysis Underestimates Risk 37

Appendix I. Comments on the Technical Appendices as they pertain to the CVFPP 39

Attachments:

Attachment 1: Examples of Multiple-Objective Flood Management Projects 76

Attachment 2: A Six Point Program for Economic Prosperity and Flood Management in California's Central Valley 79

Attachment 3: Floodways and Flood Bypasses Reduce Risk and Enhance Public Safety 80

1. Vision Statement

A clear, compelling and concise vision statement is necessary to persuade voters and other decision makers to invest in Central Valley flood management. The vision should be firmly rooted in the following three guiding principles:

- Focus on flood risk management rather than flood control.
- Design for resiliency to expedite recovery after floods.
- Invest for sustainability to reduce long-term economic and environmental costs.

The vision statement should contain five parts: (1) a description of the problem, (2) guiding principles, (3) goals, (4) a strategy for achieving the goals, and (5) a description of the benefits that will accrue from successfully implementing the strategy.

- *Problem statement:* Stakeholders from the five regional planning areas developed an excellent description of the problem, which is included in the regional conditions report. Although the description of the problem in the vision statement should be more concise, the board should refer back to this stakeholder-developed problem statement when it drafts its vision statement for the plan.

- *Guiding Principles:*
    - Focus on flood risk management rather than flood control.
    - Resilience: Design the system for resiliency to allow the system to recover from large floods with less impact to local communities and the state economy. Unfortunately, the plan does not focus much attention on designing for resiliency and recovery (see section 18.4 below).
    - Sustainability: Invest today to reduce long-term economic and environmental costs.

- *Goals:* The plan and vision statement must succinctly describe clear goals and a commitment to measure progress toward those goals. In the comments below we offer suggestions for revising the plan goals including a new primary goal, recommendations on how to clarify the relationship between primary and supporting goals, and suggestions for developing measurable objectives.

- *Strategy:* The strategy should describe the general physical and institutional changes or approaches necessary to address the problem and achieve the goals, consistent with the guiding principles.

- *Benefits:* A description of the benefits expected to accrue from achieving the goals is essential for persuading decision makers and the public to support the plan.

2. Goals and Objectives

2.1. Clarify the Relationship Between Primary and Supporting Goals

The board should clarify that the CVFPP supporting goals are not second tier and are essential to success in reducing flood risk and damages. The CVFPP currently identifies flood protection as the primary goal, and it appears to subordinate ecosystem restoration and multi-benefit projects, including water supply, to supporting roles. We understand why the flood plan should focus on flood protection to protect human life, but we do not believe that it is necessary or justifiable to relegate water supply and ecosystem restoration to second tier status, as some stakeholders have suggested. Instead, a successful and legally permissible plan must achieve flood protection while also ensuring concurrent progress toward the supporting goals. A flood plan that does not advance the co-equal goals in the Delta may be incompatible with the Delta Plan and the state's larger interest in the Delta.

Further, focusing exclusively on flood risk management without designing improvements which also advance the supporting objective of ecosystem restoration will require costly mitigation and time-consuming permitting. State law now requires that management of the Delta should be guided by the co-equal goals of improving water supply reliability and ecological conditions in the Delta. Federal law requires that water resource management throughout the Central Valley comply with the Clean Water Act, the Endangered Species Act, and other applicable laws. To the extent that the CVFPP will change the hydrologic or ecological conditions of the Delta or its watershed, the Central Valley Flood Protection Board *must ensure* that the plan and its implementation are consistent with these statutory and regulatory requirements while simultaneously advancing the co-equal goals for the Delta.

Recommendations:

- To avoid any ambiguity about the relative importance of supporting goals versus the primary goal, we recommend that the board adopt the following additional primary goal statement:

  "Provide a vision for an integrated and sustainable approach to flood risk management."

- The board should also include specific language in section 1.6.2 that indicates how the Conservation Framework and associated conservation goals and objectives are integral to that vision.
- The board should clarify that the plan and all future projects funded under the plan should advance the supporting goals, together with the primary goals, wherever possible.

2.2. Suggested Revision to the "Improve Flood Risk Management" Goal

The primary goal, "improve flood risk management," is overly and perhaps purposely vague. We see no reason why the goal should not be to "reduce flood risk." From previous discussions on the subject with

DWR staff and consultants, we understand that they specifically did not choose this wording because they believe *it will not be possible to reduce flood risk* due to projected growth and development of floodplains combined with climate change. If DWR or the flood board actually believes this is true and acceptable, they should clarify *why they don't believe it is possible* to reduce flood risk over time and should instead adopt the goal to *"minimize growth of flood risk"* over time.

Recommendation:

- The Board should change the primary goal from "improve flood risk management" to "reduce flood risk."

2.3. Role of SMART Objectives

Specific and measurable objectives should be developed to better define what the plan intends to accomplish. Measurable objectives are essential to guide planning efforts and to measure whether implementation is actually succeeding. During the public planning process, DWR staff and consultants emphasized the importance of "SMART" objectives – specific, measurable, achievable, relevant to the goal, and time-bound objectives. Unfortunately, the actual development of the SMART objectives stopped when DWR staff dispensed with the second half of the public planning process.

The board must now act to develop SMART objectives to guide the plan. Although goals and objectives are essential to a technically sound document, their development is not a technical exercise, but rather a statement of values and intent. As the appointed representatives of the people of California, it is appropriate for the board to oversee the development of SMART objectives to guide the plan. We recommend that the board establish a standing committee(s) of stakeholders, led by one or more board members, to develop SMART objectives for the primary and supporting goals over the next six months in order to guide the regional planning process.

2.3.1. Flood Risk Reduction Objectives

The plan claims to focus on flood *risk* management rather than simply *flood* management, but the lack of specific, measurable objectives or criteria to focus risk reduction measures appears to have resulted in a plan that relies heavily on structural flood control measures such as levees. The plan references flood risk management multiple times and includes a very clear description of flood risk management on page 1-14. The text describing the primary flood risk management goal, "improve flood risk management," acknowledges the importance of also reducing damages when flooding occurs, but then offers an unacceptably vague description of how the plan will actually manage risk. Consequently, the plan focuses mostly on providing a specific level of protection (the probability side of risk), such as 100 or 200 year protection, to various regions, but offers little to reduce the consequences of eventual flooding for those regions.

As discussed in the flood risk management section below, we believe the plan must first *identify a tolerable level of risk* and then must *utilize the full suite of risk management tools*, including land use regulation, flood insurance, levees, bypasses, building codes, etc. to reduce risk to tolerable levels. This tolerable level of risk approach has been employed in other industries and countries and we see no reason why it should not be employed in California to guide investments of billions of dollars. Once the plan has identified a tolerable level of risk, we recommend more specific objectives, such as those listed below *in order of priority*, to guide flood system investments.

- Minimize the risk of loss of life to tolerable levels by 2025.
- Minimize the risk to property of statewide economic importance by 2030.
- Minimize the risk to property of regional economic importance by 2035.
- Minimize the risk to property of local economic importance by 2040.

2.3.2. Conservation Objectives: Promote Ecosystem Function

SMART conservation objectives are essential, not only for advancing the conservation goals of the plan legally required by law, but also for expediting permitting and implementation. The following text from the Federal Register further supports this effort.

> *"(a) Identify and provide detail about the wildlife and water quality concerns to be addressed and how the proposal's objectives will address those concerns. Objectives should be* ***specific, measurable, achievable, results-oriented****, and include* ***a timeline*** *for completion."*
>
> *U.S. Dept of Agriculture: Cooperative Conservation Partnership Initiative and Wetlands Reserve Enhancement Program. Federal Register: Volume 77, (1):73-79 , January 3, 2012. Accessible: http://www.gpo.gov/fdsys/pkg/FR-2012-01-03/html/2011-33692.htm*

Planning and design in the absence of conservation objectives will not obviate the need for eventually developing them as part of a mitigation strategy. Establishing objectives in the near future *before* planning proceeds further will expedite permitting and substantially reduce mitigation costs.

Rather than develop entirely new conservation objectives, we recommend that the board include the CVPIA doubling plan for native anadromous fishes and the CVJV plan for wetland, birds, and terrestrial species as the overarching objectives for the CVFPP when the board approves the plan in June. Additionally, we recommend that the board establish a committee of stakeholders and scientists to develop more specific outcome and action-based objectives. These objectives shall describe more precisely the extent to which the CVFPP will make changes to the flood system that will significantly contribute to the overarching objectives for fish, birds, and wetland habitat.

Below we provide some examples of SMART objectives that could be quickly developed or adopted from other programs to guide the flood plan:

- Reduce the area of non-native vegetation in the floodway by 25% by 2020.
- Create 10,000 – 17,000 acres of floodplain rearing habitat in the Yolo Bypass that is: 1) accessible to juvenile salmonids, and 2) inundated at a two-year recurrence interval for a minimum of 30 days between November 15 and April 15 to benefit winter-run and spring-run salmon by 2020.
- Eliminate fish passage barriers in the bypass that trap or impede the migration of adult migratory fish including sturgeon, salmon and steelhead by 2020.
- Use the Central Valley Joint Venture (CVJV) objectives for wetland bird habitat, riparian bird habitat, and post-harvest flooded rice and other wildlife compatible agriculture to provide quantitative metrics of the effects of flood projects on avian conservation efforts.
- The plan should use the Central Valley Project Improvement Act (CVPIA) doubling goal for native anadromous fishes as a goal of the Conservation Framework and Strategy.

DWR is arguably already required to achieve the second two objectives under the biological opinion for the State Water Project. As discussed in the multiple benefits project section below, these improvements would not necessarily be funded with flood bond money. However, it will benefit DWR and the state if the flood plan accommodates or advances these objectives through project selection or design. Arguably, however, DWR is legally required by the fish and game code to remedy any fish passage barriers created by flood project facilities.

2.3.3. Improve Operations and Maintenance

The title of this supporting goal is quite vague. What does it mean to "improve operations and maintenance?" If the goal is to reduce operations and maintenance costs as implied by the descriptive text, the board should simply rename this objective "reduce operations and maintenance costs." Or perhaps the goal is to reduce *state* operations and maintenance costs. After review of the plan, it is unclear to us whether any of the approaches, including the SSIA, will actually reduce operations and maintenance costs, or whether any of them were actually designed to reduce long-term O&M.

Operations and maintenance costs need to be addressed first from the system design perspective. Project features that require regular costly maintenance such as levees or expensive operation procedures such as gates should be avoided where possible. But new and repaired levees along with gates on weirs comprise a significant portion of the SSIA budget. To reduce O&M costs, parts of the system could be redesigned or managed in a different way. For example, channel widening may lead to lower erosion pressures and thereby reduce annual costs for bank stabilization and levee repairs. Vegetation properly placed can reduce scour forces and preserve levee integrity. Matching flow dynamics to the transport of sediment can alleviate the deposition of sediments in critical locations. While the SSIA is structured at a scale that precludes identifying specific locations where these O&M

can be addressed, the CVFPP should nevertheless state the board's intent to evaluate ongoing O&M needs with an eye toward alleviating unnecessary costs. This can only practicably be done if the plan first identifies SMART objectives for O&M.

Recommendation: The board should designate a standing committee of stakeholders and experts to develop SMART objectives for each of the plans' primary and supporting goals.

3. Beyond mitigation - Integrated Regional Water Management Planning and Multiple Benefit Projects

Integrated water resource management planning is the official policy of the state of California. The era of single purpose projects that require "mitigation" because they cause harm to the environment is inconsistent with integrated water management. Projects in the plan should therefore be designed to advance multiple objectives, including ecosystem restoration. Often times, this requires conceptualizing larger projects that integrate multiple needs across a region that transcends one jurisdiction or one implementing agency. Mitigation may occasionally be necessary for particularly constrained projects, but it should be the *exception* rather than the norm.

3.1. Multiple Benefit Projects Not Adequately Integrated into the Plan

The plan appropriately discusses integrated regional water management planning, but it is not clear that integration is a genuine element of the plan. Our analysis of the cost estimates and SSIA indicate that the plan was developed solely to advance flood management with no clear efforts to advance or leverage other programs to advance ecosystem restoration.[1] For example, mitigation along with design and engineering is budgeted as a percentage of the cost for nearly all system improvements. If improvements or the plan were genuinely designed to advance conservation goals or integrated into larger regional efforts that advance conservation objectives, little to no mitigation expenditures would be necessary. Most importantly, there are no measurable objectives for conservation or other supporting goals. Without measureable objectives, it is difficult to judge whether the plan will actually achieve multiple benefits.

Page 3-41 reports that ecosystem restoration is fully integrated into the plan as we believe it should be, but we don't believe that it actually is, or that such integration will actually occur in the implementation. Most of the money appears to be directed toward fund levee improvement projects for urban areas,

[1] Participation of DWR staff from the Division of Flood Management and the Flood Safe and Environmental Stewardship program in the BDCP South Delta Habitat Working Group analysis of opportunities to integrate habitat restoration for BDCP together with flood risk reduction is one commendable exception and should be promoted as a model for integration across divisions and programs at DWR.

and the ULDC doesn't require vegetation on the levee. To the contrary, the vegetation policy in the plan and of the USACE will gradually reduce vegetation along the rivers. Because most of the money is spent on urban levees without vegetation, the "ecosystem" part of the plan is likely to be mostly mitigation. As stated elsewhere, we believe that greater investment for levee setbacks and expanded bypasses is a better way to reduce flood risk while also achieving other benefits.

Section 3.7 calls for integrating environmental stewardship early into policy and planning, which would be beneficial, but there is very little detail and nothing budgeted to make this happen. The Conservation Framework and conservation elements of the plan are a great step forward, yet the plan still suffers from the view that conservation elements should be viewed as mitigation for impacts instead of fully integrated elements of most flood management improvements. The Corridor Management Strategy described on page 4-8 is one particular program with great potential to advance multiple objectives and should be better developed. We provide additional input on corridor management in sections 14 and 15 of these comments.

The plan barely mentions linkages to water supply, and fails to provide any analysis regarding how expanded floodways and floodplain restoration could improve water supply reliability or how groundwater banking and conjunctive use could improve flood management. The plan does not address how flood management will be impacted by water supply plans such as the 5 new intakes of a Peripheral Canal.

Furthermore, neither the plan nor the SSIA advance flood risk management strategies and tools that are outside the traditional jurisdiction of the division of flood management and would require collaboration with other agencies or levels of government. Tools like conjunctive management of surface and groundwater, land use regulations, flood insurance, etc. are not adequately promoted. We fully appreciate that this type of integration is difficult and that DWR staff may not be empowered to advance the type of collaboration necessary to realize the flood risk reduction benefits of integration across jurisdictions. Nevertheless, integrated regional water management planning is the official policy of the state of California and, if fully embraced by the flood plan, could save billions of dollars.

True integration to advance multiple benefit projects will require DWR and CVFPB to change the way that they conceptualize, plan, design, partner, implement, and fund projects. Failure to make these changes will make it virtually impossible to advance multiple benefit projects or the conservation objectives required by SB 5. The plan and board should explicitly acknowledge these challenges and identify the procedural changes necessary to facilitate multiple benefit projects. For example, the plan says nothing about Title 23 regulations, but the draft Title 23 regulations could prevent any vegetation from being planted in the expanded bypasses and, read literally, could prevent any trees from being added in designated floodways, which in many cases are natural waterways. Similarly, traditional funding mechanisms and cost sharing guidelines do not pay or account for any vegetation or habitat creation beyond what is legally required for mitigation of habitat destruction. While the new plan discusses the need for integration in multiple places, it does not provide any proposal to change Title 23 or cost sharing provisions to make real integration possible.

3.2. Demonstration Projects to Facilitate a New Era of Multiple Benefit Projects

In the history of DWR flood management projects, integrated planning and multiple benefit projects are relatively new ideas. Although IRWMP is the official policy, the actual practice is not sufficiently developed to fully comply with policy. DWR and the board should expedite model projects designed to align practice with policy. The plan should designate funding for model projects—ideally shovel ready—in each region to demonstrate the potential promise of multiple benefit projects to local stakeholders, and to provide DWR staff with a concrete opportunity to develop a new model for how to collaborate, plan, design, finance, and implement such projects. Model projects should be selected to achieve a variety of criteria that characterize successful and integrated projects including:

- Projects intentionally designed to significantly advance three or more goals combined with a monitoring program to monitor success based on each goal
- Collaboration by three or more partners including a conservation organization or fish and wildlife agency
- Multiple funding sources

Specific examples of the types of model projects that DWR and the Board should advance are listed in Attachment 1.

Recommendations:

- Make a finding that all cost sharing provisions, Title 23, grant program guidelines, and all other programs that determine eligibility or funding shall be consistent with the plan and designed to advance the goals and objectives of the plan.
- The board should include a new section in the plan describing a program, including project selection criteria, to expedite demonstration projects in the next five years in each of the nine planning regions.

4. Urban/Urbanizing Area Compliance with Senate Bill 5 Planning Requirements

The plan and supporting documents and tools appear to provide enough information for local agencies to develop maps of areas protected from the 200-year flood. The plan provides the 100 and 200 year water surface elevation for various reaches as well as levee conditions for various points of the system. With this information, local jurisdictions have the information necessary to make local maps required to comply with provisions of SB 5.

It is our understanding that DWR has the information necessary to develop the 200-year maps in ALL areas served by the State Plan of Flood Control. DWR is planning to release those maps within a year (by March 2013). According to our reading of the law, DWR is not obligated to develop the maps. The locals could and should do it before permitting new development.

Changing the compliance date for updating local general plans under SB 5 or otherwise relaxing restrictions on development in deep flood plains is unacceptable to American Rivers. We do, however, believe that it may make sense to narrow and limit the geographic scope of areas required to comply with the land use provisions of SB 5. For example, the land use provisions of SB 5 should not necessarily apply to areas outside of the Central Valley floodplains such as the Sierra Nevada, since SB 5 was drafted to address the high risk of flooding in the deep floodplains of the Central Valley.

Recommendations:

- The board should not recommend any actions that would delay compliance with the land use provisions of SB 5.
- The board should make a finding that the intent of the land use provisions of SB 5 was to prevent urbanization of low-lying floodplains in the Central Valley and therefore should not apply to areas outside of the Central Valley.

5. Rural Versus Urban Flood Protection

The SSIA correctly prioritizes urban areas for increased flood protection because deep urban floodplains are where the greatest numbers of lives are at risk and where the greatest property damage would occur. The voters passed proposition 1E to prevent the deep, urban flooding that occurred in New Orleans from occurring in the Central Valley, and it is therefore reasonable to focus flood protection improvements on areas already developed rather than on rural areas.

The urban areas will also benefit from the lower level of flood protection in the upstream rural areas, and should therefore provide financial assistance to help rural areas shoulder the burden of lower flood protection, since flooding of rural basins is a de facto element of the plan. Although “transitory storage” or planned flooding of designated basins is not actually included in the SSIA, unplanned flooding in rural areas is assumed in the SSIA and rural landowners are not compensated for this transitory storage under the SSIA. In contrast, the ESFC approach includes designated transitory storage zones and compensation to rural areas for the right to inundate those zones in the biggest floods. Landowners should not be compensated for living in a floodplain, but beneficiaries in urban areas should be able to pay for the flood attenuation benefits that “planned” or “unplanned” transitory storage provides.

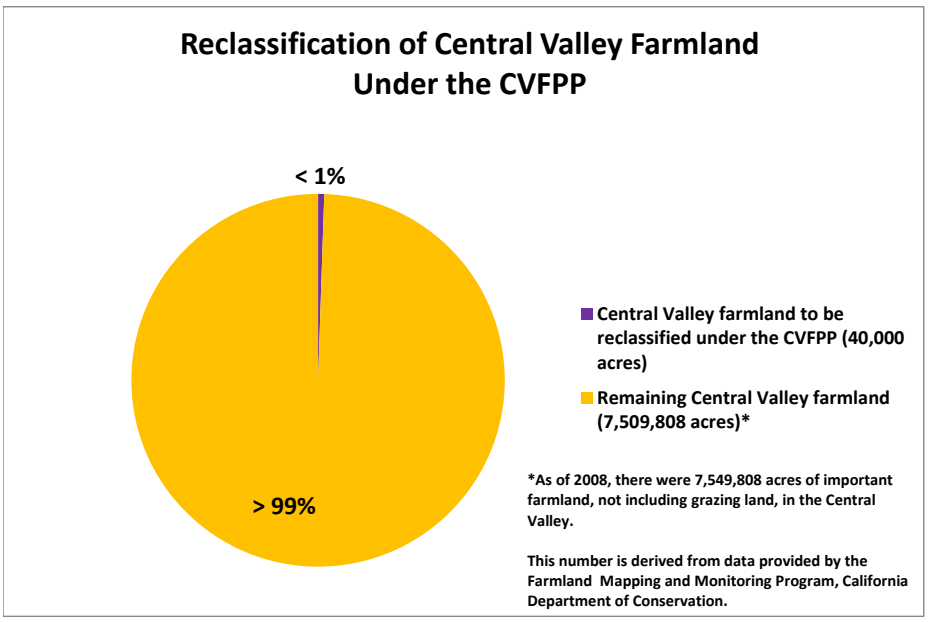
6. Agricultural Land Conversion

Agriculture provides important benefits for society, including wildlife habitat in the Central Valley. American Rivers supports efforts to maintain land in agricultural production and believes that systemwide improvements in the flood plan will benefit agriculture.

Bypasses in the Central Valley greatly reduced the probability of uncontrolled flooding of agricultural lands in the early twentieth century. By expanding bypasses and setting back levees, the plan will provide better flood protection in the future. Expanding the capacity of the floodway will increase management flexibility of upstream reservoirs. We understand that this increased protection may remove some land from production, and believe these impacts should be mitigated with fair compensation.

The board should realize that the plan also includes provisions to acquire up to 115,000 acres of agricultural conservation easements to protect agricultural land.

Although the plan calls for transferring 35-40 thousand acres of farmland into expanded flood bypasses over the course of the next 2-3 decades, most of this land could still remain in agriculture, albeit a economically less productive type of agriculture. Although large, 40,000 acres is a very small fraction of the total farmland in the Central Valley, and is a small fraction of the amount of land converted for urbanization.



Data Source: Farmland Mapping and Monitoring Program, California Department of Conservation; Central Valley Flood Protection Plan, 2012 Draft

7. Bypass Proposals, Levee Setbacks, and Other Regional Issues

The board's role is to ensure that the flood management system is managed to protect and advance the state's role in flood and river management]. Changes in the configuration of the flood system, particularly when it affects private property, will be controversial. The board should not dismiss proposed changes to the flood system simply because they are unpopular in a particular region. Instead, the board should direct DWR to objectively analyze the costs and benefits of various proposals, and then work with DWR to advance the improvements that most cost effectively advance the flood plan objectives.

7.1. Levee Setbacks Not Properly Evaluated

We do not believe that DWR has objectively or adequately analyzed the benefits of levee setbacks. As discussed further in our review of the technical analysis, DWR did not evaluate the potential of setbacks in combination with other measures to advance the overall goals of the plan. We urge the board to direct DWR to consider levee setbacks in the next series analyses and in systemwide planning designed to optimize the SSIA.

7.2. Flood Bypass Expansion Justified

Flood bypasses reduce risk by both reducing the probability of unplanned flooding and the consequences. See Attachment 3 for a more detailed explanation of how bypasses are a more comprehensive risk management strategy.

In addition to the analysis conducted for the plan, there is a very large body of information indicating that expanding the Yolo Bypass or creating a new bypass on the Lower San Joaquin River would substantially reduce flood stage and risk for both urban and rural areas. A 2003 study by SAFCA and many reputable consultants concluded that expanding the Yolo Bypass capacity by ten percent in combination with the real time operations at Folsom would reduce flood stage at I Street Bridge by four feet. It would lower the 200-year flood stage to less than the baseline 100-year flood stage.

In support of the SB 5 and Water Code 9613 mandate to investigate the feasibility of a bypass on the Lower San Joaquin, the 2012 Central Valley Flood Protection Plan states that "in the lower portion of the San Joaquin River Basin, [the State Systemwide Investment Approach] includes a new bypass to divert flows from the San Joaquin River into the south Delta as initiate."

Preliminary analyses indicate that a new bypass at Paradise Cut, or in its vicinity, with a capacity of about 4,000 cubic feet per second could effectively reduce peak flood stage along the San Joaquin River in the Stockton metropolitan area." While we are encouraged by and supportive of the inclusion of an

expansion of the flood management system in the vicinity of Paradise Cut, the limited documentation of this approach and supporting modeling and analysis in the plan and its attachments causes us to question whether or not the full potential of this approach has been considered.

American Rivers has conducted detailed modeling analyses of a very similar approach and demonstrated that an expanded Paradise Cut combined with other improvements in the lower San Joaquin area could increase the capacity of Paradise Cut from approximately 12,000 cubic feet per second to approximately 20,000 cubic feet per second during a 50 year peak flow, lowering flood stage by 1.5-2 feet. We are concerned that the limited modeling conducted to evaluate the approaches in the plan has underestimated the potential benefit of a Paradise Cut improvement and, perhaps more significantly, has eliminated other potentially beneficial approaches from being advanced to the State Systemwide Investment Approach.

The board should make the following findings regarding flood bypasses (See Attachment 3 for more details):

- Flood bypasses can reduce risk for urban areas by routing water away from constrained, urban reaches and toward less developed flood basins.
- Expanding the capacity of the lower end of the flood system through the creation or expansion of flood bypasses is a key element of the flood plan and is essential for reducing flood risk for urban areas, increasing system resiliency, and investing in sustainability.
- Expanding capacity in the lower end of the system is a prerequisite for future upstream levee improvements or setbacks without transferring impacts downstream. Improving upstream levees without first expanding downstream capacity could increase flood peaks and flood risk for downstream communities.
- Properly designed and operated flood bypasses can provide important ecological benefits for fish and wildlife.
- Flood bypasses are a resilient strategy for both managing floods and reducing risk:
  - Lower flood stage, resulting in lower flood depth.
  - Less wear and tear on levees from high flood stage or high velocities
  - Provide text on the ecological benefits of flood bypasses in the Conservation Framework.
- DWR should prioritize planning and permitting necessary to expand the Yolo and South Delta bypasses.

7.3. Feather River Bypass

On page 3-14 and 3-15, the draft discusses evaluating the feasibility of constructing a new bypass from the Feather River into the Butte Basin to divert floodwaters out of the Feather River for the purposes of increasing flood protection for Yuba City and Marysville during large flood events. The plan does not provide enough detail regarding how and when this bypass would be operated. The board should direct

DWR to provide more specifics on how the bypass would be operated, and how operations would affect agriculture, land management in the Butte Basin, and flood conveyance in the Sutter Bypass and Sacramento River. As far as we are aware, no benefits for fish and wildlife are associated with the proposed Feather River Bypass because it would only be operated during the largest flood events.

Potential adverse impacts to migratory waterfowl habitat, management activities, and associated infrastructure in the Butte Sink and Sutter Bypass should be considered due to expected higher flood flows for longer durations. The affected areas not only include the Butte Sink and Sutter National Wildlife Refuges, but also many private lands under state or federal conservation easements or agricultural lands (e.g. rice) that benefit waterfowl and other wildlife. The construction of 16 miles of new levee adjacent to the Cherokee Canal could also affect waterfowl habitat management activities on Little Dry Creek State Wildlife Area, portions of which lie directly adjacent to the Canal, while causing short-term disturbance to waterfowl and other ground-nesting birds.

As a possible alternative to protecting public safety during large flood events, the plan should call for the evaluation of additional setback levees along the Feather River to increase its flood capacity. As mitigation for waterfowl impacts, the plan should also consider funding for waterfowl habitat infrastructure improvements or management activities on affected public and private wetlands.

8. Funding and Finance Plan

A financing plan is required by the legislation, but not included in the plan. Integrating a financing strategy into the plan from the beginning may have significantly changed the outcome of the SSIA. The SSIA is not an investment approach as the name implies. Rather, it is simply a collection of projects and programs that DWR staff has prioritized for funding with state flood bond funds. DWR staff did not consider how flood bond funds could be leveraged or combined with other funds to maximize investment in flood system improvements. Had they considered such a strategy, they may have developed a very different plan – a far more integrated plan with more multiple-objective elements.

The prospects for additional funds from the US Army Corps of Engineers have been overstated in the plan, meanwhile partnership opportunities with other state initiatives such as BDCP and the San Joaquin River Restoration are not adequately considered. Funds will either have to come from local government or additional bonds. A multiple objective strategy including habitat restoration, water supply benefits, parks, and recreation is much more likely to garner the public support necessary to pass additional bonds. As currently drafted and budgeted, the investment approach is a completely stand-alone program which assumes that the flood management improvements contemplated by the CVFPP are the only state or federal investment in the Central Valley planning area. Although there is discussion in Chapter 4 about integration with other programs such as the BDCP, it is clear that the investment approach and budget were developed with very little consideration of how these other programs could be leveraged to advance the objectives of the flood plan. Similarly, DWR has not considered how improvements of the flood plan could be adjusted to benefit other state and local programs and thus qualify for cross program cost-sharing.

Advancing the goals of other critical programs, such as endangered species conservation, recreation agricultural preservation while developing a flood risk reduction plan would have created opportunities for the costs of flood management improvements to be broadly distributed across other programs and to respond to needs beyond strictly flood control issues. Attempting to integrate other state programs and objectives would have allowed other programs to align *their* needs with flood management. Funding for projects addressing water supply, water quality, habitat and species management, recreation, transportation and other infrastructure needs will continue to be expended in the Central Valley. Both the project footprints and the mitigation needs for these other projects offer opportunities for partnerships that could distribute costs across broader societal needs. Rather than the board assuming full responsibility for all costs, integrated projects allow for the flood management costs to be shared across other programs.

In addition, nongovernmental organizations are engaged in a broad array of conservation, restoration, and scientific efforts pertinent to flood management. DWR has not effectively partnered with these organizations and has not been able to take advantage of their specialized capabilities and expert staff. Engaging with the NGO community can provide DWR with important expertise to help move to a greater level of integration. DWR's relationships with the NGO community have largely been as a grantor providing funds for on-the-ground projects. Bringing the NGO community into the planning and design phases of DWR work could offer considerable advantages in dealing with multi-benefit projects.

9. Technical Analysis of Preliminary Approaches and Alternative Analysis

The analysis of preliminary approaches in Chapter 2 is useful for narrowing the range of viable options. It correctly concludes that simply "fixing" the existing levee system in place, and achieving the state plan of flood control design, will not meet the objectives of the legislation (table 2-5), and in fact would increase flood stage and risk for urban areas. Fixing the levees in place would only funnel higher flood flows downstream toward Sacramento and Stockton, thereby increasing flood risk.

The plan does not, however, analyze how climate change would affect the efficacy of this approach, but it seems likely that increased discharges from climate change, particularly in the San Joaquin basin, would make this approach even less viable. The assessment of preliminary approaches in table 2.5 correctly concludes that the enhanced system capacity alternative is the only alternative that most meets the objective enumerated in SB 5.

As discussed below, however, the cost and benefit (risk reduction) analysis presented in Chapter 2 and supported by the Technical Appendices is distorted by the fact that objectives and criteria for measuring the efficacy of the various approaches are not adequately defined, costs are not consistently calculated, alternatives are not properly formulated or optimized to achieve the project goals, and promising measures such as levee set-backs or transitory storage were rejected out-of-hand for political expediency.

The board should make the following findings with respect to the alternatives analysis conducted to inform the plan:

- Upgrading the existing system to achieve state plan of flood control design capacity will not meet the objectives of the legislation (table 2-5), and in fact would increase flood stage and risk for the Delta and downstream urban settlements.
- The "Protect High Risk Communities" approach alternative failed to include floodway and bypass expansion as a strategy to reduce risk for urban communities.
- Without clear measurable objectives, the alternatives analysis lacks explicit criteria to guide the development of alternatives or measure the predicted effectiveness of the various alternatives.
- The "enhanced system capacity" approach was the most complex to design and analyze, and as a result, was never optimized for cost or benefits. This is a critical oversight and should be remedied as this approach, or specific elements of it, may offer the greatest long-term cost savings.
- The alternatives analysis did not adequately evaluate levee setbacks.
- The cost-benefit analysis is very preliminary and maybe flawed due to the manner in which the approaches were constructed, the failure to adequately account for many risk factors and benefits, and inconsistencies in cost estimates across alternatives.
- DWR may have improperly and unfairly evaluated alternatives because they did not use a consistent set of metrics/hydrology/assumptions across each alternative.

9.1. Lack of SMART Objectives is a Major Flaw

The lack of clear, measurable objectives is the biggest flaw of the alternatives analysis. Without these objectives, there are no explicit criteria to guide the development of alternatives or measure the predicted effectiveness of the various alternatives. While the plan does measure important attributes of each alternative, such as flood stage in various reaches or reduced risk, because it is not guided by an explicit set of objectives, and instead is driven by unstated objectives such as to build and strengthen levees, the plan (SSIA) was not actually developed to reduce risk more broadly or to advance supporting goals such as ecosystem restoration. Our review of the underlying documents, particularly the cost estimates, indicates that the majority of the analysis and proposed improvements are focused on strengthening and hardening levees. Ecosystem restoration elements are either treated as mitigation or layered on top, instead of being integrated into the plan.

9.2. The Enhanced Flood System Capacity (EFSC) was Not Sufficiently Analyzed or Optimized.

The EFSC is not a stand-alone approach, but a combination of the two other levee improvement approaches plus a number of other actions; the efficacy of the other actions, or combinations of other actions, was never tested or optimized. The reason the EFSC is so expensive ($32-$41 billion) is that it

consists of the "achieve SPFC design capacity" approach ($19-23 billion), plus the "protect high risk communities" approach ($9-11 billion), plus a number of other measures including levee setbacks, conservation easements, expanded bypasses, transitory floodplain storage, and expensive new surface storage.

As far as we can determine, DWR never evaluated an approach consisting only of the following elements: expanded flood bypasses combined with levee setbacks, transitory floodplain storage, conservation easements, and reservoir reoperation. Such an approach, combined with improving urban levees for Sacramento and Stockton is precisely the approach that several conservation organizations advocated for during the public planning process. See attachment 2 for American Rivers' one page flood plan comprised of these elements.

Due to the inclusion of the rural and urban levee improvements and their associated costs in this analysis, we believe the projects and components that meet the intent of the Enhance System Capacity alternative were prematurely discarded. The incorporation of urban and rural levee improvements into the Enhance System Capacity alternative greatly distorts the bottom line costs and the benefits of new flood bypasses and floodway expansions. The most significant costs in this alternative, comprising between a third and a quarter of the total expense, are rural levee improvements listed at $11 billion. Urban improvements included in this alternative are estimated between $4.2 and $5.0 billion. Neither of these features, despite their overwhelming price tags, enhances the capacity of the Central Valley flood system.

New flood bypasses, measures that do enhance the capacity of the flood system, are estimated to cost between $4.0 and $4.4 billion for 36,800 acres of floodway expansion. In addition, nine levee setbacks that expand the floodway by 26,000 acres were also included in this approach and the total cost for these nine projects is estimated to be between $3.0 to $4.2 billion. In general, per acre of expanded floodway capacity, bypasses and floodplain reconnection have very similar costs and have been shown in previous studies to provide substantial flood benefits on both local and regional scales.

Unfortunately, hydraulic effects cannot necessarily be added linearly, like costs. Given that this EFSC approach is further complicated by the addition of (1) several reservoir upgrades, (2) new storage components, and (3) inconsistent assumptions about upstream levee failures, it is impossible to properly evaluate what proportion of the flood benefits were the result of flood bypasses and levee setbacks and which benefits were the result of other components.

It is disappointing, but not surprising, that DWR did not evaluate more variations of the Enhanced System Capacity approach. This approach is by far the most difficult to plan and analyze because it entails developing and modeling completely new configurations of the system. In contrast, strengthening levees and enlarging reservoirs are relatively easy to configure, model, and evaluate. Reconfiguring the system is also politically complex, but that is not a sufficient reason for DWR staff or their consultants to have discarded the idea. It would be a disservice to California taxpayers if DWR and

the board were to move forward in implementing the SSIA before first evaluating whether an alternate formulation of the EFSC approach would more cost effectively achieve the state's flood plan goals.

9.3. Levee Setback Alternative Not Fairly Analyzed

It is evident from our review that strategy of employing levee setbacks, also referred to as flood corridor expansion, were not fairly analyzed. We are encouraged that the CVFPP acknowledges and promotes expanded and new flood bypasses as a way to achieve the multiple benefits in the Central Valley flood system. However, we are disappointed that the plan so hastily eliminates the benefits of levee setbacks.

Based on the details provided in Attachment 8J, Appendix E, locations for levee setbacks were primarily chosen based on the results of Floodplain Restoration Opportunities Analysis (FROA). While we applaud the recognition of environmental benefits that floodway expansion can provide and the foresight to choose riparian enhancement sites that would be subject to frequent and long inundations, this analysis shows the flood benefits of setbacks in these locations may be limited. The universal conclusion regarding the inefficiency of levee setbacks in the CVFPP is more reflective of the *method* used to choose sample projects rather than the *efficacy* of the possible suite of projects throughout the Central Valley.

Furthermore, we have several questions regarding the methods used in the FROA analysis and therefore question whether it was appropriate to use this analysis to site levee setback options. See comments on Attachment 9F.

Moving forward, we believe that floodway expansions should be reintegrated into the SSIA—along with the new bypasses and bypass expansions—by using the following guidance for setback levee site selection.

To achieve the multiple benefit objective of the CVFPP, the location for levee setbacks should meet two of the following three criteria:

1) The setback should expand system capacity by eliminating a bottleneck in the conveyance system.

2) The setback should significantly reduce levee maintenance and/or the potential for levee failure by targeting locations that have existing erosion or stability problems and/or are subject to high flood velocities.

3) The setback should provide substantial ecosystem benefits.

9.4. Cost Analysis Inconsistent Across Alternatives

There are several inconsistent unit costs used in the cost estimates that may distort the cost comparison between traditional levee construction and improvements and flood bypasses and levee setbacks.

The first is in the estimated costs for repairing existing levees and constructing new ones. In the cost analysis, the average unit cost for repairing rural levees is estimated to be 2 to 10 times greater for levee setback and bypass expansion projects than similar repairs listed in projects to protect small communities and improve agricultural levees. In fact, levee improvement costs for the bypass and floodway expansion projects are estimated to cost more per mile than levee improvement costs in urban areas (Table 9.4.1).

Similarly, the cost to build new levees for levee setback and bypass expansion projects is listed as approximately twice as much as it is to build new 100-year levees in rural areas.

If the cost estimates for levee upgrades and new levees associated with bypass and floodway expansion projects are in fact so much greater than the costs for similar levees used to protect small communities, rural areas, and urban centers, the reason as to *why* is wholly absent (and there is no technical reason why bypass and setback levees would need to be built to higher standards than those required for small communities or urban areas).

Table 11.4.1 Estimated Costs for Levee Improvements and New Levee Construction provide by the CVFPP

Type	Action	Cost Per Mile	Reference
Rural-Agricultural Levee Improvements	Fix Existing Levee	$0.39M-$0.48 M	Attachment 8J, Appendix A, Page 4-22
Non-SPFC Urban Levee Improvements	Fix Existing Levee	$6M-$8M	Attachment 8J, Appendix A, Page 4-17
Protect Small Communities	Fix Existing Levee	$6.5 M (range: $3.6-$10.8M)	Attachment 8J, Appendix D, Page D-10
SPFC Urban Levee Improvements	Fix Existing Levee	$13.4M-$16.1M	Attachment 8J, Appendix A, Page 4-17
System Improvement Levees (bypasses)	Fix Existing Levee	$14-$18M	Attachment 8J, Appendix A, Page 4-6
Flood Corridor Expansion (levee setbacks)	Fix Existing Levee	$15M-$20M	Attachment 8J, Appendix E, Page E-9
Protect Small Communities	New Levee	$10.4M (range: $6.0-$17.0M)	Attachment 8J, Appendix D, Page D-10
Flood Corridor Expansion (levee setbacks)	New Levee	$20M-$25M	Attachment 8J, Appendix E, Page E-9
System Improvement Levees (bypasses)	New Levee	$22M-$26M	Attachment 8J, Appendix A, Page 4-6

In addition, fee and title estimates for the bypass expansions (Page 4-2 in Attachment 8J, Appendix A) are inconsistent with the land acquisition costs used in the Flood Corridor Expansion analysis. This section assumes that land acquisition is $22,000/acre regardless of location in the valley, compared to the values delineated in Table 4-2 which state that, generally, in the locations of the setback projects, land values range between $10-13,000/acre, though have potential to reach $17,000/acre for only three of the projects (on the Lower San Joaquin and Feather Rivers).

We believe the unit cost estimate for the same type of improvement should be consistent across alternatives. By using *higher* average cost estimates for levees for new bypass and levee setback projects, and *lower* estimates for the same type of work in all the other alternatives, the Plan introduces a significant bias away from bypass expansions and levee setbacks. Additionally, inconsistent assumed land values introduce further bias against flood corridor expansion.

9.5 Folsom Dam Improvements

The Joint Federal Project (JFP) at Folsom should be considered part of the project, not as baseline, and due to its upfront inclusion, the costs for and benefits from improvements to Folsom Dam are inconstantly analyzed. The Plan states that because Folsom Dam improvements have already been authorized, they should be (and are) included in the no-project condition. This is problematic as the JFP is accounted for in the budget for the SSIA and expand flood system capacity (EFSC) alternatives, but it is included in the hydraulic and risk reduction analysis as part of the no-project alternative. As a result, this project's ability to reduce water surface elevations and risk are not included as part of the CVFPP's benefits even though the project's expenses are part of the cost estimate. This leads to overstating the costs of the SSIA and EFSC and understating the risk reduction benefits.

Furthermore, inclusion of the JFP as part of the baseline could substantially increase the permitting and mitigation burdens and costs associated with implementing important components of the SSIA and EFSC. For example, expanding Yolo Bypass without JFP may arguably create redirected hydraulic impacts, while treating Yolo expansion along with JFP as a single project will be "self-mitigating" because the benefits of the JFP will offset any impacts of expanding the bypass. Therefore, the JFP should be included in the PEIS as part of the project, not as part of the no-project alternative. According to a 2003 SAFCA analysis conducted by MBK, the JFP combined with expansion of the Yolo Bypass lowers flood stage at I Street bridge by four feet, but if the JFP is included in the baseline conditions, it will be more difficult and costly to expand the bypass and realize the enormous flood risk reduction benefits.

9.6 Reliance Upon Levee Performance Curves Overstates the Benefits of Levee Improvements and Understate the Benefits of Bypasses and Levee Set-backs

Levee Fragility Curves are an integral part of the hydraulic analysis and are used to define the probability of failure of the levees systemwide. The CVFPP Levee Fragility Curves were developed using a hybrid

approach, though insufficient data was included in the review document to validate the study results. Additionally, there was no explicit inclusion of uncertainty in the analyses (which helps inform how 'precise' the generated curves are and how much 'spread' in the answer there is). The failure modes were limited to (a) underseepage, (b) slope stability, (c) through-seepage, and (d) erosion, and the generated curves thus ignore other potential failure modes that the system may be exposed to.

The rationale for "failure definition", the assumption that all levees systemwide fail when loaded to 85%, was not clearly established and validated. This is arbitrary and results in overly conservative estimates for how much water surfaces must be reduced to increase safety as projects first have to lower water surfaces down to an 85% loading, and then even farther to calculate a project's effects on safety.

This reliance on levee performance curves, and thus levees, biases the analysis against more resilient strategies such as flood bypasses. It simply defies common sense (and fact) to argue that substantially lowering flood stage in the Sacramento at I Street Bridge does not substantially reduce the risk of levee failure (see referenced report from Technical Advisory Committee on Water Safety in the Netherlands, 2012). Furthermore, it is arbitrary to only include levee upgrades as a means to protect high risk communities considering that reducing water surface elevations by levee setbacks and bypasses could also help communities achieve an urban level of protection. Furthermore, the levee fragility curves were not reported for new and improved levees. The chosen fragility has the potential to skew the results more toward levee strengthening and less toward water surface reductions.

These curves have the potential to directly show the benefits of system bypass features in that the resulting lowered water levels (i.e. a reduction in system demands) correlate to lowered probabilities of failure. This consideration is very important, yet is missing from the evaluation.

9.7 Analysis Understates Life and Property Risk in the Following Ways

The analysis understates levee risk in a number of ways enumerated below. As a result, the risk reduction estimates in chapter 2 may be significantly understated. Refer to Section 14 for further comments on risk analysis.

- Assumes 100% *willingness* to evacuate and an optimistic warning time and evacuation for Natomas Basin.
- The analysis is not based on climate change hydrology.
- The analysis is based on 2000 census data, thereby significantly underestimating the population at risk today.
- Does not consider the ultimate risk of the basins as the result of a built-out condition behind levees.
-

- Assumes mortality rates only for "remaining zone" and not "breach zone," this oversight could significantly change overall mortality rates as survival rates these areas adjacent to levee breaches are lower due to faster moving and more quickly rising water.
- Discrepancies between CVFPP Life Risk Analysis for Natomas Basin (a 2005 "Urban Flood Scenario" by SAFECA/David Ford Consultants) and a recent assessment by Jonkman et al. in 2012 suggest significant uncertainty in the Life Risk Assessment Method and the potential for DWR to overlook critical factors. For example, the DWR Natomas assessment estimates a 2.5 Annualized Life Risk while the Jonkman study suggests a significantly higher range at 250-1000 fatalities in a 100-year flood.
- The plan does not include risks to the Delta, because it is outside of the planning area—the analysis should account for risk transferred from the planning area to The Delta.
- The analysis does not consider intangible large losses or disruptions like the migration of hundreds of thousands of people to other parts of the country.
- Does not consider environmental clean-up costs or disruption to drinking water supply as were seen in New Orleans after Hurricane Katrina
- The Intangible Damages discussion does not address availability of adequate shelters, hospital beds, or other post-disaster relief resources.

10. Comments on Optimizing the SSIA

The SSIA correctly prioritizes urban areas for increased flood protection because deep urban floodplains are where the greatest numbers of lives are at risk and where the greatest property damage would occur. The voters passed proposition 1E to prevent the deep, urban flooding that occurred in New Orleans from occurring in the Central Valley, and it is therefore reasonable to focus flood protection improvements on areas already developed rather than on rural areas.

The SSIA provision of 200-year or even 100-year protection for many rural areas, including large portions of Sutter and Yuba County, may induce growth and therefore ultimately increase flood risk. It is not is a wise use of State funds to improve levees in a manner that enables urban development of agricultural land. State investments to increase the level of flood protection would be more reasonable if they were paired with land use regulations or conservation easements designed to limit urban sprawl in these newly "protected" areas. The board should give careful consideration to how any system improvements to decrease the probability of flooding are combined with strong risk management measures to ensure that the flood system improvements don't simply lure more property owners, and their tenants, into harms way.

The SSIA correctly includes expansion or creation of flood bypasses, but as explained in Sections 7.1 and 9.3 above, incorrectly excludes levee setback projects and investments in several multiple benefit

projects and programs such as the San Joaquin River Restoration project, the BDCP, or the McCormack Williamson project where funding from other programs could be powerfully leveraged to advance flood plan goals.

The SSIA also correctly omits proposals for new storage from the plan. It is simply too expensive, and the flood management benefits are too limited. Equally important, expanding reservoirs would not meet many of the objectives described in the legislation. Most of the existing storage proposals examined in the plan would do little or nothing for the urban areas most at risk. Temperance Flat would have done nothing to limit the 1997 floods on the San Joaquin because those floods were mostly from the Tuolumne. Sites reservoir, as an off-stream storage site would have extremely limited benefits. Raising Shasta would have limited benefits because Shasta has a large flood pool and is already operated to limit flood releases until after flood events have moved downstream. The Joint Federal Project (JFP) at Folsom is essentially new storage and will provide a higher level of flood protection for Sacramento, but it is already under construction. As such, the JFP should be included as part of the plan rather than considered an existing project as discussed in Section 9.5.

The CVFPP and Conservation Framework are written such that the Conservation Strategy will be limited to actions specified in the CVFPP and its SSIA. DWR must show the public how the benefits and costs of the SSIA were evaluated, whether long-term avoided costs were included, and whether elements in each approach were merely added together or considered on their own and combined to different degrees in each approach. The Conservation Strategy needs to be a priority and should be based on a systemwide approach—not just refer to what is in the SSIA.

10.1 The SSIA Not Optimized

The SSIA does not appear to be optimized to balance costs and benefits. As discussed above, it is difficult to optimize an approach without first articulating specific objectives or criteria that an alternative is intended to achieve. Regardless of the lack of specific objectives, the SSIA appears to be a grab bag of measures. The SSIA selects from certain described measures, but the rationale for that selection is not clear. We agree that a hybrid approach that selects the best of the three preliminary approaches makes sense. Furthermore, creating a pallet of measures and then building a solution set from those measures is reasonable. But in selecting the suite of measures, DWR should have conducted a more rigorous assessment of how the pieces fit together.

The SSIA is designed to improve flood risk management, but it does not appear to be optimized for any specific criteria. The selection of elements appears to be a “best professional judgment” rather than a designed outcome. There are no conveyance capacity criteria, no acceptable risk levels, no unavoidable loss thresholds, no loss of life criteria, no cost criteria, and no ecosystem performance criteria. This opens the plan to criticism on all these fronts. As a first approximation of what the flood system might look like with some improvements, the SSIA is instructive. But as a solid foundation for moving forward it lacks substance and rigor. We suggest that the board accept the SSIA only as a preliminary framework

and direct staff to refine the direction of the plan by developing broadly acceptable design criteria. From an ecological perspective, we believe that criteria such as those below would be appropriate:

We suggest that these criteria could be linked to risk reduction criteria, Stage/Flow criteria, or agricultural land preservation to result in multi-objective project zones. For example if a basin had a criterion of reducing stage by 2 feet in the 200-year event, this could be coupled with the ecosystem criteria to identify sites that could accommodate both outcomes. A more fully developed set of criteria would serve as design checks on specific projects. Every project may not contribute to all criteria, and some criteria may apply in only specific reaches of the system. But developing the criteria on a systemwide basis should provide a level of integration that minimizes the chance of a project in one reach hindering performance in another reach.

Recommendation: Make a finding that DWR should expedite model projects that feature innovative partnerships between multiple private and public agencies to advance multiple benefit projects.

11. Conservation Framework

The plan should explain the purpose of the Conservation Framework, describe the objectives of the framework, and communicate a strategy for achieving those objectives. Clearly articulating the purpose is absolutely necessary to better inform competing stakeholders as to why the Conservation Strategy is necessary. The Conservation Strategy is not yet complete, but is essential for meeting the objectives of SB 5 and for expediting flood system improvements by reducing the cost and time associated with obtaining permits.

The lack of clarification to date may partly explain why some stakeholders continue to believe that there is no place for habitat in the flood management system. The Conservation Strategy is not yet complete, but is essential for meeting the objectives of SB 5 and for expediting flood system improvements by reducing the cost and time associated with obtaining permits.

Both the plan and the Conservation Framework should: (1) clearly articulate how the Conservation Goals tie in with the primary and secondary goals in the plan, and (2) highlight the conservation goals as central to a flood risk management approach that strengthens ecosystems and protects public trust resources.

The Conservation Framework is a general document that will be revised into a more specific Conservation Strategy by late 2013. It is our understanding that the purpose of the Conservation Framework and Conservation Strategy is to both advance the conservation objectives enumerated in SB 5, as well as to advance cost effective compliance with other state and federal conservation laws such as the Endangered Species Act. From a purely utilitarian perspective, the purpose of the Conservation Strategy is in part to reduce the cost and time necessary to permit the plan. Since permitting costs and delays have become a significant impediment to expeditious improvement of the flood system, the cost and time savings could be very substantial.

The framework document needs to more clearly articulate how advancing environmental objectives as part of the flood plan (not as mitigation) will reduce the costs and increase the benefits of implementation. To better substantiate the purpose and need for the Conservation Framework and strategy, the plan and framework should enumerate the various environmental laws and doctrines that DWR must comply with in implementation of the plan including, but not limited to:

- Clean Water Act.
- Fish and Game Code 5937
- Fish and Game Code 1601
- Public Trust Doctrine
- The Federal Endangered Species Act
- The State Endangered Species Act
- The Migratory Bird Treaty Act

Consistent with purpose articulated above, the goal of the Conservation Framework should be to protect and improve habitat for a variety of sensitive aquatic and terrestrial species protected by state and federal law. As discussed in the goals and objectives section above, this goal must be described using SMART objectives to guide plan development and fulfill the purpose of the Conservation Strategy. Rather than develop entirely new conservation objectives, we recommend that the board include the habitat goals and objectives of the 2006 Central Valley Joint Venture Implementation Plan (CVPIP) for migratory waterfowl and other birds as it relates to wetlands, associated uplands, post-harvest flooded rice and other bird habitat, as well as the CVPIP doubling plan for native anadromous fishes when the board approves the plan in June. Specifically, the plan should use the Central Valley Joint Venture (CVJV) wetland bird habitat, riparian bird habitat, and post-harvest flooded rice and other wildlife compatible agriculture to measure the effects of flood projects on avian conservation efforts and the plan should use the Central Valley Project Improvement Act (CVPIA) doubling goal for native anadromous fishes as a goal of the Conservation Framework and Strategy.

Additionally, we recommend that the board establish a committee of stakeholders and scientists to develop more specific outcome and action-based objectives which describe, more precisely, the extent to which the CVFPP will make changes to the flood system and how these changes will significantly contribute to the overarching objectives for fish, birds, and wetland habitat.

In order to fulfill the purpose of the Conservation Strategy, the plan must provide assurances that plan implementation will result in measurable progress toward plan objectives. Specifically, we would like the framework to include:

1) The inclusion of an additional primary goal for the CVFPP "to provide a vision for an integrated and sustainable approach to flood risk management," as well as specific language indicating how the Conservation Framework and associated conservation goals are integral to that vision.
2) A commitment to ensure that the plan will support the CVPIA salmon doubling goal.
3) A commitment in the plan to support of the goals and objectives of the Central Valley Joint Venture Implementation Plan

4) Quantitative (SMART) habitat objectives

The framework document should succinctly explain the Conservation Strategy and how the plan will advance both the conservation objectives and the flood management objectives. In our view, the framework should say:

> "The general conservation strategy is to design the flood plan so that little or no mitigation is necessary to comply with the Clean Water Act, the Endangered Species Act, and other applicable state and federal laws governing the protection of fish, wildlife, and waters of the United States. The conservation strategy will largely obviate the need for mitigation by specifically developing and refining the flood plan and all flood system improvements to achieve specific, measurable conservation objectives that will unambiguously improve conditions for sensitive species protected by state and federal law.
>
> The CVFPP will advance both the conservation objectives and the flood management objectives by expanding the cross-sectional area of several portions of the flood control system in a manner that reduces dangerous flood stage and velocity, increases flood conveyance, expands the area for floodplain and riparian habitats, creates enough room to accommodate natural hydrologic and geomorphic processes that are essential to sustain native species over the long-term, and decreases long-term operations and maintenance costs associated with erosion, vegetation, and permitting."

Recommendations:

- Add text to the plan to succinctly describe the purpose of a Conservation Strategy in the plan and outline the basic components of such a strategy.
- Make a finding that explains why measurable objectives are essential to a successful Conservation Strategy.
- Adopt a new plan goal to "provide a vision for an integrated and sustainable approach to flood risk management."
- Adopt the CVJV Goals and the CVPIIP doubling goal for <u>native</u> anadromous fishes as goals of the Conservation Strategy.
- Form a standing committee of stakeholders to develop SMART objectives for the Conservation Strategy consistent with the conservation goals of the strategy and invite staff from DWR to participate in the effort.
- Expedite completion of the Conservation Strategy.
- The plan and board should utilize the corridor management planning approach as a model for regional planning and ensure that each corridor management plan is designed to advance conservation objectives, facilitate permitting, and expedite implementation of flood risk reduction projects.

12. Guidance for Regional Systemwide Plans

12.1. Prioritization

The plan should prioritize regional planning efforts rather than attempt to advance planning for all nine regions at the same time. We believe that regional planning efforts should start in the lower end of the system and work upstream. Planning for the Yolo Bypass on the lower Sacramento River, the South Delta Bypass on the lower San Joaquin, and the Feather River Corridor downstream of the Yuba Confluence appear to be the most logical places to begin regional efforts. Focusing on regional planning efforts in the lower end of the system should not preclude investment in model, multiple-benefit projects in all regions as discussed in Section 3 of our comments.

12.2. Develop new, less bureaucratic model for planning and implementing flood system improvements, particularly in rural areas.

The board and DWR should recommend a less bureaucratic planning model that fosters collaboration between conservation organizations and local stakeholders to develop regional plans. DWR's integrated regional water management grant program could be adapted to serve as a funding and oversight vehicle to support and advance local collaborative planning efforts.

The existing system for designing and implementing flood system improvements is unnecessarily expensive and slow due to a number of state and federal policies administered by the USACE and DWR. There is clearly a role for the USACE in some flood system improvement projects, particularly in urban areas, but it is increasingly clear that many projects can move forward with lower costs if the planning and implementation process is delegated to local governments with clear guidance from the state regarding the types of systemwide objectives that locally driven projects must support to qualify for financial assistance.

A locally driven, grant-funded planning and implementation model is necessary to expedite improvements and lower costs. The CVFPP (or CVFPB) should provide specific systemwide objectives (flood management, conservation, etc.) for different regions and regional stakeholders in collaboration with conservation groups, and resource agencies (DFG, USFWS, NMFS) will develop regional plans to achieve those objectives alongside local objectives.

To qualify for planning or implementation funding from the state, regional planning efforts must pursue a collaborative planning model that involves a diverse group of stakeholders in plan formulation and analysis, including conservation organizations, fish and wildlife agencies, local government, and DWR staff. DWR and the state should not attempt to control or staff the planning processes. Rather, they should allow the local planning effort to retain its own consultants and develop the plan with significant input from collaborating agencies and organizations. DWR staff's

role would be to ensure that the planning processes are collaborative and to provide information about what objective the regional plans should achieve in order to be eligible for state funding.

12.3. Systemwide Planning

The systemwide planning should focus on fully refining and optimizing the SSIA, considering how levee setbacks could be combined with expanded bypass to best advance both flood management and conservation objectives. The results of the systemwide hydraulic modeling and planning should provide quantitative guidance to the regional planning processes, such as the target amount of conveyance capacity for planning. The plan should prioritize regional planning efforts considering systemwide effects rather than attempt to advance planning for all nine regions at the same time. For example, once systemwide objectives are clearly articulated, the priority geographic areas could be identified and time frames for planning and implementation could be established. In addition, The board should explain how the regional plans, SSIA and Conservation Strategy will be integrated.

The board should adopt SMART objectives for plan goals and make clear the systemwide objectives so that regional flood planning efforts can evaluate whether they are aligned with these objectives. These measurable objectives would guide development of regional plans and help prioritize funds according to systemwide priorities. Within 90 days of adopting the CVFPP, the board should develop criteria for regional plans and the criteria should emphasize risk management, resiliency, sustainability, and participation of the broadest spectrum of stakeholders possible for each region. Ideally, the board would develop a model regional plan to illustrate the intent of the criteria. The board should establish timelines for the development of the prioritized regional plans. DWR and the board should empower diverse stakeholders to collaborate in the development of regional plans, and should fund regional planning efforts with grants to non-profits, regional, or local agencies.

12.4. Corridor Management Strategy

Corridor Management Strategies designed to advance conservation objectives and facilitate permitting should be included as an integral part of each regional plan. Conservation objectives should be developed for each corridor as part of the Conservation Strategy and should be used to guide the development of management strategies for each corridor and regional plans for each region.

The plan and board should utilize the corridor management planning approach as a model for regional planning and ensure that each corridor management plan is designed to advance conservation objectives, facilitate permitting, and expedite implementation of flood risk reduction projects.

12.5. Eligibility Criteria for Regional Plans

The board should develop clear eligibility criteria for obtaining state funding to develop or implement regional plans. The criteria should include:

- Regional plans must have a strong risk management component. Regional plans that require state or federal funds to increase protection to 100 or 200-year levels of protection for rural or urbanizing areas should included provisions for agricultural conservation easements, strong land use controls, or building codes, for example, to ensure that state and federal investment does not induce growth and thereby increase flood risk.
- Regional planning processes must be configured to allow public stakeholders a fair and equal voice in plan development to ensure that statewide interests such as wise use of taxpayer dollars or protection of fisheries and other public trust resources are fully considered in plan development.
- SMART objectives for the primary and supporting goals should be developed early in the planning process and refined iteratively as preliminary analysis is concluded.

13. Climate Change

This section outlines information about climate change adaptation strategy that was considered in Central Valley Flood Plan. There was no quantitative analysis or modeling that was used to evaluate the potential effects of climate change on the flood management system. In the absence of quantitative analysis, the report offers three ways in which projects in the flood plan contribute to climate change adaptation:

1. Providing wider bypasses to lower floodwater surface elevations and increase flow carrying capacity and flexibility to deal with higher flood flows
2. Changes in reservoir operations from F-CO and F-BO can provide flexibility and adaptability to changes in extreme flood events
3. The SSIA includes the potential for the state to participate with others in reservoir expansion projects and in obtaining rights for floodplain transitory storage from willing landowners

The section concludes by saying that “in summary, improved climate change information will allow more detailed evaluation of potential climate change impacts on the SPFC and refinement of approaches to manage higher floodflows and sea levels during preparation of regional plans and feasibility studies.”

Suggested revisions:

A minor suggestion would be that although they are interchangeable, “adaptation” is more commonly used in the context of preparing for climate change than is the term “adaption”.

On Page 3-23: We suggest that the sentence "Providing wider bypasses to lower floodwater surface elevations would increase flow carrying capacity and flexibility to deal with higher flood flows that may occur because of climate change." is changed to read "Providing wider bypasses *and setting back levees* to lower floodwater surface elevations would increase flow carrying capacity and flexibility to deal with higher flood flows that may occur because of climate change."

On Page 3-23: We suggest that the flood board consider adding a sentence that reads: "*The potential for climate change to increase the frequency and severity of flooding events provides additional motivation to consider reducing flood risk by further limiting urban development in flood prone areas."*

On Page 3-24: At the end of the last sentence, we suggest adding a sentence to read: "*Because climate change will impact not only flood risk, but also ecosystem function and water supply, there is a need to develop flood projects that in addition to safety can also provide benefits to other sectors."*

The climate change appendix states: "This report documents an assessment of probable impacts of projected climate change on the ability of the flood management system to provide adequate levels of flood protection. It includes a description of potential climate change effects on flood management, a discussion of the unique Climate Change Threshold Analysis Approach, and presents the results of a pilot study demonstrating the Climate Change Threshold Analysis Approach." Unfortunately, it is not clear how, if at all, this information was incorporated into the 2012 CVFPP, and specifically how it was used to evaluate the relative performance of the three fundamentally different approaches to flood management which were initially compared to explore potential improvements in the Central Valley. Presumably, one of the pieces of information that went into comparing these three approaches was climate change, but from this document, it is not clear how that comparison was performed. On page 2-26 the report states: "The current 2012 CVFPP will be based on available information and modeling tools, with critical updates and enhancement." DWR should add a sentence to this paragraph that explains very briefly the process by which this information directly informed the 2012 CVFPP.

It appears that there has been no quantitative analysis of the impact of climate change on the flood system or the three alternative approaches. This should be stated more clearly.

The climate change appendix (page 2-26) did develop a pilot study to demonstrate a quantitative approach for estimating the impacts of climate change, but apparently even the results of this study were not incorporated into the plan.

14. Flood Risk Reduction

Through guiding the Central Valley Flood Protection Plan, DWR and the board have an opportunity to take a real leadership role in how flood risk is managed in California for decades to come. The board should therefore leverage this watershed moment by considering the following points and recommended actions.

14.1. Plan must define a tolerable level of risk

The CVFPP Urban Levee Design Criteria calls for a minimum level of "protection against a flood that has a 1-in-200 chance of occurring in any given year" (page 2-1). The guidelines warn, however, that "…we should continually seek higher and higher levels of flood protection in order to keep the risk from increasing as we add more people and infrastructure to the floodplain" (pg 1-3). This guidance is unclear and may leave many communities in an ambiguous state as to what is acceptable flood safety in the future.

American Rivers strongly supports the adoption of a risk-based approach to target performance levels. The National Committee on Levee Safety issued a report[2] that provides guidance on safety levels (Tolerable Risk Guidelines, Recommendation 5) based on the potential loss of life. This risk-based guidance allows communities to assess their future growth and development plans and target an appropriate safety level suited for their long-term plan. The risk-based guidance eliminates the need to "continually seek higher and higher levels of [unspecified] flood protection" and gives communities more explicit and appropriate safety targets to strive for.

Over the last 25 years, California's flood deaths have been far worse than we have historically accepted as a society, which no doubt has informed the call for better flood protection in the Central Valley and the CVFPP. Unfortunately, the CVFPP while reporting substantial increases in life safety over current levels, appears to fall orders of magnitude short of achieving the accepted safety standards, even according to its own analyses. We believe that accepting this plan without revisions to bring safety standards akin to those used for dam safety in the US and flood safety in other developed nations would be a disservice to the people of California—both those immediately exposed to flood risk, and to the society as a whole.

Figure 14.1.1 shows a graphical representation of the Tolerable Risk Guidelines from the National Committee on Levee Safety report (frequently referred to as an f-N plot). The y-axis represents the annual flood likelihood (such as the 100-year flood) and the x-axis represents loss of life as a result of flooding. We have added data on the diagram (blue ovals) depicting historical flood events in California

[2] National Committee on Levee Safety. "Draft: Recommendations for a National Levee Safety Program," January 15, 2009. Available from: http://www.leveesafety.org/docs/NCLS-Recommendation-Report_012009_DRAFT.pdf.

and the associated number of casualties. That most of these deaths fall in the "unacceptable" region for the NLCS illustrates the need for more effective and explicit risk guidelines than the unwritten ones guiding us to date. All mortality numbers used in this figure come from those provided in Table 1-1 of Attachment 8G of the CVPFF, and the estimated recurrence intervals (annual likelihoods) were derived from USGS gauge station data.

Furthermore, the annualized life loss estimates in the CVFPP remain well outside the bounds for tolerable loss of life as defined by the National Committee on Levee Safety.

We have added a line depicting the risk level corresponding to a 1-in-200 year event. As can be clearly seen on Figure 1, this standard would be considered unacceptable to the National Committee on Levee Safety and is woefully insufficient to protect our densely populated urban areas.

Senate Bill 5 calls for the 200-year recurrence interval to be a MINIMUM level of protection, not a maximum. Achieving the 200 year level of protection simply limits the probability of flooding. It does not necessarily reduce the consequences of flooding and therefore does not actually reduce risk in areas where the increased protection induces urban development of floodplains. The performance levels should either be directly correlated to the consequences, which may require a higher level of protection in densely urbanized, deep floodplains or increases in levels of protection for existing urban or urbanizing areas should be paired with strategies to management the consequences of eventual flooding such as flood insurance, building codes land-use restrictions, or conservation easements.

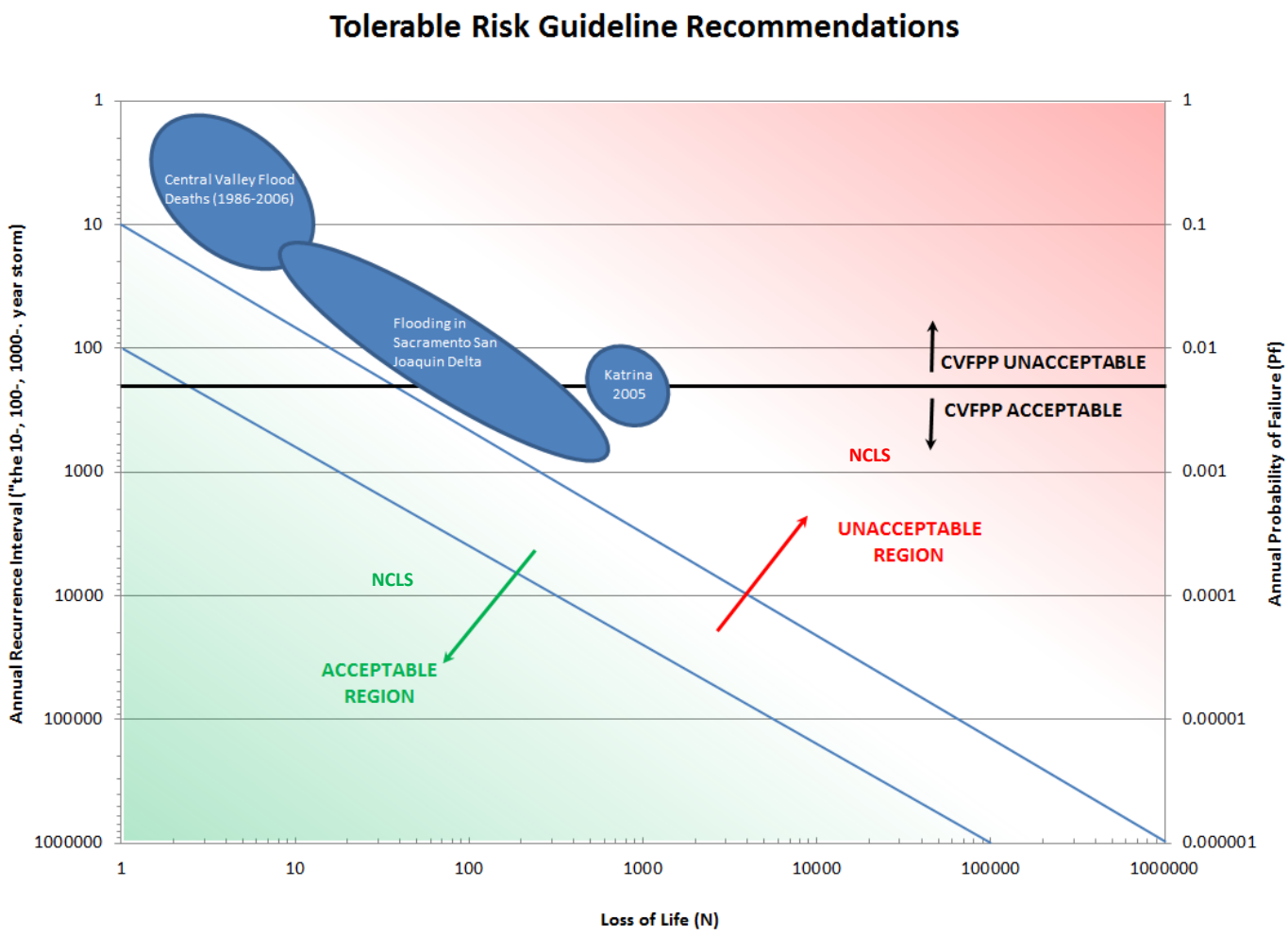


Figure 14.1.1. Tolerable Risk Guidelines based on the National Committee on Levee Safety, with modifications for the CVFPP safety guidelines as well as plots of Hurricane Katrina (New Orleans 2005), Central Valley flood deaths (1986-2006), and estimates of loss of life due to flooding in the Sacramento-San Joaquin Delta (Jonkman et al 2012).

14.2. Plan May Increase Risk by Overreliance on 200-year Levees.

Though unintended, the Central Valley Flood Protection Plan may actually increase flood risk in the region by inducing growth behind new 200-year levees. While a 200-year levee reduces the likelihood of flooding, it increases risk by permitting urbanization (dense development and critical infrastructure) in these floodplain areas without secondary risk management measures or limits to growth. A levee failure during the winter flood season could rapidly flood homes and businesses to depths of six feet or more with cold water at 55° F. Considering a 200-year levee has a 39% chance of being overtopped in a 100-year period (or 14% over 30 years), the fatalities, as well as economic and societal damage, that would ensue could be catastrophic.

14.3. The CVFPP Must Consider the Full Set of Risk Management Tools

We welcome the plan's efforts to consider risk reduction measures like bypasses, but in focusing mostly on flood prevention, the plan has not considered the full set of risk management tools to manage "residual risk." Operations and maintenance are necessary, but offer nothing in the way of public safety or property protection when a levee overtops. Other tools, such as flood insurance, mandatory building codes, and land use restrictions may be outside of the power of DWR to impose, but they may be essential or more efficacious for managing risk. For example, requiring flood insurance as a condition of levee improvements could reduce the financial liability for both individuals and tax payers. Elevating buildings, requiring vertical evacuation, and using flood resistant building materials would significantly improve public safety by giving people a safe place to go during high water, and by reducing economic damage when a levee overtops. Land use measures that limit urban uses in undeveloped deep floodplains or lands immediately adjacent to levees could improve public safety and reduce economic damage by limiting exposure in the first place in those areas most vulnerable to rapidly rising and fast flowing water.

14.4. The CVFPP Should Consider Community Resiliency and Recovery

The CVFPP analyses do not explicitly consider the time it would take for communities to recover after a significant flood. Community recovery can be a long and difficult path—for example New Orleans saw the largest in-country migration since the Civil War following Hurricane Katrina, and many former residents will never return. Cost estimates, and the FDA and Life Risk Analysis, tend to focus on replacement costs only and neglect the long-term effects and societal damages to urban and rural areas, like the 124,000 jobs lost in New Orleans following Hurricane Katrina or the more than 1,000,000 people who were displaced (ASCE 2007). A flood that damages irrigation delivery infrastructure may not directly harm crops, but if the irrigation supply cannot be repaired before hot weather, total crop loss could be the result. This could translate into depressed farm revenues for years, producing multiplier impacts that depress local economies for years.

14.5. Risk analysis Underestimates Risk

We have reason to believe that the risk analysis methods used in the CVFPP may have underestimated the true risk considering life loss and other damages and we request a peer-review. The following points highlight the uncertainty and could have effects on the real loss of life and damages experienced during a flood. See section 12.3.1 and the following comments.

- Inputs to the Life Risk model are based on 2000 Census data and don't account for new development behind levees since 2000, leading to an underestimation of the potential loss of life during a flood. It is possible to accommodate for the growth and still maintain data at the fine level desired despite DWRs' reluctance to include do so.

- The evacuation efficiency is questionable for the following reasons:

- Optimistic warning times may be used for certain areas like Natomas (Jonkman et al 2012) and because the model assumes a 100% willingness to evacuate.
- A recent study (Ludy & Kondolf 2012)[3] showed 17% of residents would not evacuate if advised,
- Many news reports during floods often mentions individuals who try to "wait it out" and have to be rescued in the end. Lastly the model assumes a single mortality rate for an entire impact area despite the reality that mortality rates for adjacent levee breaches are significantly higher than the rates in the rest of the floodplain.

- One recent publication (Jonkman et al 2012)[4] estimates twice as much loss of life in the Natomas Basin compared to the CVFPP analysis.
- Flood Damage Analysis does not consider the full range of damages or consequences seen in large flood events like Katrina, or seen in risk assessment methods used by other countries like the Netherlands [5,6,7]
- Massive job loss, massive migrations, short and long terms health effects due to contaminated waters
- Emergency response is considered an effective tool, however more Katrina fatalities occurred in evacuation than due to flood exposure.
- Analysis does not provide adequate discussion on availability of emergency shelters
- Damage analysis does not capture or communicate full Societal Risk. Annualized deaths and damages do not convey the same message.

---

[3] Ludy, J. & Kondolf, GM (2012). Flood risk perception in lands "protected" by 100-year levees. Natural Hazards. 61:(2), 829-842 DOI: 10.1007/s11069-011-0072-6

[4] Jonkman, SN. Hiel, L., Bea, R., Foster, H., Tsioulou, A., Arroyo, P., Stallard, T., and Lyndsie Harris (2012) Integrated Risk Assessment for the Natomas Basin (CA):Analysis of Loss of Life and Emergency Management for Floods. Natural Hazards Review doi:http://dx.doi.org/10.1061/(ASCE)NH.1527-6996.0000079

[5]American Society of Civil Engineers (2007). The New Orleans Hurricane Protection System: What went wrong and why?

[6] Technical Advisory Committee on Water Safety in the Netherlands (TAW). (2012) Technical Report on Soil Structures. Accessible: http://www.enwinfo.nl/engels/downloads/TRSoilStructures.pdf

[7] Vrijling, H 2001. Probabilistic design of water defenses in the Netherlands. Reliability Engineering and System Safety 74 :337-344[4]

Appendix I

Comments on the Technical Appendices as they pertain to the CVFPP

Volume I

Not Reviewed

Volume II

Not Reviewed

Volume III

Attachment 8: Technical Analysis Summary Report

We recognize that modeling the hydrology and hydraulics of the entire Central Valley SPFC system is a complex undertaking. However, it is important to reinforce statements throughout the 2012 Central Valley Flood Protection Plan regarding the preliminary nature and limited detail of the modeling conducted to inform evaluations of the four approaches described in the plan. The documentation of these modeling analyses in Attachment 8 spans hundreds of pages, which could convey the impression that exhaustive modeling has already been completed and that more detailed evaluations would not be possible with available time and resources.

However, upon closer examination, it is clear that a substantial portion of the modeling documentation in Attachment 8 is comprised of a repetition of basic descriptive information about the four flood management approaches. A large portion of the remaining documentation in Attachment 8 is a summary of the Comprehensive Study models that were adapted for use in Central Valley Flood Protection Plan evaluations. The appendix itself acknowledges that, in most cases, more detailed plans and projects will require more detailed hydrology.

In summary, the extremely limited detail about modeling specifically developed for development of the plan indicates that the scope of new modeling for this effort was limited and that more detailed and refined modeling should be considered before flood management approaches such as setback levees are eliminated from consideration in the State Systemwide Investment Approach.

Core chain of analyses includes “unregulated” hydrology (synthetic hydrology from Comp Study), reservoir models (HEC-5 and HEC-ResSim), hydraulic models (Comp Study UNET models for rivers and RMA for Delta), geotechnical levee performance characterization, floodplain hydraulic models for out of bank flows (FLO-2D), and finally risk analysis (HEC-FDA).

Attachment 8A: Hydrology

This is unclear: "Natural flow frequency curves are strictly rainflood frequency curves. Snowmelt runoff is not directly incorporated into the analysis."

Pg. 21: Describes how the Comp Study used a "composite floodplain" concept which "represents the maximum extent of inundation possible at all locations for any simulated synthetic exceedence frequency storm events."

Attachment 8B: Reservoir Analysis

Pg. 1-1: For the 2012 CVFPP, only changes in reservoir operational criteria (i.e., flood storage allocation and objective release) were considered to provide downstream flood management benefits for this reconnaissance level analysis.

Pg. 1-1: The objective of the analysis described in this attachment was to demonstrate whether there is any potential improvement in systemwide flood management (e.g. lower downstream peak flood stage) from changes to reservoir operational criteria. Results from this analysis provide insight for more detailed and coordinated studies to explore operational criteria changes.

Pg. 1-2: Any changes would also require coordination among ongoing reservoir studies such as the California Department of Water Resources' (DWR) existing Forecast-Coordinated Operations (F-CO) Program, planned Forecast-Based Operations (F-BO) Program, and ongoing System Reoperation Program.

Pg. 1-2: Reservoir operational criteria changes were not moved into SSIA because this plan is preliminary, findings are uncertain, and coordination is needed.

Pg. 2-1: It is recommended that future detailed and coordinated studies occur to consider other potential effects (e.g., water supply, environmental) and to explore the feasibility of modifying operational criteria at individual reservoirs.

Pg. 2-1: Reservoir operational criteria changes can also provide greater flexibility to accommodate future hydrologic changes, (e.g., climate change), provide greater system resiliency, and benefit the ecosystem.

Pg. 2-2: The 2012 CVFPP recommends an overall system reservoir analysis to holistically evaluate potential integrated solutions, such as the one DWR is currently formulating under its System Reoperation Program.

Pg. 2-2: EFSC includes "modifications to the reservoir release schedule and flood storage allocation at Lake Oroville (equivalent to an additional 200,000 acre-feet of flood storage), and coordinated operation with New Bullards Bar Reservoir, to reduce flood stages on the Feather River during a 200-year (0.5 percent annual exceedence probability (AEP)) flood event." AND "…in the San Joaquin River Basin, the

State would partner with interested reservoir operators to increase the flood storage allocation at New Don Pedro, Friant, and/or New Exchequer dams by about 400,000 acre-feet to effectively manage the 100-year (1 percent AEP) flood event at these reservoirs.

Pg. 2-2: Reservoir reoperation not moved into SSIA.

Pg. 2-3: The integrated solutions could include actions such as increasing downstream transitory storage, constructing setback levees, and increasing upper watershed storage to maximize flood management and other benefits.

Attachment 8C: Riverine Channel Evaluations

Pg. 1-1: H&H from the Comp Study (except for new models of Calaveras River and Bear Creek).

The No Project condition (in the hydraulic modeling) includes the following:

- Levee improvements in south Yuba County implemented by the Three Rivers Levee Improvement Authority (TRLIA) since 2004 (TRLIA, 2011)
- Natomas Levee Improvement Program by the Sacramento Area Flood Control Agency (SAFCA) (SAFCA, 2011)
- Folsom Dam Joint Federal Project to improve the ability of Folsom Dam to manage major floods by allowing more water to be safely released earlier in a storm event, leaving more storage capacity for capturing peak inflow (Reclamation, 2009)
- Levee improvements along the American River to safely pass a flow of 160,000 cubic feet per second (cfs) as part of the American River Common Features Project (SAFCA, 2011)
- Marysville levee improvements (USACE, 2009b)

Pg. 3-4: Used UNET models for both Sacramento and San Joaquin watersheds.

Pg. 3-9: Setbacks only considered in EFSC alternative, and only at RMs 111.25 – 169.5 and 199.5 – 197 on the Sacramento, 0 – 24.5 on the Feather, 72.5-81.5 and 99 – 115 on the San Joaquin.

Pg. 3-9: Bypasses (widen Yolo Bypass and lengthen Fremont Weir; widen Sutter Bypass; Feather to Butte Basin (Biggs) Bypass, and a widened Paradise Cut) considered in both EFSC and SSIA.

Pg 3-9: Widen Sacramento Bypass and gates only in EFSC.

Pg. 3-9: Floodplain storage (Sutter Butte Basin, Feather River Basin, Elkhorn, Merritt Island, Roberts Island, and the San Joaquin River between the Merced and Tuolumne and the Tuolumne and the Stanislaus) only considered in EFSC.

Only modeled 10 year flows and greater.

Pg. 3-16: "Enchance" Flood System Capacity

Pg. 3-17: Cross sections were modified in specified reaches (Table 3-1) of the Sacramento and Feather rivers to represent levee setbacks. Cross sections were also modified in the Sutter, Yolo, and Sacramento bypasses to represent widening of the bypasses. Cross sections were added to represent the bypass between the Feather River and the Butte Basin.

Attachment 8D: Estuary Channel Evaluations

Not Reviewed

Attachment 8E: Levee System Performance

See Section 9.6

Volume IV

Attachment 8F: Flood Damage Analysis

See Section 13.3.1

Attachment 8G: Life Risk Analysis

Section 2.3.1, 13.2, 13.3.1, 19 these sections will be further revised—Rune & Katie & Jessica

Attachment 8H: Regional Economic Analysis for SSIA

Not Reviewed

Attachment 8I: Framework for Benefit Analysis

Overall, the benefits analysis is rather vague and conceptual. Benefits are not assigned to specific elements of any approach, and the analysis pertains mainly to the SSIA with only life risk avoidance and some damage avoidance benefits described for other approaches. The claimed benefits are not supported with documentation beyond the risk assessment and regional economic analysis, leaving most of the benefits discussed as assumed outcomes of the SSIA. There is no consideration of flood management goals (e.g. water surface elevations) nor the benefits of one approach compared to

another. This could bias plan preferences toward certain measures over others without measurable criteria. Several types of benefits are mentioned but few are specifically assigned to the SSIA or another approach.

Quantitative Benefits:

The benefit analysis looks at benefits as either avoided damages or specific gains. Part of the analysis looks at all approaches and other parts consider only the SSIA. Quantitative benefits are evaluated in three areas: life risk, damage, and regional economic gains. The benefits for life risk and damage are simply the difference between no project (current conditions) and the approaches based on avoiding the amount of damages determined in the risk analysis. The quantitative damage avoidance benefit for agriculture is limited to direct crop loss from the damage assessment.

The benefit analysis assigns Early Implementation Projects to SSIA, but not to the current condition/no project. The benefits the EIPs increase the benefits to the SSIA and lower the no project baseline resulting in greater benefits for all approaches as compared to those benefits provided by the current condition.

For regional economic benefits, only the SSIA is considered. The benefits included are limited to construction stimulus and indirect avoided business losses. Direct business loss is factored in as part of the avoided direct damages. All the benefit values are only relevant in relative terms. They are not predictive estimates of actual benefits. They are presented to provide a rough comparison of the approaches.

While the analysis assumes that the potential for flood-impacted industries to recover to pre-flood levels would be improved, no analysis supports this assumption (I assume the opposite, that if we armor the urban areas and they still get flooded, the armoring will have created a more devastating flood and make it harder to recover than if more frequent less damaging floods had preceded the design flood).

Qualitative Benefits

The analysis also mentions several qualitative benefits. None of these are associated with specific project elements, however, and they are presented as conceptual attributes that *might be able* to be realized.

The qualitative benefits discussed include: damage avoidance (not previously included in the direct damage avoidance benefit), avoided release of hazardous materials, avoided loss of livestock, infrastructure damage, and loss of public service such as emergency service, transportation, education, health care, utilities (water, wastewater, electricity, natural gas, communications). Agricultural benefits mentioned include ease of obtaining crop insurance and production loans, retained employment in processing and service sectors, and agricultural land conservation through easements.

Avoided costs mentioned include emergency response during a flood and some post-event cleanup, reduced erosion repair through realignment and widened corridors, avoided costs from shortening levees through setbacks, and unspecified maintenance reforms and physical modifications. However, levee realignments, widened corridors, and shortened levees did not seem to appear in the SSIA cost estimates. It is therefore unclear whether there is a labeling inconsistency or whether this is simply a conceptual presentation, speculating that these benefits might be able to be attained.

Other cost savings are also mentioned including those due to efficiency improvements, hints of regional permits, and a more flexible operating framework. No specifics of the benefit or the character of the element are given. Though this section does state that "improving habitat extent, diversity, condition and connectivity can improve implementation and operation," no examples are provided and no parts of the system are identified where these improvements are expected to arise.

One paragraph on climate response notes that bypasses/corridors provide lower water stages affording better response to higher peaks created by climate change.

Ecosystem services are mentioned but deferred until 2017. Within this discussion it states that two types of habitat are to be created: riparian/floodplain forest, and fish rearing habitat, though locations are not provided other than the general acreage given in the main document. The analysis also includes unspecified fish passage improvements at diversions, flashboard dams, structures, and pumping plants aimed at connecting the Delta to Butte Creek. It assumes fish benefit from more frequent bypass flows, which is probably a reference to the BDCP desire to increase the frequency of flooding in the Yolo Bypass. Nothing in the SSIA, however, advocates for increased frequency of flooding or more frequent spills into the bypasses.

In terms of water supply, the analysis claims that a few hundred thousand acre-feet could be made available by SSIA reservoir forecast based operations and groundwater recharge in floodplain.

Attachment 8J: Cost Estimates

See Sections 9.3 and 9.4

Attachment 8K: Climate Change Analysis

See Section 13

Summary of the report:

This report addresses how climate change will affect the ability of the Central Valley flood management system to provide protection. There are three main sections to the report. The first provides a

literature review of the projected changes in precipitation and runoff patterns, sea level rise, and economic development that are expected as a result of climate change. The information presented here provides a good general overview of the three major impacts that climate change will have on flood management. Unfortunately, there is little specificity and it is not clear how this information informed the 2012 CVFPP analysis

The second section provides a detailed description of a Climate Change Threshold Analysis Approach for evaluating the effects of climate change on flood management. While this approach does appear useful, it is not incorporated into the 2012 CVFPP, but the report does say: "..the 2017 CVFPP will benefit from the development of the Climate Change Threshold Analysis Approach." (**Page 2-26**).

The third is a pilot study of the Climate Change Threshold Analysis Approach for reservoir operations at Oroville Dam on the Feather River.

Suggested revisions:

On **Page 1-1** the report states: "This report documents an assessment of probable impacts of projected climate change on the ability of the flood management system to provide adequate levels of flood protection. It includes a description of potential climate change effects on flood management, a discussion of the unique Climate Change Threshold Analysis Approach, and presents the results of a pilot study demonstrating the Climate Change Threshold Analysis Approach." Unfortunately, it is not clear how, if at all, this information was incorporated into the 2012 CVFPP, and specifically how it was used to evaluate the relative performance of the three fundamentally different approaches to flood management which were initially compared to explore potential improvements in the Central Valley. Presumably, one of the pieces of information that went into comparing these three approaches was climate change, but, from this document, it is not clear how that comparison was performed.

On page 2-26 the report states: "The current 2012 CVFPP will be based on available information and modeling tools, with critical updates and enhancement." **We suggest adding a sentence to this paragraph that explains very briefly the process by which this information directly informed the 2012 CVFPP. It appears that there has been no quantitative analysis of the impact of climate change on the flood system or the three alternative approaches. This should be stated more clearly.**

Page 2-26: "While available information and modeling tools do not support a complete application of the this approach for the 2012 CVFPP, to demonstrate the concept, a pilot study has been conducted and documented in the following chapter of this report." **We suggest adding the sentence: "The results of this pilot study have not been incorporated into the 2012 CVFPP."**

Attachment 8L: Groundwater Recharge Opportunities Analysis

Not Reviewed

Volume V

Attachment 9: Supporting Documentation for Conservation Framework

See Section 11.

Attachment 9A: Regional Advance Mitigation Planning

Not Reviewed

Attachment 9B: Status and Trends of the Riparian and Riverine Ecosystems of the Systemwide Planning Area

Chapter 1: Introduction

The purpose of the Status and Trends report is not clear. Is it a problem statement explaining what is wrong with the existing condition? Is it intended to establish baseline conditions? Is it intended to serve as a conceptual model that explains why the system has declining species and habitats? We think you are trying to do all of the above, but it is not clear. Instead, the stated purpose is to serve as the basis for the Conservation Framework and this chapter should consider how to do so more explicitly.

Section 1.5 states:

> "This report is not intended to be an exhaustive description of the SPA's riparian and riverine ecosystems. Rather, it focuses on describing key relationships among the Sacramento Valley and San Joaquin Valley's river flows, geomorphic processes, and ecosystem responses that are relevant for understanding how these ecosystems function and how key stressors have modified these ecosystems historically and continue to modify them today."

This chapter should be revised to explain how this stated purpose advances the Conservation Framework for the flood plan.

Chapter 2: Historical Modifications to the Riparian and Riverine Ecosystems

The text of Chapter 2 does not clearly target the description of the key *relationships* between the rivers, flows, geomorphic processes, and ecosystem responses as promised in the introduction. The text is

mostly descriptive of ecosystem characteristics, rather than relationships, and is only marginally better than boiler plate.

The descriptions in this chapter are inconsistent, uneven, and mostly limited to two reaches of the river system. The Sacramento section focuses mostly on the mainstem and spends a large amount of time discussing geologic controls and vegetation, and very little time on hydrologic changes or salmon. The chapter includes some detail about certain topics but no acknowledgement of really significant problems:

i. Nothing regarding the hydrologic alteration on the Sacramento with the exception of the clause "the frequency and duration of inundation may be reduced compared to conditions before 1850."
ii. Hardly any mention of salmon and nothing about other native fish.
iii. Nothing about invasive species.

Rather than attempting to provide an incomplete and inferior quality historical account, it would be better to simply reference the dozens of studies that have previously described historical conditions and show the before and after maps created by the Bay Institute. This would form the basis for articulating a simple problem statement regarding the existing status and trends, which, in turn, could form the basis for identifying plan objectives (see comments on Conservation Framework). Alternatively, one could rewrite along the lines as suggested in Appendix A.

The San Joaquin section is mostly reprint of a 1998 Jones and Stokes report (which is superseded by the far more definitive 2002 Background Report) and focuses largely on the river between Friant Dam and the Merced. Very little information on the tributaries, salmon, or Delta issues is included. The structure and content of the San Joaquin text is quite different than the Sacramento section:

i. Provides no discussion or information, aside from the table, on the tributaries with the exception of some text on gravel mining.
ii. As with the Sacramento section, the analysis should dispense with the description and rather reference all the previous work on this subject, starting with the Background Report.
iii. Although the text mentions the bypass system, it doesn't explain how it works or how it impacts the river. At a minimum, the text should explain how many miles are bypassed.

We recommend content to emphasize the links between processes in Appendix A of these comments. There is also a lot of good site-specific text in section 3.5 that would be better integrated into this descriptive chapter.

Chapter 3: Basis for Status and Trends

The focus on link between hydrologic, geomorphic, and ecological processes is excellent, but work is needed in execution of this concept. Although hydrologic alteration of moderate pulse flows is clearly altered by flood management alterations, the nexus between base flows and the flood plan is more

tenuous. Focus on factors that have a closer link to flood management and acknowledge that other important factors, like base flow, are largely outside of the flood plan.

This section is really more about conceptual models and providing a basis for metrics than it is a basis for status and trends. It would be better to treat this section more as a *description of the problem* statement and a conceptual model regarding how natural river systems function and how anthropogenic stressors disrupt these processes. This could then be followed by a third section that briefly summarizes the status of natural processes and disruptive stressors in each reach. In its current form, the chapter bounces back and forth between conceptual concepts and site-specific descriptions.

Not all flow metrics have a clear nexus to the flood system. Bankfull and floodplain inundation are clearly related to flood infrastructure and operations such as reservoir release rules and levees. But base flow is determined by water supply operations or instream flow requirements and really has no nexus with flood management.

Section 3.2: The bankfull inundation description is problematic. Leopold (1964) correlated bankfull with the 1.5-2 year instantaneous peak flow, not with "storms occurring more frequently than every 2 years." The 1.5 annual maxima is a true metric. Storms occurring more frequently than every 2 years can vary widely in antecedent condition, area, duration, temperature, etc. They are a very poor metric.

The remainder of this section could more clearly and strongly support the basis for status and trends by better distinguishing between bankfull process and floodplain inundation. The two are related and often occur at similar discharges, but provide different *functions*. The text should be rewritten to distinguish them by function. *Floodplain inundation* flow causes the floodplain to become inundated and leads to all of the beneficial biogeophysical processes associated with inundation. The *bankfull* flow on the other hand, mobilizes the bed and banks – reshaping channel and floodplain morphology.

The first paragraph of 3.2.2 on bankfull flow is problematic:

> "The flow that occurs, on average, once every 1.5 to 2 years is often referred to as the bankfull flow (Leopold et al., 1964), even though a 1.5- to 2-year recurrence interval flow may not represent an actual bankfull condition in many stream reaches."

The second clause adds confusion and it is unclear why it was included. Hydrologists today still cite Leopold 1967. The author may be trying to say that the present day 1.5-2 year flow is not the actual bankfull either due to anthropogenic channel changes or flow alterations. The basic idea, however, is that *over time*, the channel will form a new channel that is sized to

approximately the 1.5-2 year event *unless* the altered channel and/or hydrology are totally out of equilibrium. See below.

It does seem true that bankfull in lowland depositional reaches, particularly near the Delta, is associated with a much more frequent discharge than the Q1.5 that Leopold described for gravel bedded rivers. If this is what the author was trying to say, more elaboration would be valuable and very relevant to this section. If the two key hydrologic processes are bankfull and floodplain inundation, it is really important to distinguish between them. If floodplain inundation can occur at a relatively greater rate in the lowland depositional reaches where it occurs for a longer period of time to lower drainage gradients, then we should focus restoration of that process in those reaches.

> "A bankfull flow event can occur at any time during the rainy season. It lasts for a variable duration, from hours to days or weeks, and exhibits a variable rate of flow, depending on precipitation patterns and reservoir storage capacity."

The bankfull flow can happen any time during the rain *or snow melt season*, not just the rainy season. The 1.5 – 2 year metric is probably more relevant to snow melt systems where Leopold did his research. The bankfull metric refers to the instantaneous annual maximum flow (annual maxima). While it is true that the river can flow at or above the Q1.5 for days or weeks, bankfull is not variable. More importantly, bankfull is a *concept t*hat applies to natural systems or normally distributed hydrologic events. Highly managed hydrology from reservoir operations is a statistical game changer and often results in a Q1.5-2 that doesn't have anywhere near the energy or volume necessary to perform the functions of bankfull flows – floodplain inundation and bed mobilization. For example the pre-dam Q1.5 at Friant gage was approximately 12,000 cfs and the post dam Q was 250 cfs – two orders of magnitude reduction. Although 250 cfs is the new Q1.5, it is not the "bankfull discharge."

The second paragraph of 3.2.2 is much better.

Section 3.3: The geomorphic section focuses on the middle Sacramento. Instead, it should just explain the importance of geomorphic processes generally and describe how they differ from alluvial transport reaches, low-land depositional reaches, and tidal reaches. All alluvial and tidal systems migrate or change over time, but they do so at different rates because of different energy gradients. While it may be true that the Sacramento is one of the few large rivers in the Central Valley where it is still easy to observe, it is still highly altered. Even if it were not altered, it should not serve as the model for all geomorphic process restoration in other types of reaches.

This section's description of geomorphic processes on the middle Sacramento is misleading (Section 3.3 fourth paragraph). This reach is not an "actively meandering channel with point bars on the inside of meander bends and active floodplain and older terraces on the outside of meander bends." It may be possible to see relicts of the old form and process and evidence of recent mobilization, but the system is highly altered and constrained by upstream reservoir operation and bank revetment. The next sentence is: "The river channel migrates across this floodplain to the limits of the meander belt, constrained only by outcrops of erosion-resistant geologic formations or artificial bank protection." Anyone that has canoed this reach knows that bank revetment is a common feature.

Section 3.4 is excellent but is apparently more focused on the Sacramento than the San Joaquin. More examples and citations from the San Joaquin (2002 Background Report or other publications) would be useful.

Section 3.5 is not quite as strong as 3.4. It still suffers from neglect of the San Joaquin. See Cain 2002 for a discussion of high IRI on the San Joaquin system.

Section 3.5.2 on geomorphic effects has lots of text that belongs in section 3.2 and is somewhat repetitive of 3.2.

Section 3.5.2 alternates between conceptual material that should go in 3.2, descriptive reach by reach, and discussion of stressors effects that seem appropriate for this section.

Chapter 4: Metrics chapter

The metrics seem unfounded and it is unclear as to how they are related to any of the objectives. We applaud the focus on geomorphic and hydrologic processes, but metrics should be linked to SMART objectives which the framework is lacking (see above comments on Conservation Framework). Conservation objectives are not even stated in this chapter. Although this chapter provides a fair amount of information on applying the metrics to the current status and trends, isn't the purpose of the metrics to measure plan implementation? Presumably it is good to show some sort of baseline, but the status and trends portion of the report really isn't that relevant and many of the metrics may be off base because they don't have a clear nexus with flood management.

Page 4-2: Median flows do not appear to be a good metric because there is no clear nexus with the flood program. The flood system and operations are not primary drivers of median flows. Median springs could be a better metric, but the Conservation Framework should focus on elements that have a *clear nexus* with flood management and acknowledge where the Flood Plan Conservation Strategy will not significantly shift conditions such as median flows or base flows.

This chapter will be most useful to the CVFPP if it is rewritten according to the following:

- **i.** Identify metrics that are specifically related to objectives.
- **ii.** Provide metrics that are supported by the conceptual models (or basis) provided in Chapter 3.
- **iii.** Provide metrics that have a nexus with the flood plan, not factors such as median flows that the flood plan is unlikely to change.
- **iv.** Don't repeat conceptual basis for metric in this chapter. That is the title of the previous chapter.
- **v.** Metrics chapter should not be based solely on one statistical method (IHA) or spend time explaining how one method works.

Despite some of the critical remarks and suggestions above, the chapter provides some good content and insights that should be incorporated in Chapters 2 and 3. For example, the observation:

> "The duration of the high pulse flows increased after the construction of dams on the Sacramento and San Joaquin rivers (Figures 4-5F and 4-6F). The reason is that the dams are operated to keep flows at the bankfull level and to keep them from spilling onto the floodplain."

This is a great observation of how the hydrology has been changed due to intentional flood operations that have a negative geomorphic and ecological effect.

Chapter 3's emphasis on bankfull and floodplain inundation is great, but Chapter 4's reliance on IHA is as off track and inconsistent as the descriptions of bankfull and floodplain inundation flows described in Chapter 3. IHA provides numerous statistics which are easy for a consulting firm to calculate and graph, but they are of limited value and even misleading in the absence of a good conceptual understanding of both the processes and the specific river conditions, including the unique hydrologic regulation of different reaches and rivers. This chapter is a poor use of the IHA. That said, some of these graphs, particularly figures 4.1-4.3 would be good in Chapter 2.

The first problem is the assumption that Bend Bridge or Friant are broadly representative of the rivers in the study area. IHA results at Friant are very different from IHA on the Tuolumne at LeGrange or on the mainstem at Vernalis, and IHA at Friant over the next 50 years under the restoration settlement will be much different than the last 50 years. Similarly, Bend Bridge is upstream of the major diversions, which exaggerates summer base flow.

Many of the figures are poorly labeled. Figure 4.4 appears to be both median and average monthly spring flows, not just median. The legend on figure 4.6 is mislabeled (includes reference to pre-Shasta and pre-Trinity which are irrelevant to the San Joaquin). The format of the graph layout is relatively hard to follow. For example, the top is labeled "mean annual discharge," which has one very specific hydrologic meaning but is used here to refer to a different thing – mean annual discharge of the bankfull

flood. It is not clear what the base flow (figures 4-7 & 4-8) is, but base flows at Friant are less than half the 500 cfs depicted in figure 4-8.

Changes in the mean annual discharge of bankfull flow is a useless metric as illustrated on the San Joaquin. The present Q1.5 at Friant is two orders of magnitude smaller than the historical, but figure 4.6 makes the post-dam bankfull look bigger. This is just an artifact of misusing the IHA. The real story is that the natural bankfull rarely occurs with post-dam hydrology.

The floodplain inundation flow and the "small floods" parameter in IHA are two very different things. Floodplain inundation happens on the lower San Joaquin and lower Sacramento at flows well below the average of the IHA small floods, which therefore is a really bad metric for actual floodplain inundation.

> **Section 4.1.2.** The area of floodplain reworked or length of channel are good long-term metrics, but they may not be good metrics for guiding shorter term management decisions. This metric should be augmented by one or more easier to measure, shorter term geomorphic metrics such as length of armored bank or number of bed mobilizing events (scour chains), length of active eroding bank, length and area of ownership consistent with letting the river move free of human conflict, or increases in channel invert elevation.
>
> The metric for levee revetment stressor (4.2.1) looks good, but wouldn't it also make sense to use the more straightforward, easier to measure, and easier to modify metric of length of armored channel?

> **Section 4.1.3 Riparian and Riverine Habitats** This section provides metrics that can be used to assess the status and trends of riparian and riverine habitats. It identifies two metrics, (1) the distribution and extent of perennial wetlands, seasonal wetlands, and riparian woodlands, and (2) the distribution and abundance of the following species: valley elderberry longhorn beetle, bank swallow, yellow-billed cuckoo, yellow-breasted chat, riparian brush rabbit, riparian woodrat, least Bell's vireo, and Chinook salmon.

It is great to see wildlife populations and habitat being considered in the plan. Unfortunately, as currently written, there is still much work to do. Overall, this section is vague and incomplete.

- It addresses only 2 metrics – habitat distribution and extent and species distributions abundances. Increasing distribution and abundance is a good long-term objective for the plan, but distribution and abundance may not be a good short-term metric for measuring whether the flood plan is actually advancing the objective. As discussed above, the plan must first state SMART objectives before identifying metrics.
- The section is a general description of current conditions, but the data and maps are out of date (1997 Landsat), and accuracy is questionable. For example, the Cosumnes River Preserve has no mapped riparian vegetation. It is all mapped as wetland.

- The report does not use existing data. For example, it omits several key data for Bank swallow and Yellow-breasted chat occurrences.

Below are a few of the most critical problems that should be addressed:

Distribution and extent of habitat. The Status and Trends report presents information on freshwater perennial wetland, freshwater seasonal wetland, and riparian. These three habitat types are very similar to the three habitats (seasonal wetland, semi-permanent wetland, and riparian) that were identified in the 2006 Central Valley Joint Venture Implementation Plan. Thus, there is an opportunity to compare the numbers reported in the Status and Trends appendix to those in the CVJV Implementation Plan (Table 3-1, page 28). Unfortunately, the Status and Trends report does not contain a table that describes the number of acres of each habitat type, thus it is impossible to quantitatively compare the estimates of habitat acreages to acreages that have been presented in other reports. Providing a table that reports the acreages of each habitat, ideally broken down by the basins that were used in the CVJV Implementation Plan, would increase the transparency and utility of this information.

Selected Species. The section states that these nine species were selected that "are highly dependent on riparian habitats in the Sacramento and San Joaquin valleys for foraging, breeding, or other important life history requirements. They also were selected because each is considered to be rare, threatened, or endangered by State or federal resource agencies." This suite of species seems limited for the following reasons:

First, it would seem natural that the species would match with the three habitats that were quantified (seasonal wetlands, perennial wetlands, and riparian). Instead, these are all riparian species. This ignores birds or other organisms associated with seasonal and perennial wetlands. One could easily include some of the wintering and breeding shorebirds, waterfowl, and waterbirds that were included in the Central Valley Joint Venture Implementation Plan to represent these wetland habitats.

Second, if these species were selected to serve as metrics of success, there may be real limitations to focusing on rare and threatened species. Many of these species are already so rare that even if substantial amounts of habitat were created, there may be little or no response. Thus, restoration that has an extremely positive outcome for the larger ecosystem condition may fail to register as successful when measured by the response of these extremely rare species. The plan should address this by including some of the more common riparian focal species (e.g., Black-headed Grosbeak and Spotted Towhee) that were included as conservation targets in the CVJV Implementation plan.

Quantifying the current status of species. Section 4.1.3 begins with the statement that "Species abundance would ideally be presented as counts of representative species, but those data are not available." The section then presents information on distribution of species that was generated primarily from CNDDB (California Natural Diversity Data Base). Unfortunately, the CNDDB is far

from up to date, and the report fails to include many sources of useful information for these species. In fact, in some cases counts of representative species are very much available and we strongly recommend that you use them. Below are examples of where better quantitative information is available:

Bank Swallow. The Bank Swallow is listed in Table 4-2 as occurring "throughout lowland California." While this is technically true, it omits the fact that most of the breeding population nests in colonies in the banks of the Sacramento River. Furthermore, the degree to which there were ever large colonies on the San Joaquin is not known, thus the utility of this species as an indicator of success in the San Joaquin should be carefully considered. The California Department of Fish and Game and the California Department of Water Resources conduct annual surveys of these colonies. Thus, there is a good long-term data set describing the decline of Bank Swallows on the Sacramento River. Unfortunately these data were not included or referenced.

These data were recently summarized by Garcia et al. (2008). More recently, DWR has also conducted surveys on the Feather River that may be relevant to this document. All of these data could be obtained by contacting the Bank Swallow Technical Advisory Committee (http://www.sacramentoriver.org/bankswallow/).

Garcia, D., R. Schlorff, and J. Silveira. 2008. Bank Swallows on the Sacramento River, a 10-year Update on Populations and Conservation Status. Central Valley Bird Club Bulletin 11:1-12. (available on-line: http://www.sacramentoriver.org/bankswallow/files/CVBC_2008_Garcia-et%20al.pdf)

Least Bell's Vireo. The report states that "Least Bell's vireo is known from many locations in Southern California but only one location in the Sacramento and San Joaquin valleys." A more detailed account of Least Bell's Vireo was recently published (Howell et al. 2010). Furthermore, the extreme rarity of this species makes it unlikely that it will provide a good metric of success for the actions of the flood plan.

Howell, C. A. J. K. Wood, M. D. Dettling, K. Griggs, C. C. Otte, L. Lina, T. Gardali. 2010. Least Bell's Vireo breeding records in the Central Valley following decades of extirpation. Western North American Naturalist 70:105-113. (available on-line: http://www.prbo.org/refs/files/11997_ChristineA.Howell2010.pdf)

Yellow-billed Cuckoo. The report states, "There are no recorded occurrences of yellow-billed cuckoo in the CNDDB." Instead of relying on CNDDB, the plan should refer to a recent report from PRBO Conservation Science to the California Department of Fish and Game that describes a significant effort to survey the Sacramento River for Yellow-billed Cuckoos and provides an estimate of the current population size (Dettling and Howell 2011).

M. D. Dettling and C.A. Howell. 2011. Status of the Yellow-billed Cuckoo along the Sacramento River in 2010. Report to California Department of Fish and Game. PRBO Conservation Science

Contribution #1794. (available on-line:
http://www.nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=55330)

Chapter 5: Recommendations Section

Section 5.1 (Data Gaps) reads like the consultant full employment act. Some of the recommendations may be warranted, but nearly all of them are too vague. For now, it makes sense to remove and reconsider all recommendations until the metrics section is revised to be consistent with objectives and Chapter 3. At that point, recommendations should focus additional efforts on gathering the baseline data necessary to track metrics over time.

Section 5.2. It is unfortunate that conceptual models were not better developed during the planning process. If conceptual models are developed, DWR should contract with the Delta Science program to develop conceptual models linked and integrated with the DREIP models. They should build off the DRERIP Riparian, Salmonid, and Floodplain models instead of starting from scratch.

Additional Suggested Content for Chapter 2: Status and Trends Report

The following text provides the type of content that should be included in Chapter 2 in order to better describe the linkages between hydrologic and geomorphic processes with ecosystem responses for each basin.

San Joaquin

San Joaquin is a higher elevation system with a combination of both snowmelt and periodic rain floods. Present day hydrology is characterized by extreme hydrologic alteration due to the absence of any significant unregulated watersheds, large reservoir volume to run-off ratio, and substantial diversion capacity including out of basin diversion from the Friant Kern Canal. The system is so hydrologically altered, particularly on the mainstem San Joaquin, that nearly approximately 60 miles were dry for half a century. To mitigate this extreme diversion of water, Sacramento water from the Delta is imported to the mainstem river via the Delta-Mendota Canal. Provide statistics about reduction in median flows, particularly median spring flows at Vernalis.

Gravel bedded reaches: Dramatic reductions in peak flows have substantially reduced stream power and eliminated most geomorphic processes such as bed mobilization and floodplain inundation except in the wettest years. The Q1.5 has been reduced by one to two orders of magnitude. As a result, the system is mostly ossified and not really alluvial anymore. Dams block nearly all coarse sediment contribution. On top of this, massive gravel mining has converted large reaches into gravel ponds, creating a shift from an alluvial riverine reach to predator rich, lacustrine habitat. Recent restoration projects, particularly on the Tuolumne and Merced have mitigated some of this traumatic pertebation.

Mainstem geomorphic reaches consists of three distinct reaches: (1) Mendota to Merced; (2) Merced to Vernalis; and (3) Vernalis to Delta. The first reach is characterized by anastomosing (not anabranching) channels that were relatively stable and independent. This reach has historically been characterized by artesian springs and vast floodplains of tule marsh. Today, these multiple channels have been radically altered and mostly bypassed by natural flows through the Chowchilla and Eastside bypasses. Large areas have been converted to agriculture and managed wetlands, both of which are hydrologically disconnected from the river. This reach is characterized by much degraded water quality that also degrades downstream reaches. The reach was once habitat for native resident fishes like hitch, blackfish, and splittail. These fish are still found but the reach is now dominated by exotic fish.

The diversity of fish species has been highly altered. Show famous Moyle table on changes in species composition.

The Delta reach has been highly altered by habitat loss, levees, and hydrodynamic impacts of the water project. Lack of natural turbidity (due to hydrologic alteration), flows, and cool water combined with agricultural run-off make young salmonids very vulnerable to predation and other forms of mortality.

The large majority of juvenile salmon migrate, or were washed downstream, in late winter as fry (Demko) and only about 20% rear in gravel bedded reaches. Massive loss of floodplain habitat due to levees, bypasses, and flow alteration, combined with extremely harmful hydrologic conditions in the Delta, make it very difficult for young salmon to rear in the lower river. Thus, the only successful lifecycle strategy is to rear in the natal spawning reaches until smolt size and then brave the warm temperatures through the lower river in late spring.

Due to the snowmelt run-off, the San Joaquin once supported large spring-run populations on mainstem and all four tributaries, but this run has been extirpated by dams that block access to habitat. Restoration efforts aim to restore spring-run to mainstem below Friant dam where cold water releases will allow fish to incubate eggs and support juvenile rearing over summer. Runs of fall-run have persisted on the tributaries but have been greatly diminished by lack of habitat due to loss of geomorphic process and gravel mining, flow alteration, exotic bass in gravel pits, lack of floodplain rearing habitat due to reduced flows, and most importantly entrainment due to hydrodynamics.

Sacramento

Sacramento has more of a rainfall system with peak flows in late winter and early spring. Hydrology has been highly altered but far less altered than San Joaquin. It has relatively more areas of unregulated run-off. The volume of reservoirs to average annual yield is considerably smaller. Peak flows have been substantially reduced but Q1.5 is generally half natural rather than an order of magnitude less.

Although there are substantial diversions (GCID, ACID, Riparian users) in the Sacramento Valley, most water captured in reservoirs is released to the river and transported to the Delta via the natural channel. The main hydrologic change is significantly lower winter and spring flows and higher summer flows.

The Sacramento, particularly its tributaries (Bear, Feather, and Yuba), has been heavily impacted by hydraulic mining, which raised bed elevation by several feet or more. Due to some high flows, there are still geomorphic processes, particularly in the meander belt of the Sacramento River, but these are inhibited by bank revetment. These gravel bedded reaches are some of the best remaining fall-run habitat in the system.

Dams blocked access to upper watershed, but cold water releases provided limited habitat for winter and spring run below dams. Winter-run populations are extremely limited and vulnerable.

Undammed Coast Range tributaries (particularly Cottonwood and Thomes) provide a very important source of coarse sediment contributing to geomorphic dynamism of the Sacramento mainstem.

The Colusa to Verona reach is extremely constrained by narrow levees. Most flood flows are transported through flood bypasses (Butte, Sutter, and Yolo) and there is virtually no geomorphic dynamism. It is an extremely degraded habitat.

Levees throughout, but particularly downstream of, the meander belt and gravel bedded reaches have significantly reduced the area and frequency of important floodplain habitat for salmonids.

Bypasses, particularly Yolo, provide opportunity for rearing habitat for salmonids. Juvenile salmon grow three times as fast on the Yolo as they do in the mainstem river.

Attachment 9C: Fish Passage Assessment

Chapters 1-4: Intro, Floodplains and Fish

- One important aspect missing from this section describing the benefits of floodplains for fish is the importance of floodplains in providing habitat diversity. In turn, habitat diversity promotes life history diversity. Said another way*, floodplains supply the physical habitat needed to manifest complex life histories*. The Central Valley lacks habitat diversity, resulting in simplified life histories that are vulnerable to stochastic events, changed ocean conditions, low water years and other variables. More diverse life histories are better able to buffer against stochastic events.

- We agree with the focus on anadromous salmonids and Green sturgeon but suggest reviewing the benefits of floodplains to other fish species in addition to anadromous fish in these introductory chapters. Delta smelt and splittail should be given some mention with descriptions of the critical importance of floodplain habitat to specific life stages.

- In Section 2.2.1 regarding the San Joaquin River Restoration Program, the project description leaves out that the state of California, primarily through the Departments of Water Resources and Fish and Game, are full partners in the implementation of the Settlement Agreement. The restoration program represents a unique opportunity to improve fisheries along the entire San Joaquin River.

Chapters 5-6: Reasons for decline and climate change

- How much focus should be placed on the "other" reasons for decline of Central Valley salmonids in a document focused on fish passage and floodplains? We don't have the answer for that, but we do caution that broaching such a large issue has the potential to detract from the treatment given to the central theme of this document, *stranding and barriers*. For instance, conspicuous by its absence in the list on page 5-3 is the impact of hatcheries on the decline of salmon and steelhead runs in the Central Valley. If this list of other reasons is to be included a thorough

discussion of hatchery effects, especially on fall-run where they have played a large role in population swings observed in recent years, will have to also be included. An overarching section on hatchery effects might help set up further discussion of habitat related impacts on anadromous fish. It is useful context to clarify that the majority of salmonids experiencing the good and bad of what the Central Valley has to offer are of hatchery genetic stock.

Chapters 7-8: Prioritization of barriers and review of passage technology

- The discussion on stranding can be expanded to identify standing issues for juveniles and adults separately. Further discussion on different types of stranding would be useful. For instance, gravel pits and depressions compared to lack of inclination causing stranding compared to identifying return pathways out of floodplains to the mainstem.
- Section 7.1 states that NOAA requires passage at all barriers. It should also state that California law makes it illegal to construct or maintain a fish passage barrier except in certain limited circumstances. Cite: Fish and Game Code section 5901, and see sections 5931-5936. It should also state that DFG is mandated to develop plans for fishways and to order dam owners to construct the fishways for those structures that create barriers to passage (FGC sec 5931).
- Throughout the document, the requirements from the OCAP Biological Opinion (BiOp) are downplayed in a way that makes it misleading even if it is perhaps technically true. The document refers to timelines and requirements for permanent passage solutions (2020) but it should also refer to the timelines and requirements for a pilot reintroduction program, which is to operate from 2012-2015 at Shasta for winter and spring run Chinook and at Folsom for steelhead. Cite: OCAP Biop RPA Action V (starts at p.659 of the biop). That would be more informative, and it would have the effect of adding to the list of the short term actions. The language also makes the Biop's requirements seem more tentative in some places than they really are.
- Sections of the upper San Joaquin River above the Merced River confluence have severely diminished flow capacity below DWR's flood management designs. The diminished flow capacity is the result of poor levee conditions, lack of levee maintenance and the potential for seepage impacts to neighboring lands. The reduced channel capacity impedes the ability to release flows in sufficient volume to allow fish passage. The state of California is responsible for maintaining channel capacity along this stretch of the river. Given the state's commitment (via an MOU) to support the restoration program and the time-sensitive and critical importance of fish passage to support the restoration program, these reaches of the San Joaquin River need to be among the highest priority areas for action. A possible short term and temporary solution to this fish passage issue is the use of the Chowchilla Bypass to route flows and fish around reaches of the river with diminished capacity. This issue should be discussed in this section in coordination with DWR staff working on the SJR Restoration Program.

Chapter 9: Recommendations, Passage and Habitat Improvement

- We suggest further discussions with the NOAA Recovery Team before going final with recommendations based on the draft CV recovery plan. For instance, it's quite possible that the Merced River will rise in status. It would also be beneficial to check on the NOAA timeline for passage projects on Shasta Dam and Yuba.
- Restoration of floodplain habitat could be addressed much more specifically in this document as a whole. Levees are identified as barriers to passage, but the potential of floodplain restoration, is not specifically addressed nor are opportunities for restoration of river floodplain connectivity assessed and prioritized as a component of evaluating barriers to passage, nor their potential habitat restoration benefits quantified.
- Can the 'Improve Fisheries Habitat' section refer to the Restoration Opportunity Analysis document? In general, is there potential to reach across the various chapters to consolidate specific restoration opportunities? For example, the ROA document focuses on inundation benefits to fish, and the Fish Passage document highlights benefits of fish passage projects. One document that identifies benefits to fish across strategies would be helpful.

Attachment 9D: Improving Vegetation Data

Comments on Vegetation Maps

The vegetation maps should be referenced, if not integrated, into the Status and Trends report. At a minimum, the Status and Trends report should provide a summary table that quantifies the areas of the five main cover types mapped in the vegetation maps. It is our understanding that the following table is accurate and, if so, provides valuable information regarding status and trends.

	Riparian Group	Acres	Percent
CFG	California Native Forb/Grassland	132,779	25%
NRW	Naturalized Riparian Wetlands	127,218	24%
CAI	Annual Introduced Grassland	116,370	22%
RWF	Riparian Woodland Forest	87,920	17%
FEM	Freshwater Emergent Marsh	16,326	3%

A discussion regarding how the vegetation map could be used for flood conveyance planning would be useful. For example, the maps could be used to estimate hydraulic roughness and vegetation and its

importance in planning and design. One or more metrics associated with flood conveyance, vegetative cover, and roughness could allow flood and conservation planners to work together to identify locations where vegetation could be modified to better achieve conservation objectives.

The vegetation map would also be useful for tracking land cover and land use over time, particularly with regard to invasive species.

2.0 Background and need for high quality Vegetation Data

- First paragraph – Add sentence: Vegetation maps are important in flood planning and management as they can identify areas of flood management benefits resulting from vegetation. (The maps are a first-cut at estimating hydraulic roughness of vegetation in the floodway.)
- Second paragraph – Add clause: …Flood flow conveyance, identifying areas (reaches) where hydraulic roughness caused by vegetation will be significant (dense forests) or not (grasslands and marshes).

6.0 Fine-scale mapping

- Second paragraph – The fine-scaled maps can be used to estimate manning's n (hydraulic roughness) for any reach of the river. This is actually far more accurate than modelers guessing at roughness values from the desktop or a photograph.
- Fine-scaled maps can monitor, or track, changes through time in vegetation structure (brush to trees, clearing of vegetation) and species composition (invasive species distribution and spread).

Figure 6-1 - These maps exemplify what is wrong with GIS as a communication tool: too many shades of the same color and therefore poor, or no, communication of information. The solution is to place a different digit in each color polygon.

Attachment 9E: Existing Conservation Objectives and Other Plans

See Section 2.3.2, 11

Attachment 9F: Floodplain Restoration Opportunity Analysis

General Comments Regarding the Restoration Opportunities Analysis Document

This document provides general comments regarding Attachment 6 of the Conservation Framework: Restoration Opportunity Analysis as well as some specific comments regarding conditions along the mainstem reaches of the Sacramento and San Joaquin Rivers. Many of these comments apply to the

overall planning approach rather than the technical details of the modeling analysis described in the ROA appendix. We will provide additional comments on the technical details of the analysis in the future.

1. **The goal of the ROA analysis is not explicitly stated or clear**. There are two distinct questions:

    a. **What is the purpose of the analyses described in Appendix 6?** Presumably it is to identify areas with high potential for "flood plain inundation," but the report never explicitly states this. The report provides some very useful analysis and results regarding flood plain inundation potential that will greatly facilitate floodplain restoration planning in the future. There are, however, some significant limitations which we discuss further below. In addition to evaluating floodplain inundation potential, the specific analysis could and should explictyly address other study objectives including:
        i. Identifying key constraints to floodplain inundation (i.e. altered hydrology and channel incision).
        ii. Developing a methodology to better quantify the ecological benefits of floodplain inundation.
        iii. Quantify and map the existing area of functional (inundated) floodplain habitat in the Central Valley.
        iv. Quantify the potential for creating inundated floodplain habitat within the levee system (connected) and outside (disconnected).

    A clearer description of planning objectives will better help the reader understand the purpose and results of the analysis. The study provides useful information regarding the potential for floodplain inundation *with existing hydrology*. It also helps highlight key constraints and outlines an approach that could be further developed to map and quantify functional floodplain habitat. Due to a number of limitations discussed below, however, it does not quantify or map the existing or future extent of potential, functional floodplain habitat.

    b. **What should be the purpose of a "restoration opportunities analysis" report and what analysis would serve this purpose?** The purpose of a report titled Restoration Opportunity Analysis should be to more broadly identify and prioritize restoration opportunities within the context of the CVFMP. Floodplain inundation potential, while important, is only one of several restoration opportunities. Floodplain inundation through levee setbacks should be placed in the context of other ecosystem restoration opportunities. These other opportunities are discussed further below and should be addressed in a new report on Restoration Opportunities and Constraints.

2. **The report should be renamed "Floodplain Inundation Analysis" and a new report should be developed called the "Restoration Opportunities and Constraints Analysis."** The floodplain inundation analysis is a very useful product that could be refined to explicitly address the

objectives in 1a above. A new Opportunities and Constraints Report need not require developing new analysis or significant new text. It could largely be assembled by reorganizing existing text and analysis from the Environmental Stewardship workgroup report, the ROA, the Status and Trends appendix, the fish passage appendix, and the Conservation Framework.

The new report should clearly articulate problems and opportunities. A clear problem statement is a prerequisite of clear goals. A clear statement of the problem(s) can highlight opportunities, since one person's problems are often somebody else's opportunities. Chapter 3 of the CVFMP Regional Conditions Report is an excellent statement of problems and opportunities for the flood management system and should serve as a model for a Restoration Opportunities and Constraints analysis. Table 4.4 in the Conservation Framework Document is the closest thing to a problem statement for the ecosystem restoration elements. Section 2.1 of the Environmental Stewardship also provides good insight on the problems but focuses more on the cause of the problems instead of the actual problems. The problems vary by reach, but we think the following list provides an accurate statement of the main ecological problems resulting from management of the flood system.

a. Simplified and degraded channel habitat: Channel shape is uniform and lacks connectivity with floodplains and secondary channels. High velocity flows during floods limit refugia.
    i. Reservoir operations limit frequency of geomorphically effective flows that would otherwise rework the channel habitat.
    ii. Bank revetment and levees prevent channel migration and geomorphic processes from reestablishing natural channel form
    iii. Intentional removal of vegetation and large woody debris that create complexity in their own right and provide a catalyst for hydro-geomorphic processes that create channel habitat complexity.

b. Lack of floodplain connectivity, inundated floodplain and secondary channel habitat in winter and spring, but particularly in spring.
    i. Levees that intentionally disconnect channel and floodplain habitats.
    ii. Channel incision due to historical dredging, training from levees, bank revetment, and in some cases vegetation encroachment due to flow alteration.
    iii. Altered hydrology from flood control and water supply reservoirs.
    iv. Reservoir flood control rules that limit release of bankfull flows.

c. Invasive species, particularly in the riparian area.
    i. Levee and floodway vegetation maintenance practices including intentional introduction of some invasives for "bank stabilization."
    ii. Altered hydrologic regime.

d. Water Quality
    i. Lack of floodplain and secondary channel habitat to cycle nutrients and recharge hyporheic zone. Hyporheic flow provides important water temperature benefits during critical shoulder seasons.

ii. Discharge of pollutants from artificially drained land in the systemwide planning area.

3. The Restoration Opportunity and Constraints Analysis should identify and prioritize three types of restoration opportunities:

- **a.** Low Hanging Fruit
- **b.** Ecological Hot Spots
- **c.** Integration with Flood Risk reduction and other major programs.

Restoration opportunity analysis should both prioritize opportunities for floodplain restoration in its own right and opportunities for floodplain restoration as part of the larger effort to reduce flood risk (set backs, flood bypasses, etc). To do the latter, DWR's division of flood management needs to identify flood management priorities. If conservation is really one of the goals of the overall flood plan, then flood management actions must be designed to provide ecosystem benefit along with flood risk reduction.

One obvious strategy for doing so is expanding floodway capacity near areas of high risk through setbacks and flood bypasses. If expansion of floodway capacity through levee setbacks and bypasses is a key part of DWR's strategy, then they must identify priority areas for expanding capacity. If setbacks and bypasses are not part of DWR's flood management strategy, how exactly do they propose to reduce flood risk while also advancing the ecological objectives of the flood program?

There are three general categories of restoration opportunities that the ROA should consider:

i. Low hanging fruit (parties agree, funding possible, not institutional): Low hanging fruit are ideas that are technically and politically well developed with the promise of demonstrating early success. A few ideas which meet these criteria, but are not prominently featured in the ROA or the Conservation Framework are:
   a. Notching Fremont Weir to increase the frequency of inundation.
   b. Breaching levees on the San Joaquin National Wildlife Refuge to increase floodplain connectivity and to allow for a more natural pattern of flooding and draining.
   c. Reconfiguring topography on the Feather River setback to increase the frequency and area of inundation.
   d. Implementing McCormack Williamson Project.

ii. Ecological hot spots:
   a. Confluences of tributaries with mainstem rivers.
      i. Remove or setback levees on Deer Creek.
   b. Increase frequency of side channel inundation on the upper Sacramento River for winter and spring run salmon.

iii. Opportunities for integrating restoration into flood risk reduction efforts or other major programs such as the San Joaquin River Restoration Program or the BDCP.
   a. South Delta flood bypass
   b. Expand the Yolo Bypass
   c. Create a new ship channel bypass
   d. Setback levees in reach 2a and 2b of the San Joaquin River

4. **The analysis in the ROA should evaluate a broader range of strategies for creating *inundated floodplain* habitat.** The HAR and FIP methods used in the ROA evaluate the potential for creating inundated floodplain by changing riverside topography (removing levees), but that is only one of four strategies for restoring inundated habitat. Other strategies include:
   a. Changing hydrology: Although this may be outside the charge of the CVFMP, it is likely or possible to happen under a number of other programs. In order to truly measure potential for creating floodplain, the FIP should be flexible enough to evaluate inundation potential with different hydrologies (see technical section for suggestions on how to do this).
   b. Grading floodplain: Although this is probably not practical on a large scale, it may be possible to strategically lower floodplains.
   c. Raising the channel invert: This strategy may not be viable in highly constrained reaches, but it may be the best strategy for increasing floodplain habitat and channel form complexity where levees are set back.

   The document does not evaluate these other opportunities.

5. **The Restoration Opportunity and Constraints Analysis should qualitatively evaluate a broad range of restoration opportunities:** ROA is entirely focused on floodplain inundation. Other restoration opportunities that should be evaluated include:
   a. Better managing habitat and vegetation in existing floodways – particularly to control invasive species and reestablish migration corridors.
   b. Reestablish meander belt corridors where natural geomorphic processes allow the river to gradually reshape channel and floodplain habitats.
   c. Fish passage. This is addressed in the fish passage report, but really should fall into the category of a restoration opportunity.
   d. Reduce impact of polluted water quality discharges from artificially drained areas in the Sacramento-San Joaquin Drainage District, which is an integral part of the Central Valley flood management system and under the jurisdiction of the Central Valley Flood Protection Board. Strategies could include best management practices, treatment wetlands, increased enforcement, etc.

6. **Provide more explanation and analysis to distinguish between the types of opportunities created by hydrologically connected and disconnected habitats:** Hydrologically connected floodplain restoration opportunities are far more likely to fall into the "low hanging fruit"

category, while, by definition, hydrologically disconnected areas require major infrastructural changes such as levee setbacks. Chapter 4 (page 2-2) erroneously implies, however, that connected areas could only be revegetated if the floodway is expanded. The maps and tables do not quantify the extent of hydrologically connected areas that are within levee defined floodways where conveyance constraints are more likely to be a problem. Outside of such floodways, there should be less of a barrier to revegetation due to conveyance constraints, but the Conservation Framework should not assume a priori that revegetation of areas within floodways would actually reduce flood conveyance. Within floodways, a combination of revegetation and side channel excavation could increase vegetation and inundation frequency while being flood neutral. Recent analysis (UC Davis) suggests that some patterns of riparian revegetation do not reduce conveyance capacity and could even increase it.

There are many other relatively easy possibilities for restoration in hydrologically connected floodplains. Slight changes in reservoir operations and water control infrastructure could significantly change the frequency of ecologically functional floodplain inundation both in and outside of official floodways. Raising channel invert elevations could also increase floodplain inundation frequency. Although this would probably be more applicable to areas outside of official floodways, it could be accomplished with inflatable weirs in floodways that were operated only during non-critical flood conditions. Within floodways, there may be a plethora of other opportunities for increasing vegetation or roughness in one location while lowering it in another, but the ROA provides no consideration of how much opportunity there is to do this.

7. **The Restoration Opportunity Analysis ignores the single biggest opportunity for restoration of ecological processes in the flood system:** There are many potential restoration opportunities in the Central valley, but only a relatively small subset of these opportunities will actually provide a flood risk reduction benefit. Billions of dollars are available to reduce flood risk in the Central Valley. In contrast, there is relatively little money to restore ecosystem processes where there is no clear and tangible benefit for water supply or flood risk reduction. The promotion of integrated water management planning is a basic policy of DWR, but the Conservation Framework does not appear to make any effort to integrate flood risk management into the Conservation Framework or vice versa. If this omission is the result of institutional hurdles within DWR, then the Conservation Framework should identify strategies and policies for overcoming these hurdles and advancing projects that both reduce flood risk and restore ecosystem function.

   The ROC analysis should develop criteria for identifying and prioritizing projects that would provide both flood risk reduction and restore ecosystem function. We suggest the following criteria to prioritize locations for integrated flood risk reduction and ecosystem restoration projects.

   a. Potential floodplain expansion projects that would lower flood stage in reaches with urban development on one or both sides.

b. Floodplain expansion projects that would increase the conveyance capacity of a constrained reach with urban development on one or both sides.

c. Undeveloped (or sparsely developed) lands with low-lying topography capable of being inundated by the 5 year recurrence interval flow or less that are located in urbanized reaches or immediately upstream or downstream of urbanized reaches.

d. Areas that would provide floodplain habitat for the greatest number of anadromous fish runs.

8. **Restoration of inundated habitat and other natural processes is essential but not sufficient.** Restoration of inundated habitat will not prevent colonization by invasive species that could render the habitat useless for many native bird species. Intensive management is necessary to encourage native vegetation and discourage exotics. Weedy habitat may be okay for some fish species, but is not sufficient for a variety of sensitive, terrestrial species. The structure and diversity associated with native habitats may ultimately prove better for fish as well.

9. **The Restoration Opportunities and Constraints analysis should highlight key constraints that may be outside the mandate of the CVFMP and identify a strategy for addressing these issues despite the lack of mandate.** Lack of floodplain inundation and functional floodplain due to hydrologic alteration is a critical problem that the Conservation Strategy must address over the long-term, but unfortunately, the flood planning process is not actually empowered to change non-flood flow regimes. Both the Conservation Framework and the Status and Trends report perhaps inappropriately focus on the role of median flows. While changes in median flows may be a good metric of ecological conditions, the CVFMP process and the CVFMB has no authority to change median flows. The ROC should acknowledge this and identify a strategy for addressing this limitation. Part of this strategy should be to quantify and evaluate how floodplain inundation opportunities could change if hydrology changes. See our technical comments below for more ideas on how to do this.

10. **The ROA (renamed FIP report) should quantify how changes in hydrology could change floodplain inundation potential.** The ROA assumes only one hydrologic data set, but it is clear that hydrology could change significantly on many rivers due to change regulations (FERC, SWRCB, etc.), changed infrastructure and operations (BDCP), and changed climate. The reason that the EFM on the Feather River (67% prolonged spring inflow) shows very little opportunity (and area) for ecologically functional floodplain inundation is because Feather River hydrology has been so altered, not because floodplain elevations are high. The figure below shows that flows below Oroville are now lowest during March and April, when they would provide the most benefit for fisheries, and highest in July and August. Moreover, this pattern appears to have been exacerbated by the water quality control plan regulations in the Delta which make it more difficult to divert water from the Delta during the spring (E/I ratio). Presumably, changes in Delta operations and rules in the future as a result of BDCP could shift this hydrologic pattern once again. The FIP approach should be adjusted to facilitate floodplain inundation potential under a wide variety of potential hydrologic regimes.

11. **The FIP and EFM approaches should be modified to better quantify the ecological value of various floodplain inundation regimes.** The ROA correctly acknowledges the limitations and challenges of using the EFM to characterize the ecological value of floodplain inundation. The ecological value of any given inundation regime for a particular species depends on the frequency, timing, and duration of inundation events. For example, a seven day inundation event in December may be very beneficial for winter-run juvenile salmon but useless for fall-run that require inundation later in the year – perhaps after March 15. Floodplain inundation after March 15 may be optimum for fall-run salmon, but inundation in late February or early March could still have significant benefit for fall-run. Similarly, while a frequency of 1 in 2 or 1 in 3 years is preferable to a frequency of 1 in 3 years, the lower frequency event could still provide very significant benefits. The EFM analyses' focus on only one type of inundation event (67% prolonged inundation from March 15 to May 15). It is not surprising that the discharge and stage associated with this event was so low given how altered the natural hydrology is after March 15 (see Figures 1 and 2). These figures indicate that the discharge and stage of a similar frequency/duration event in late February and early March would be much larger and result in a much greater area of inundated habitat.

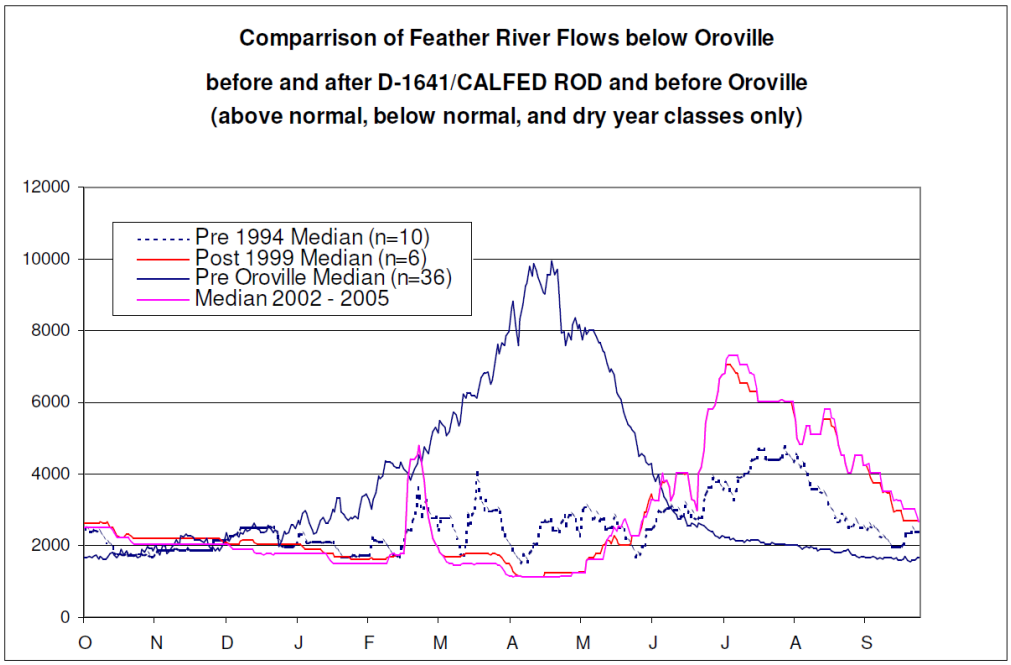


Figure 1: Feather River hydrographs illustrating how the Delta Water Quality Control Plan has influenced the frequency of high flows in March and April.

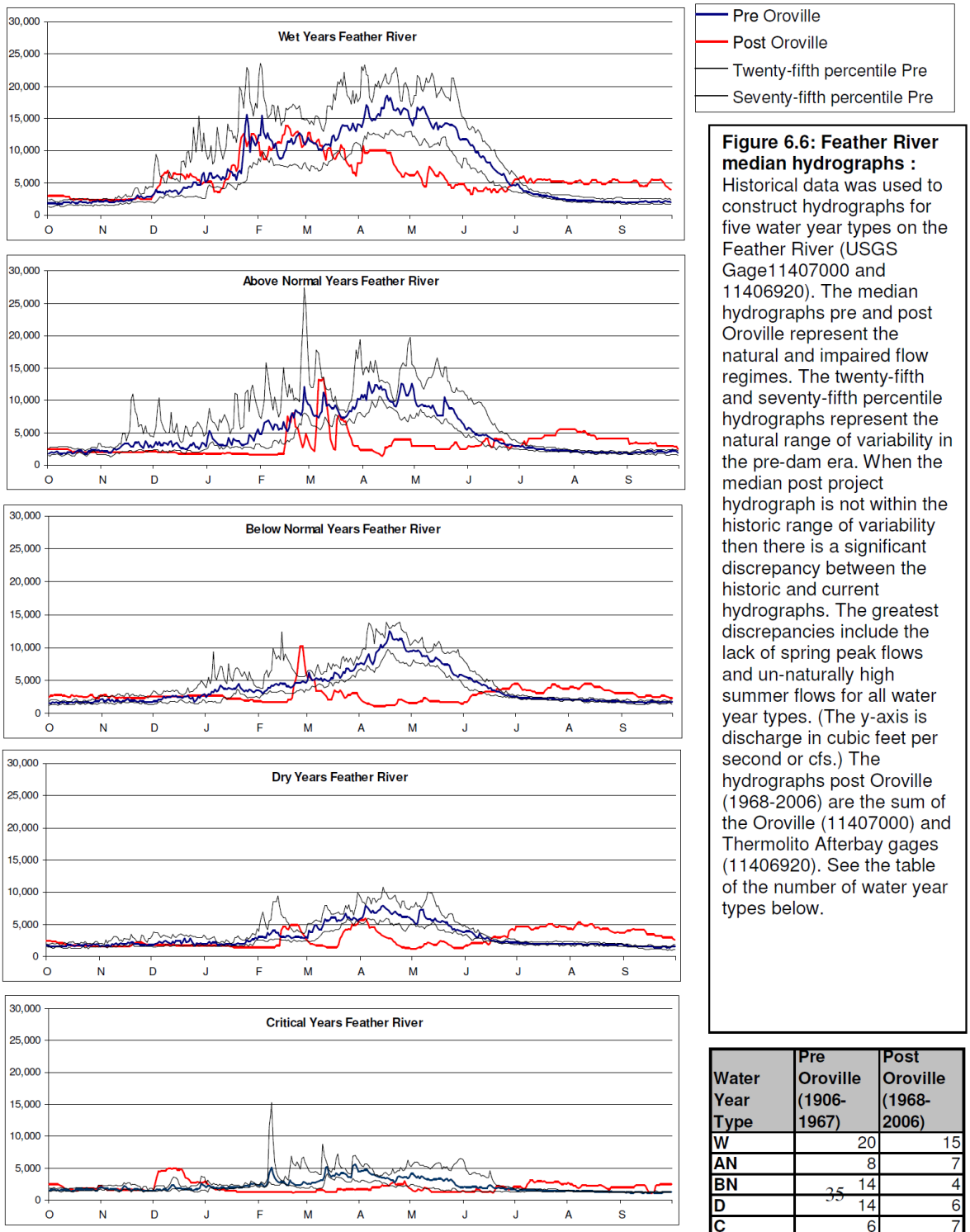


Figure 6.6: Feather River median hydrographs : Historical data was used to construct hydrographs for five water year types on the Feather River (USGS Gage11407000 and 11406920). The median hydrographs pre and post Oroville represent the natural and impaired flow regimes. The twenty-fifth and seventy-fifth percentile hydrographs represent the natural range of variability in the pre-dam era. When the median post project hydrograph is not within the historic range of variability then there is a significant discrepancy between the historic and current hydrographs. The greatest discrepancies include the lack of spring peak flows and un-naturally high summer flows for all water year types. (The y-axis is discharge in cubic feet per second or cfs.) The hydrographs post Oroville (1968-2006) are the sum of the Oroville (11407000) and Thermolito Afterbay gages (11406920). See the table of the number of water year types below.

Water Year Type	Pre Oroville (1906-1967)	Post Oroville (1968-2006)
W	20	15
AN	8	7
BN	14	4
D	14	6
C	6	7
Total	62	39

35

Figure 2: Feather River hydrographs that illustrate extreme hydrologic alteration during winter and spring months, but particularly after March 15 in below and above normal years.

12. Place the FIP analysis in the context of a watershed process conceptual model to better illustrate the expected location of frequently inundated floodplains in the watershed. The uninitiated reader may form the impression that you started this analysis without any preconceptions or hypotheses about where you would most likely find the greatest potential for inundation. In reality, a simple common sense understanding of the watershed and geomorphic processes would suggest that the low gradient, downstream reaches would offer the greatest inundation potential as illustrated in Figure 3 below – a conceptual model of erosion, transport, and deposition in natural watersheds.

The analysis should more explicitly use the FIP process to test the assumption that most inundated floodplain area will be located in low-lying downstream areas. Further explanation of how this general model should be adjusted to account for local conditions in the Central Valley would illustrate where, besides the most downstream reaches, we would expect to find relatively greater opportunities for inundation. As illustrated in the Bay Institute's map of wetlands and floodplains, Holocene fans of coastal and Sierra tributaries have created flood basins (Butte, Colusa, Caswel) over a hundred miles upstream from the Delta. Although these basins would appear to be a key opportunity, the analysis only considers a very small area of these total basins (3,500 feet from center line).

Under the general watershed model illustrated in figure 3, it is not surprising that the FIP shows very little frequently inundated floodplain on steeper gradient valley tributaries and the upper Sacramento, but this doesn't mean that these areas do not have important restoration potential. Although much smaller in area, side channel habitats in steeper gradient tributaries can be very important habitats for riparian vegetation, salmonids, and other species. A study of the upper Sacramento by Kondolf and Stillwater mapped side channels and identified river discharges necessary to inundate them. The model would thus help focus the analysis in the upper reaches on side channels or other opportunities, not large areas of inundated floodplain.

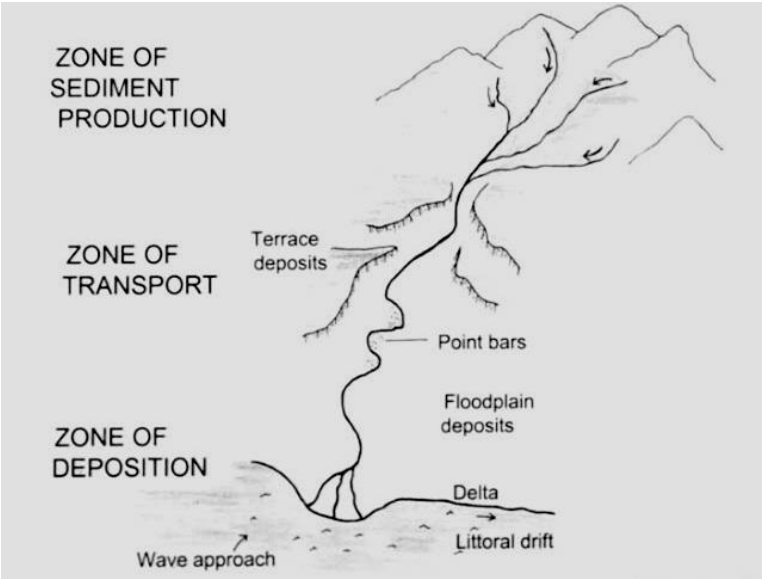


Figure 3: Geomorphic zones of a watershed: erosion zone, transport zone, and deposition zone.

Reach-Specific Comments

San Joaquin River

- The San Joaquin River Restoration Program has already begun implementing a new flow regime that in the coming years will be significantly greater than what was seen over the last 60 years. It is unclear the extent to which the FIP and other analyses utilized the future flow regime vs the historic flows. If the latter was used, the analysis would greatly underestimate the amount of FIP potential including the frequency. This is particularly true of the reaches of the river below Sack Dam. The analysis needs to be updated if necessary to use the future hydrology. This can be done fairly easily using the transformation hydrograph that is provided in the draft PEIS that is currently public.

- Chowchilla Bifurcation Structure to the Mendota Pool. As noted in this analysis, this section of the river is being restored to increase conveyance capacity and increase floodplain habitats. Currently there are several alternatives that have been developed for varying increases in floodplain habitat. The analysis and the information from these alternatives should be reviewed and incorporated into the ROA report given it is of a higher level of detail.

- Currently, the Chowchilla and Eastside Bypasses convey most of the flood releases down the San Joaquin and overflow from the Kings River. This analysis did not appear to look at the potential to restore floodplain habitats along these reaches. Given that the Eastside Bypass may become the permanent high flow pathway for routing flows released as part of the SJR restoration program, this analysis should incorporate at least this bypass if not all the bypasses along this stretch of the river.

Sacramento River

This section was overly optimistic in its high level assessment of Sacramento River ecological health. Even though the Sacramento is in better condition than other reaches in the Central Valley, the river is not an example of a healthy riparian ecosystem – especially compared to the historical Sacramento River. Please consider the following for a fuller assessment/observation of the conditions on the Sacramento River.

There is very little dynamism in the river processes today. Much of the dynamism that exists (including the beneficial processes associated with it) occurs only when a full Shasta Dam is forced to release water due to incoming rain storms. This is not the optimal situation for either flood or reservoir managers.

- Section 3.1.1 Woodson Bridge to Chico Landing. The first sentence states that the river "actively meanders through the valley floor," but this is incorrect and misconstrues the river as maintaining a more natural flow regime and healthy ecosystem than is the case. Virtually all meanders have been locked into place by revetment over the past 50 years and it would be an extreme overstatement to consider the channel active. Actively meandering and

complex channels combined with seasonally varied hydrographs are integral to healthy riparian ecosystems as these processes are what determine biological succession.

- At the end of this first paragraph the author states that "oxbow lakes are still present in many locations." While this is true, there are many, many more that have been filled by humans.
- Section 3.1.2 Chico Landing to Colusa. We have more concerns with this section where again, "…the Sacramento River actively meanders through the valley floor" and the author makes further reference to the active formation of oxbows. As channel cut-offs, avulsions, and oxbows are detrimental for flood management, it has historically been preferred by flood managers to prevent such processes from occurring by hardening banks at critical locations. Therefore it is unlikely any such active geomorphic processes on the Sacramento truly exist.

Line Item Comments are below:

Page 1-1: End of 4th paragraph, 77% chance should be 67% chance.

Page 2-5: How did the agency determine that the LiDAR in March 2008 represented low-water baseflow for all locations across the Central Valley? What gages were examined? One might expect that March flows are not the lowest flows or baseflows to typically occur in the system.

Page 2-6: Under "Hydraulic Data" the models cited are not explained well in terms of source and year as a first introduction to these data sets.

Page 2-7: How were CalSim-derived flows downscaled? Please note briefly.

Page 3-2: There is no section 2.2.9 as indicated in the text. The more detailed Appendix A describes the rationale behind the use of 1 foot threshold above the water surface. This "LiDAR FIP <= 1 foot" phrase used in all tables should be explained in the text of this document so that all the Tables are understandable and a reader isn't left wondering what it really means.

Page 3-13: There is no report of 67% chance FIP for Feather River-Bear to Sutter Bypass section. It should be mentioned how little is found in this reach area.

Page 3-57: Tables' Note 1 says data are for the corridor 1mile from each river bank. In the appendix, the buffer is stated to be extending from the river centerline. Please clarify.

Page 3-58: Note 6 says "i.e., modeled as inundated by flood flows under existing conditions." This seems a little bit confusing because it is unclear whether this refers to HEC-RAS hydraulic modeling or the FIP relative elevation method which is not modeling the flow of water, but rather the location of low

elevation pockets in proximity to the channel water surface. Please be clear about the method used to define connected/disconnected inundated area in this note.

Attachment 9F (A): Floodplain Restoration Opportunity Analysis – Appendix A. Floodplain Inundation and Ecosystem Functions Model Pilot Studies

Line Item Comments are below:

Page A2-5: What is the resolution of CVFED primary DEMs that are compared to the 10m USGS ones?

Page A2-6: Please cite the source of Figure A-3.

General comment: A relative elevation technique was implemented with the HAR tool. Describe the rationale behind use of kernel density.

Page A2-15: Please summarize in one or two sentences the Appendix D6-D effort or at least state whether the results currently provided account for the differences in adjusted current levee alignments. Specifically, where the CVFED LiDAR data acquisition is described at flows of 660-670 cms: Where does this range come from? What gage or cross-section?

Page A2-16: For paragraphs 2 and 4, where flow is given, what is the location of the gage or cross-section?

Page A2-18: The question about whether the 50% flood actually inundates land between levees is a good one. But 20 feet is a large difference between the LiDAR date flows and the 2-year RI flows. Is this reasonable?

Page A2-20: Nice conclusions, but it would be helpful to point out how FIP does not account for how flows would move outside of the levee extent, so hydraulic modeling will be necessary to assess the area that will be flooded should levees be removed or set back.

Page A3-2: A steady-state model is cited, but then an unsteady state model is used (pg A3-6). Why?

Page A3-2: Also, the synthetic flows are key to this section, but we are referred to a report for details. There should be a short summary of why this hydrograph was selected and how it will affect what EFM will derive. An important justification is on page A3-6, 2nd paragraph under section C.

Page A3-17: Why not report on the areas inundated for these relationships? That's the crux for floodplain potential results.

Page A3-20 to 21: The modified EFRs and conclusions do not seem to capture an understanding of the biological ramifications of the criteria, such as relevance to life stage. (e.g., the declining rate of change criteria is important to seeding root growth maintaining groundwater contact, so dropping it for 14-day min/max criteria seem to miss the point).

Page A3-26 and 27: The "findings of this approach" would be better described as "caveats for this approach."

Page A3-27: HAR does not have an inability to map below the water surface; LiDAR was not integrated with bathymetry. This is a data limitation, not a tool problem.

Page A3-28: Why was no testing done to see if the assumptions about validity ever hold? Were there any tests done?

Figures A-24 and A-25 are somewhat confusing in light of the main document's discussion on being connected via the GIS analysis. Potential habitat outside the levees is not connected and if levees are set back, additional analysis is necessary to determine hydraulic connectivity.

Page A3-33: There are good conclusion points, but a remaining open question regarding this pilot study is what are the quantities of potential new habitat? Areas were never reported for the relationships, and only a couple of maps were presented. From Appendix G, we assume this is because the areas were primarily in channel? Is it the lack of bathymetry integration with the DEM that is apparent in the Appendix G figures?

Page A3-34: EFR criteria based only on flow would mean dropping the cottonwood rate of change relationship? This is unclear. Also, now steady state modeling is recommended. Why?

Appendix B.
Figure B-3. What is the date of the data acquisition for this DEM?

Attachment 9G: Regional Permitting Options

Not Reviewed

Attachment 1: Examples of Multiple-Objective Flood Management Projects

Sacramento River - Hamilton City Flood Damage Reduction and Ecosystem Restoration Project: to improve flood protection for Hamilton City and restore 1,400 acres of floodplain habitat. The project demonstrates that flood risk reduction and ecosystem enhancement can be embodied in a flood risk reduction project; in fact, it was the ecosystem component of the project that helped it meet the Corps B/C ratio requirement.

Sacramento River - Kopta Slough/Woodson Bridge Flood Damage Reduction and Habitat Restoration Project: to provide erosion protection for Woodson Bridge, City of Corning sewer outfall, Woodson Bridge State Recreation Area, County Park and County Highway A9. The project demonstrates the benefits of removing unnecessary rock and restoring 175 acres of riparian floodplain habitat on the Kopta Slough Preserve.

Sacramento River – Princeton, Codora, Provident, and Glenn Pumping Plant Protection/Flood Damage Reduction and Habitat Restoration Project: to provide erosion protection for the pumping plant, maintain the flow split into Butte Basin, and restore 450 acres of riparian floodplain habitat on the Sacramento River National Wildlife Refuge. This grassroots project will remove rock revetment from where it is no longer needed to a location that will protect the pumping plant. The resulting enhancement of natural river meander will benefit both the pumping plant and the ecosystem.

Sacramento River – Notch Freemont Weir: to provide upstream and downstream fish passage for salmonids and sturgeon, create 10,000 acres of frequently inundated floodplain habitat for splittail, salmon, waterfowl, and other wildlife species. The design will avoid impacts to flood conveyance and existing waterfowl habitat.

Sacramento River – Expand Yolo Bypass: to reduce the 200-year flood stage in the Sacramento River at I Street by four feet, substantially increase flood protection for Sacramento, and expand potential for habitat restoration in the Yolo Bypass. Habitat restoration in the bypass is currently constrained by limitations on flood capacity, but expansion of the bypass would allow additional habitat roughness features along with continued agricultural production in the bypass.

Sacramento River – Ship Channel Bypass: Create a new bypass (1,000 to 2,000 feet wide) immediately east of the deep water ship channel to substantially reduce flood stage from the confluence with the American River downstream to Walnut Grove, which will provide increased flood protection to multiple communities including Sacramento and West Sacramento, and create 3-5 thousand acres of new riparian and floodplain habitat. It would provide frequently inundated floodplain habitat for salmon runs from Battle Creek, the Feather River system, and the American River system – all of which harbor endangered spring-run salmon that will not have significant access to the Yolo bypass. It would also allow juvenile migratory fish to better avoid entrainment associated with existing and future water supply conveyance features.

Feather River – Lower Feather River Corridor Management Plan: to reduce flood risk, restore 2,500 acres of riparian habitat, lower DWR operation and maintenance expenses, and reduce the time and cost of flood operations and habitat restoration permitting. The project is developing a plan to manage a 20 mile reach of the Lower Feather River – an area where 9 miles of levees have been set back, and 2,200 acres have been reconnected to the floodplain. The project will serve as a prototype of science-based, multi-benefit floodplain management for future levee setback projects.

Cosumnes River – Oneto-Denier Flood Damage Reduction and Habitat Restoration Project: to reduce flood risk for neighboring lands and restore 622 acres of floodplain habitat. The project demonstrates the flood risk reduction benefits of breaching a levee – which will reduce flooding on neighboring lands – and restoring 622 acres of habitat.

McCormack-Williamson Tract – Flood Control and Ecosystem Restoration Improvements: to improve flood management for neighboring Delta lands in a manner that benefits species and restores ecological function. The project demonstrates the benefits of recontouring levees on a 1,600-acre Delta island to improve flood management and restore habitat to improve ecological processes.

Tuolumne River – Dos Rios Flood Damage Reduction and Habitat Restoration Project: to diminish peak flood flows in the Tuolumne and San Joaquin Rivers and restore 1,400 acres of riparian habitat. The project demonstrates the benefits of spilling peak flood flows into a contained flood basin and managing flood flows in a way that reduces pressure on the Hwy 132 Bridge, downstream of the project site, creating a foundation for other floodway improvements.

San Joaquin River – San Joaquin River National Wildlife Refuge/Three Amigos Flood Damage Reduction and Habitat Restoration Project: to decommission 7 miles of project levee and reconnect 3,000 areas of riparian habitat on the San Joaquin River National Wildlife Refuge to natural floodplain process. The project demonstrates the benefits of spilling peak flood flows into a contained flood basin and managing the property in normal flow conditions for environmental and endangered species objectives. The Dos Rios and Three Amigos projects functioning together have the potential to receive 25,000 acres feet of water – from the peak flows of a major event – at the confluence of the Tuolumne and San Joaquin rivers.

San Joaquin River – Reach 2A Setback Levees and Recharge Groundwater Project: to set back the levee, attenuate flood flows, reduce flood risk for Mendota, restore riparian habitat, and allow floodwaters to recharge a depleted aquifer.

San Joaquin River –Reach 2B channel expansion and Mendota Pool Bypass Projects: to collaborate with the San Joaquin River Restoration Program to increase the channel capacity to 4500 cfs, construct levees to modern standards, and increase management flexibility of floodwater from the Upper San Joaquin and the Kings River. Expanding this reach will also result in the creation of floodplain habitats that are essential for the health and recovery of Central Valley salmonids and the Bypass around Mendota Pool and would resolve a very significant fish passage impediment.

San Joaquin River –Reach 4B Channel Expansion and Sand Slough Control Project: to collaborate with the San Joaquin River Restoration Program to increase channel capacity over a 20 mile reach of the river, develop transitory floodplain storage, construct levees to modern standards, and

expand riparian habitat. These projects will not only improve conveyance and increase flexibility in the routing of flood flows but also remove fish passage barriers related to state owned flood control infrastructures.

Lower San Joaquin River Flood Bypass: to lower flood stage in the San Joaquin River at Mossdale by 20 inches, provide increased flood protection for Manteca, Lathrop, and Stockton, and create 2-4 thousand acres of habitat for numerous wildlife species including waterfowl, Swainson's hawk, and the federally endangered riparian brush rabbit.

American Rivers
Rivers Connect Us

Attachment 2: A Six Point Program for Economic Prosperity and Flood Management in California's Central Valley

The economic prosperity of all Californians will be determined in part by the success or failure of the Central Valley Flood Management Plan. A failed plan could cost taxpayers billions in implementation and post-disaster recovery. A successful plan will prioritize investments to minimize potential loss of life; formulate policies that integrate and advance flood risk reduction, ecosystem restoration, and water supply objectives; and make spatially explicit decisions for how to change the flood system on the ground so that local jurisdictions can amend land-use plans accordingly. American Rivers, a non-profit organization that protects rivers for communities and wildlife, has proposed a six point program for a successful Central Valley Flood Management Plan:

1. Prioritize future levee investments on improving levee safety for existing urban areas in the Sacramento-San Joaquin Delta region;
2. Initiate a near-term program to expand flood bypasses through the Delta region to increase conveyance capacity through urbanized reaches of the Lower Sacramento and San Joaquin Rivers;
3. Develop a program to compensate rural landowners to develop emergency overflow areas in the Central Valley for the purpose of attenuating very large floods and minimizing the potential for loss of life;
4. Initiate a long-term program to acquire flood easements along constrained river reaches upstream of the Delta region to increase the amount of water that can be safely conveyed from upstream reservoirs to the ocean;
5. Implement a comprehensive program to manage and reduce residual risk in urban areas protected from deep inundation by levees.
6. Reoperate reservoirs to better balance competing needs of flood control on one hand and water supply, hydro-power, fisheries management, and recreation on the other hand.

American Rivers
Rivers Connect Us

ATTACHMENT 3: FLOODWAYS AND FLOOD BYPASSES REDUCE RISK AND ENHANCE PUBLIC SAFETY

Expanding floodways and creating bypasses allows high water to spread out onto a river's floodplain (figure 1). This reduces flood risk by:

- **Reducing water surface elevations,** which reduces the **probability** of levee failure by ***overtopping*.** For example, after a given floodway expansion, the discharge previously associated with a 150-year return period might become a 300-year return period.
- **Reducing water surface elevations,** which reduces the **probability** of levee failure due to ***geotechnical*** failure mechanisms.[1]
- **Reducing water surface elevations,** which reduces the **consequences** of flooding because ***loss of life*** and ***flood damage*** are a function of ***flood depth*.**[2]
- **Reducing water surface elevations,** which reduces the **consequences** of flooding because waters on a wider floodplain ***rise more slowly*** than water contained between levees**.** This increases ***warning time*** so communities downstream can ***safely reach higher ground*** and can move valuables ***out of harm's way.***
- **Floodways and bypasses** also reduce the **consequences** of flooding because they route high, fast moving floodwaters *away* from ***urban areas*** and ***critical infrastructure***, and into less developed lands where damage to human life, highway, water supply, power, or other infrastructure is not as large a concern. In 2011, the New Madrid Floodway[3] routed the Mississippi River into farmland (figure 2), saving over 3000 lives and 2.5 million acres of farmland.
- **Designating overflow areas** ahead of time reduces **consequences** of flooding because managers can control the location, timing, depth, and duration of a flood in a specific area (like a prescribed forest fire). Whereas levees left to overtop or ***fail on their own*,** often do so in an ***uncontrolled manner*.**

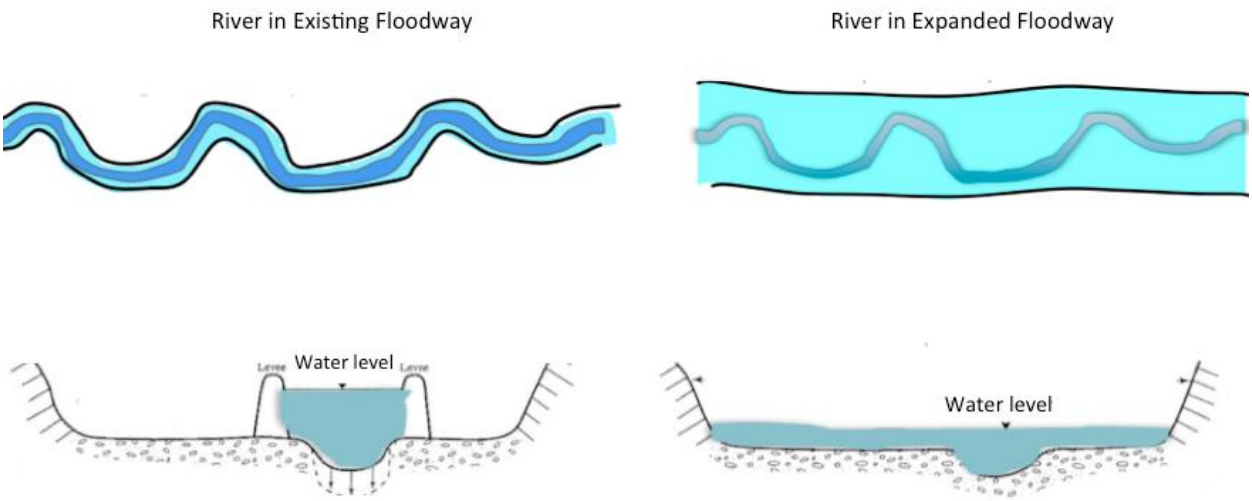


Figure 1 (above)- Schematic shows higher water level between levees on left, reduced water level on wider floodplain on right.

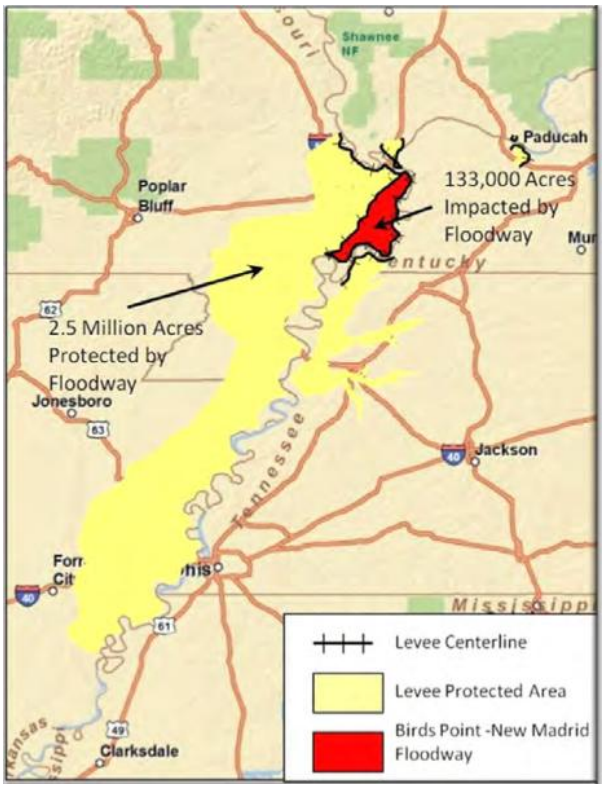


Figure 2 (left)- Activating the 133,000-acre New Madrid Floodway (red) prevented the inundation of over 3,000 inhabitants of Cairo, Illinois, as well as 2.5 million acres of farmland (yellow). Together with additional floodways, the Mississippi River and Tributaries Plan has prevented more than $350 billion in damages since conception in 1928. (MRC 2011)

References:

1) Technical Advisory Committee on Water Safety in the Netherlands (TAW) (2012) Technical Report on Soil Structures. Accessible: http://www.enwinfo.nl/engels/downloads/TRSoilStructures.pdf

2) Jonkman,SN, Maaskant,B, Boyd,E, & ML Levitan (2009). Loss of Life Caused by the Flooding of New Orleans After Hurricane Katrina: Analysis of the Relationship Between Flood Characteristics and Mortality. *Risk Analysis, Vol 29 (5): 676-698*

[3)] Mississippi River Commission (2011). Mississippi River Commission 2011 Flood Report. Accessible: http://www.mvd.usace.army.mil/mrc/pdf/MRC_2011_Flood_Report.pdf

CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Sent via E-Mail
cvfppcom@water.ca.gov

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Public Draft 2012 Central Valley Flood Protection Plan

Dear Ms. Moricz:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau thanks the Central Valley Flood Protection Board for the opportunity to submit the following line-by-line comments on the Draft Central Valley Flood Protection Plan:

Page #	Text	Comment
p. 1-16 last paragraph re: climate change adaptation:	"Over the past 40 years, State and federal environmental laws and regulations have been developed to reduce environmental impacts of human activities, such as those related to endangered species, fisheries, wetlands, and water quality. While progress has been made in achieving the goal of reducing environmental impacts of	The language in this section strongly suggests that new and expanded surface water storage--and not just expanded bypasses or setbacks below--should be part of the plan; yet, they are not. The required lead time and cost of such improvements are significant; therefore, these elements should be included as potential future components now.

	human activities, more can be achieved in terms of reducing impacts, and restoring some of what has been lost. One challenge is that these laws and regulations have added to the complexity, cost, and time required to plan, design, construct, operate, and repair portions of the flood management system. Future flood management practices will need to continue to adapt to current and new environmental regulations." "as the moderating effects of snowpack on runoff decrease, there will be a need for more water supply storage, putting greater pressure on California's multipurpose flood control reservoirs, as the moderating effects of snow-pack on runoff decrease, there will be a need for more water supply storage, putting greater pressure on California's multipurpose flood control reservoirs."	Ultimately, potential new storage is no more controversial, nor is it any more uncertain than large bypass expansions on tens of thousands of acres of farmland. The plan should not now shy away from such projects, or defer appropriate analysis and planning to subsequent updates. Also, as recently pointed out in the public comments on the plan, new storage could have significant "multiple purpose" benefits (e.g., water supply, species protection, climate change mitigation, flood protection, etc.), and should for this very reason be considered.
p. 1-17, 2nd paragraph:	"Over the past 40 years, State and federal environmental laws and regulations have been developed to reduce environmental impacts of human activities, such as those related to endangered species, fisheries, wetlands, and water quality. While progress has been made in achieving the goal of reducing environmental impacts of human activities, more can be achieved in terms of reducing impacts, and restoring some of	Here and elsewhere, the plan appears to suggest that habitat features of the plan will ease environmental restrictions. It is a concern of agriculture that the opposite may be true: That is, that more habitat will bring more restrictions. The flood plan must include assurances to ensure, to the greatest extent possible, that the former is the case, and not the latter. Also, there is a related

	what has been lost. One challenge is that these laws and regulations have added to the complexity, cost, and time required to plan, design, construct, operate, and repair portions of the flood management system. Future flood management practices will need to continue to adapt to current and new environmental regulations"	question as to whose regulatory burden such habitat elements could, or would benefit. For example, it is possible that such improvements might benefit one area of the state, or one region over another, or one group of stakeholders, while harming others. From the standpoint of basic fairness, financing, assurances, and mitigation must all compensate and appropriately adjust for this fact. Particularly, for the region where these habitat projects would occur, if the trade-off is between habitat and a proportionate easing of the regulatory burden in these same regions, then this result, and not the contrary, must be an assured outcome under the final adopted plan.
p. 1-18 re: land ownership:	"Land ownership underlying the facilities of the SPFC is a patchwork of private and public parcels. A variety of easements cover many private parcels and these easements have been established for a variety of different and often site-specific purposes. The types and terms of these easements relate to, for example, periodic flooding, conservation of agricultural land, and habitat restoration. This patchwork of land ownership and easement terms both constrains and	It is unclear what the plan proposes here. It appears that the intent is to describe some problem. However, it is not clear what the problem is--or what solution is being proposed. Is the problem private ownership of land? Is it the diversity of different easement types, or restrictiveness of the terms of those easements? Also, what is proposed? Less private land ownership? More public ownership? More uniformity in easement terms? How would this be achieved--and is

	complicates the potential for providing flood or environmental improvements over areas greater than individual parcels."	it a desirable outcome, from a societal, private property rights, flood engineering, and policy standpoint? Our view is that preserving private land ownership and control to the maximum extent possible should be an express goal of the plan. Also, respecting and enforcing the purposes of existing easements as encumbrances on the land may well create additional "constraints," or "complicate[] the potential for providing flood or environmental improvements"; however, until these encumbrances are removed, they represent a burden that "runs with the land" and must be respected. For example, many flood easements require lands to be maintained free from vegetation which might impair flood conveyance capacity or function. In many cases, such restraints were put in place for a reason, when the bypasses were created--and, for these same reasons, such restrictions should be a future of any new easements, to maintain the intended flood protection functions of the flood projects. Preserving agricultural land uses in perpetuity as well, may in many cases be a desirable type of restriction, to reduce the need for long-term

		maintenance (on-going removal of vegetation, snags, and debris), while also conserving the productivity of the land, the local tax base, etc.
p. 1-18, 3rd full paragraph:	"[W]here wildlife habitat is proposed in proximity to existing agricultural lands, the impacts of plowing, spraying, and harvesting of agricultural lands on nearby wildlife habitat and, conversely, the impacts of protected species on agricultural lands, must both be carefully addressed to successfully implement long-term environmental enhancement projects."	If farmers and agricultural landowners are not extended express assurances that expanding habitat in the floodways and in proximity to agricultural lands, it is highly foreseeable that such habitat expansion will significant local opposition. If the state desires more habitat, the state must then provide adequate assurances that such habitat will be compatible with agriculture and flood protection, and that farmers and agricultural landowners will not incur increased liabilities, or reduced flood protection as a result of such habitat.
p. 1-19 re: FEMA mapping, with and without project:	"In the absence of the CVFPP, current trends would likely continue. Among the most notable trends are the following: • FEMA's ongoing flood risk mapping program, conducted in coordination with State and local communities, will remap the floodplains protected by the SPFC with less than 100-year (1% annual chance) flood protection. This will impose significant long-term burdens on farms, homeowners, and businesses in these areas, including higher flood	Aside from language pledging the state's "support" for current FEMA NFIP efforts by rural and agricultural stakeholders, we are not aware of anything the flood plan would do to alleviate the FEMA situation--unless it has to do with model building standards required under S.B. 5, or except, perhaps, with respect to small communities that would be provided 100-year protection. With respect to rural and agricultural areas, the plan currently says it would not provide 100-year

	insurance premiums and limitations on repairing, reconstructing, and expanding structures."	protection. If the flood plan would alleviate or address the FEMA issue in some manner, please clarify how and where this is the case.
pp. 1-19, 1-20 re: rural vs. urban areas, federal funding:	"These regulations also do not take into account the long-term benefit of integrating environmental restoration projects, thus undervaluing the importance of rural projects. The historical federal/State/local partnership has created a dichotomous system in which urban areas have a much higher level of protection than rural-agricultural areas and receive the majority of available funding. Since the passage of Propositions 1E and 84, the State has taken a stronger leadership role in the project delivery process, including project formulation, design, and advancing of funds to cover much of what traditionally has been the federal cost share, with the hope of obtaining credit against future State cost-sharing obligations."	There is something wrong with either a federal or state system that sees no benefit to investment in rural levees separate any purported environmental restoration benefit. The system is an integrated one--and most of that system exists in what are now rural and agricultural areas. These lands, as they currently exist, protect urban areas and provide may current environmental benefits, over and above the already significant, independent social and economic benefits such lands produce. If the federal government cannot see these benefits, then it is no less incumbent on the State of the California to see them and take the lead in protecting them. Environmental restoration goals should not be accorded a monopoly on public benefits that, in turn, ignores the supporting benefits of agricultural and rural areas. Policies set in the flood plan should reaffirm these significant values.

		A flood plan that presents a compelling vision that includes a strong commitment to adequate flood protection for rural and agricultural areas, while ensuring the compatibility of proposed habitat goals, can then set the course toward a stronger and more equitable system overall. Proper economic valuation of agriculture in the flood plan could also help to alleviate this problem.
p. 1-20, last full paragraph:	"The State has a fundamental interest in promoting the health and safety of its people, robust and sustainable economic growth, and a healthy ecosystem."	Add a reference to the well-being of agriculture, as a "fundamental state interest," as reflected in numerous other areas of state policy (e.g., "a vibrant agricultural economy, "protecting California's unique agricultural resource base and economy," "continued production of food and fiber," etc.).
p. 1-20, second to last full paragraph re public outreach.	"well-represented interests of involved local, State, and federal agencies, and special interest, nongovernmental organizations. The CVFPP also takes into consideration the interests of the State as a whole, which are typically not represented by any special interest group, in promoting the wise stewardship of public funds and natural resources."	Farm Bureau disagrees that farmers, agricultural landowners, and many local interests, including local governments were "well represented" or informed of the process and its potential effects (including the nature and magnitude of the project's footprint). In fact, even for those of us who did endeavor to participate, the nature and extent of some of the most significant aspects of the plan (including, especially, the levee setback and bypass proposals) were completely

		unclear before the release of the November 2011 Working Draft. Furthermore, Phase 3 and 4 of the process, dealing with the selection of management actions and the different possible approaches, never occurred before the release of the draft plan. It is also unclear who is the arbiter of "wise stewardship" or "interests of the state," if the plan does not adequately reflect the wants, needs, and concerns of all of the major constituents and interests affected. While it is understood that DWR's Draft Plan is a draft document and, by and large, a technical document, the Flood Board's job is now to ensure the plan as a whole accurately reflects the needs and wants of all of the major constituencies and geographic areas that would be affected.
p.1-20 re: terminology, text box, last paragraph:	"Systemwide. Evaluations on a “systemwide” basis consider how all the parts of the river basin and flood protection facilities interrelate in the movement of floodflows from rim reservoirs through the Delta. In other words, the evaluations consider the workings of the entire system rather than more traditional approaches that may only evaluate short reaches of levee along a river."	While a traditional reach-by-reach approach to flood risk and flood infrastructure analysis could certainly benefit from a system-wide perspective, it is also true that system-wide evaluations can no doubt benefit from reach-by-reach evaluation and firsthand, on-the-ground knowledge. One of the potential, major problems with the Flood Plan, as it currently stands, is the

		apparent lack of such perspective. In particular, we have found that farmers, landowners, and other local interests frequently have intimate, on-the-ground knowledge of local flood system characteristics and watersheds, that no amount of engineering expertise could easily replace. The lack of extensive local input into the plan to date is, we believe, a major shortcoming of the plan. It is our hope that this shortcoming can be cured in the regional planning and feasibility study phases of project development, through close collaboration with local residents, farmers, landowners, and local flood agencies.
pp. 1-21 through 1-24 re: systemwide analysis vs. feasibility study & project-level planning:	On 1-21: "The CVFPP is a descriptive document. It is not a systemwide feasibility study of sufficient detail to support project-specific actions such as authorizing legislation, design, and construction. It is intended to provide a foundation for prioritizing Central Valley flood risk reduction and ecosystem restoration investments, including feasibility studies on appropriate scales – from valleywide to project-specific." On p. 1-22:	See related comment concerning p.1-20 re: terminology, text box, last paragraph. The relationship between the Flood Plan, as a "high-level," "conceptual" "descriptive document," and subsequent phasing, cost-benefit, feasibility and project-level studies and analyses is presently very unclear. These linkages should be made much clearer and more explicit. Without such clarity, it is otherwise difficult to know precisely what the plan

	"Investments in levees and other flood protection infrastructure will be considered on a systemwide basis." On p. 1-24: "[T]he CVFPP gives careful attention to fixing known weaknesses in the rural-agricultural levee system and also protecting small communities. Because rural-agricultural areas are less developed, the State is interested in seeing more nonstructural improvements, as these often can have lower long-term annual operations and maintenance costs and greater system benefits. With this in mind, the CVFPP provides a framework for a much broader benefit analysis than the traditional approach, which relies almost entirely on the benefit-to-cost ratio and net economic development indicators to guide in-vestments." On, again, on p. 1-24: "The CVFPP focuses on implementation and considers the sequential phasing of incremental elements of the programs. This approach relies on development of a firm technical foundation to inform implementation actions in future CVFPP phases, with an initial focus on the most urgent flood management system needs. It also supports development of a sound funding strategy to pursue	gets us, or where we go from here. This presents somewhat of a dilemma, and even a contradiction, since, on the one hand, general, high uncertain and conceptual elements must necessarily be left vague; yet, if such elements are to provide the "blueprint" for second-tier analyses and planning processes to come, there must then be some level of relative certainty as to the origin and the basis for the "blueprint," and also some sufficient detail in terms of the specific linkages contemplated for the next phases of planning. As noted previously, even "high-level," "conceptual," and "systemwide" planning should not be done in isolation from pertinent cost-benefit, feasibility, local planning considerations. The "black box" nature of Phases 3 and 4 creates a natural lack of public confidence in the validity of many of the plan's "high-level" conclusions, recommendations, and assumptions, and this lack of confidence is compounded by the current lack of certainty concerning the next level of planning. To remedy this situation, at

	effective, long-term flood management in the Central Valley."	least in part, details of DWR's non-public Phase 3 and Phase 4 planning steps must be explained, reopened, revisited, and refined in regional planning. Also, the plan must better describe specifics of follow-on phasing and sequencing, prioritization, and regional planning and implementation, including specific processes to involve local interests and entities as full planning partners in the process.
pp. 1-24 through 1-26 re: outreach activities:		See related comments above (re: public outreach, p. 1-20). Two important clarifications here are: first, that local interests were generally not apprised of the plan or its potential effects, notwithstanding DWR's outreach process, and, second, that Phases 3 and 4 ("evaluating solutions" and "formulating approaches") were completed by consultants without public scrutiny or involvement, although public involvement was originally contemplated as part of the process. We understand that this was related, at least in part, to the magnitude of the task given by the Legislature to DWR, as well as the shortness of the legislative deadlines set under S.B. 5. On the other hand, it also strikes us that there is perhaps now a potential silver lining," and an opportunity to

		be seized in regional planning, precisely due to the hurried, non-public manner in which these critically important phases were carried out. Fortunately, regional and project-level planning over the next 20 to 25 years should now provide much more ample opportunity to revisit and refine the "solutions" and "approaches" developed in DWR's Phases 3 and 4--this time with much more extensive and meaningful public involvement than would have been possible in the run up to adoption of an initial Flood Plan, as mandated by S.B. 5. Until such public vetting and refinement of plan elements has occurred, the plan's broad conclusions and recommendations, as adopted in the final plan, should be qualified and bracketed accordingly.
p. 1-24, first full paragraph/bullet, re: ecosystem restoration and maintenance.	"The CVFPP proposes to take an integrated system approach to maintenance and ecosystem restoration. In practice, this means an approach that promotes implementation of a future flood management system footprint that provides additional habitat area to help support recovery of listed species and other State conservation goals while reducing flood risk by reducing long-term maintenance needs."	The assumption that restoring large areas of habitat will not require more, not less maintenance, needs explanation and substantiation, to say the least. For example, while slowing flood waters down and reducing water levels might conceivably reduce levee erosion in some areas, restored areas in floodplains would require thinning and on-going maintenance and could also cause flood waters to back up.

		If the state's assumption is that habitat areas can be created and then left to nature, this assumption alone could greatly undermine or negate numerous other assumptions, concerning system capacity, flood risks, urban and rural protection, agricultural conversion, economic impacts, levee integrity, local assurances, etc. On the contrary, the following language from p. 1-17 is a candid description of a much more plausible scenario, with respect to restored habitat and long-term maintenance needs: "Improving habitat in ways that reduce, or at least do not substantially increase, needs for maintenance of flood facilities will be important. Additional long-term funding may be needed where such improvements substantially increase maintenance needs."
p. 1-28 re: costs of improvements:	"Costs of capital improvements and programs were also evaluated on a reconnaissance level for the purpose of comparing preliminary approaches. Cost estimates used in this report were based on 2011 dollars. More detailed cost evaluations, taking into account financing costs, inflation, and implementation time, will be developed as part of a Financing Plan for the CVFPP and during subsequent feasibility study analyses."	Even if only at a "reconnaissance level," a key inquiry for the state's Flood Plan should be a comparison of the ranges of costs for the different "approaches" and improvements relative to the expected economic benefit, in terms of increased asset protection per dollar spent, etc. The macro-scale cost-benefit ratio of any finally selected approach should be positive. If none of the proposed

		approaches equates to a positive gain for California, at the proposed cost, then simpler, smarter, less expensive or down-scaled, and more effective approaches should be considered. At this point, preliminary analyses by a Mr. Lauren Ward, of Butte County, suggest the cost-benefit ratio for each of the approaches proposed by the state is currently negative. If so, this may suggest a need to consider potential new or modified alternatives. Creating flood capacity by expanding new surface water storage, for example, instead of relying on large setback and bypass projects on the valley floor, is a significant value-generating strategy not included in the current SSIA approach. (Specifically, potential benefits from new storage space include, for example, statewide waters supply and water reliability benefits, water quality benefits, cold-water and instream flow benefits, increased flood space, and potential, significant climate change adaptation benefits.)
p. 1-29 re: local and regional studies, future "course correction":	"Future updates to the 2012 CVFPP will incorporate new and revised information and also review and realign goals and actions as specific projects are implemented and conditions in the Central	DWR's approach to local and regional studies, including DWR's and the Flood Control's plan for local engagement and participation, needs better description in the final adopted version of the

	Valley evolve. Additional activities, such as local and regional studies, federal feasibility studies, and environmental compliance evaluations, will occur to support implementation of physical elements or features of the CVFPP."	Flood Plan. In addition, "reviewing," "revising," and "realigning" plan goals and action, the plan should say more much specifically and concretely, what aspects of the plan may change in the future, how much they might change, and how. Among other things, this is important for agricultural landowners, in terms of certainty and long-term planning, to the extent many such agricultural landowners would now be faced with continuing their existing operations in the shadow of some very large, but otherwise amorphorous impacts.
p. 1-29 re: implementation schedule and financing plan:		How will the public--and, particularly, how will local agencies, landowners, and farmers--be involved in development of the mentioned "implementation schedule and financing plan"?
p. 3-1:	"The regional and system elements require detailed analyses to refine how elements may complement each other and to develop appropriate justification for future selection of on-the-ground projects."	Suggest revision of text to read, "to refine how elements may complement [and constrain] each other...." The point is that it can be expected that regional and system elements may not only "complement" each other, but that, in some cases, regional elements or considerations, particularly at the feasibility level, may in fact "constrain" proposed system elements, and vice versa. Ultimately, the two should inform each other--and, in this sense,

		perhaps overall, "complement each other." Before this can occur, however, it may first be necessary to consider, in greater detail, how these competing considerations or levels of analysis may also "constrain" each other.
p. 3-2, 1st full paragraph:	"Major physical (capital improvement) elements included in the SSIA are shown in Table 3-2 and in the schematics in Figures 3-1 and 3-2 for the Sacramento and San Joaquin river basins." Suggested rewording to read: "Major PROPOSED physical (capital improvement) elements include...."	Also, consider again reiterating, as noted above and elsewhere in the plan, that proposed elements may be "refined, added, or deleted," etc., in response to feasibility level planning, local and regional input, etc.
p. 3-3, Table 3-2, heading:	Heading currently reads, "Major Physical and Operational Elements of Preliminary Approaches and State Systemwide Investment Approach"	Suggest rewording to read, "Major Physical and Operational Elements of Preliminary Approaches and PROPOSED ELEMENTS OF Systemwide Investment Approach."
p. 3-4, table 3-2, "Small Community" and "Rural-Agricultural Improvements":		The SSIA should include the "Target Design Capacity" element included in "Achieve SPFC Design Flow Capacity" and "Enhanced Flood System Capacity" as a first-tier goal for the Flood Plan. The plan should seek to achieve these "Design Capacity" targets through a combination of traditional levee improvements and expanded reservoir storage capacity. To the extent these targets can be achieved by these means,

		this should result in a proportionate reduction in the need for large proposed bypasses and setbacks. To the extent these targets cannot be achieved, this should then trigger second-tier consideration of any other methods and approaches to flood protection and flood management. Also, whether the plan adopts targeting "Design Capacity" for small communities and rural areas as a plan goal systemwide or not, any "site-specific rural-agricultural improvements," "based on levee inspections and other identified critical levee integrity needs," should, in any case, delineate clear and consistent levee criteria, including a rural levee standard or targeted minimum levels of protection, considering the different thresholds and categories of assets and communities protected in the Central Valley.
p. 3-4, Table 3-2 re: Fish Passage Improvements:		In addition to carefully examining and balancing assumed ecosystem benefits of proposed fish passage improvements in the Yolo Bypass against relevant economic and agronomic considerations and potential conflicts, the Flood Plan--and any follow-on studies of such proposals in the Flood Plan--

		should especially consider both the wisdom and feasibility, in addition to the relative costs and benefits, of the proposals to provide "fish passage" in the Sutter Bypass and "east of [the] Butte Basin" (the proposed "Feather River Bypass"?). Our initial assessment is that the relative costs and attendant impacts and potential adverse effects of these proposals--including farmland conversion impacts, regional economic impacts, potential ESA liabilities, high implementation costs, and possible significant fish stranding risks, when compared with slight or negative fish benefits--could well outweigh the anticipated benefits of such mprovements. In light of the many potential adverse effects, the Sutter Bypass and Butte Basin-area fish passage proposals in the SSIA should be clearly identified as tentative proposals only, subject to subsequent, detailed analysis and consideration of the improvements' relative costs and benefits.
pp. 3-10, 3-11, Sections 3.4, 3.4.1: Rural-Agricultural Area Flood Protection	"3.4 Rural-Agricultural Area Flood Protection Rural-agricultural area levee improvements included in the SSIA are not as extensive as for urban areas and small communities, reflecting the lower levels of development	Aside for the commitment concerning crown heights and all-weather access roads, the language in this section appears to reveal a primary emphasis, for rural and agricultural areas, on setback levees, habitat restoration, and

	within these floodplains. In addition to improving flood management, project designs will consider restoring shaded riparian aquatic habitat, wetlands, or other habitat. This includes protection and enhancement of existing healthy ecological communities, in addition to the enhancement/restoration of degraded ecosystem services and functions. Flood risk reduction projects in rural-agricultural areas that can achieve multiple resource benefits will be preferable to single purpose projects, and are likely to be encouraged through enhanced State and federal cost-sharing. In general, the State will consider the following rural-agricultural flood protection options, with a focus on integrated projects that achieve multiple benefits: [...] • SPFC levee improvements in rural-agricultural areas will focus on maintaining levee crown elevations and providing all-weather access roads to facilitate inspection and floodfighting. • Levee improvements, including setbacks, may be used to resolve known performance problems (such as erosion, boils, slumps/slides, and cracks). Projects will be evaluated that reconstruct rural SPFC levees to address identified threat	using rural and agricultural areas as a safety valve, in the form of "transitional storage," as opposed to the plan's stated primary objective of flood protection. The phrase "multiple benefits," as used throughout the plan, becomes a byword for "ecosystem restoration," and here, as elsewhere, is expressly linked to the availability of state and federal monies. (In other words, rural and agricultural flood projects that do not incorporate ecosystem restoration will be assigned a lower priority, or even become non-priorities, unless they include ecosystem restoration. Similar, the terms "nonstructural approach," as employed in the plan, refers essentially to large setbacks, bypass expansions, and transitional storage concepts--whereas these things, in turn, appear to be the quid pro quo expected of any rural and agricultural areas that would seek or desire any significant level of state or federal cost-sharing on regional flood improvements in these areas. However, a fundamental problem here (beyond the associated farmland and regional economic effects, that is) is that, to subordinate the need for flood protection in rural and agricultural areas to the perceived need for

	factors, particularly in combination with small community protection, where economically feasible. • Agricultural conservation easements that preserve agriculture and prevent urban development in current agricultural areas may be purchased, when consistent with local land use plans and in cooperation with willing landowners."	ecosystem restoration, ignores two key points: First, it ignores the fact that these two, distinct objectives are not also compatible--and, in many cases, may in fact be antithetical. Second, it ignores the primacy of flood protection and flood risk reduction as supposed primary goals of the flood plan. Thus, as many commentors have put it, it makes the "flood plan," first and foremost, a "habitat plan"--or, at least, an "urban flood protection and habitat plan," and not a rural or agricultural flood plan. Although the commitments on crown heights and development a rural-agriculture repair standard are appreciated, neither of these commitments ensures that rural or agricultural levees will be restored to the SPFC's original 1955-1957 design profile, or provides any assurance that restored habitat will not be allowed to further encroach upon and impair already inadequate flood capacities over time. The plan also makes no firm or clear commitment on specific "levee improvements" or any particular set of rural-agricultural levee repair standard. Furthermore, there is no adequate discussion or description of the overall process associated with even

		these extremely vague commitments. To foster greater confidence and support for the plan among rural and agricultural stakeholders, additional detail, clearer standards, and more concrete, definite commitments and assurances are needed. California's agricultural economy is not only a regional and local asset, and does not result only in private benefits to farmers and individual landowners: As a whole, California agriculture provides strategic statewide and national, social, economic and environmental benefits of national and statewide significance. There are, therefore, significant state and federal interests in California's agriculture that should be acknowledged and reflected in the plan. A major shortcoming of the plan is that it fails to recognize these interests.
p. 3-11, 3rd bullet point:	"Agricultural conservation easements that preserve agriculture and prevent urban development in current agricultural areas may be purchased, when consistent with local land use plans and in cooperation with willing landowners."	The purpose of the proposed agricultural easements, as well as the geographic location, spatial extent, nature and terms of these easements, etc. is not adequately explained, either here or anywhere else in the plan. Is the purpose to "preserve agriculture," to provide incidental habitat benefits, to prevent urbanization, to acquire land or otherwise establish state

		control or state restrictions on land use, such that levees, levee standards, or the relative level of flood protection afforded rural and agricultural areas might be reduced or avoided? Such questions are very pertinent to the "willing seller" assumption built into this rural and agricultural component of the plan--and, yet, no answers are provided. Whatever the purpose or purposes of these easements or how they would work, the flood plan must do a better job explaining just what this might be.
p. 3-11:	"SPFC levee improvements in rural-agricultural areas will focus on maintaining levee crown elevations and providing all-weather access roads to facilitate inspection and floodfighting."	What is the footprint of proposed "all-weather access roads" and associated rights-of-way, how and where would these lands be acquired, and has DWR considered access issues, with respect to private agricultural lands and operations?
p. 3-13, second to last paragraph:	"When consistent with local land use plans, and in cooperation with willing landowners, the State will consider purchasing agricultural conservation easements adjacent to the Sutter and Yolo bypasses to preserve agriculture and prevent urban land uses."	See related comment concerning the third bullet on p. 3-11 re: agricultural easements.
p. 3-13:	"This weir and bypass system redirects damaging floodflows away from the main channels of the Sacramento, Feather, and American rivers, conveying up to 490,000 cubic	The text does not say by how much capacity would be increased--or how much land this would require and where--and it is not clear where else in the plan, or any

	feet per second during large flood events." and "Bypass expansions would increase the overall capacity of the flood system to convey large flood events."	of the many technical appendices that accompany it, this information can be found. This is important information and should be more readily accessible, assuming it is in the plan at all. It is important to get an accurate sense of the magnitude of the plan's purported benefits. Beyond this, another pertinent consideration, when calculating or estimating system capacity, is the the extent to which proposed and potential habitat restoration features of the landscape might reduce or compromise any gains in capacity over time. (This should include habitat restoration, both a part of the plan, and occurring outside of it.)
p. 3-13 re: Sutter Bypass Expansion:	"Future studies to refine specific project elements related to bypass expansion should consider increasing the capacity of the Sutter Bypass to convey large flood events. Expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. Although the required width of the bypass has not been determined, DWR used a 1,000-foot increase in the bypass width for planning purposes. The evaluations for planning purposes were initially based on 75 percent of the new	The words "studies to refine specific project related to bypass" suggest, on one hand, that the decision concerning expansion of the Sutter Bypass has been already made, and that future studies will only "refine specific elements" of that proposal. On the other hand, however, the words "should consider the capacity of the Sutter Bypass" suggest that this decision has NOT yet been made, and rather that the mentioned future studies will only "consider" increasing the Bypass' capacity. Also, with respect to the 1,000-ft increase and the

	width allocated to agricultural use and 25 percent allocated to habitat restoration."	assumed 75/25 agricultural and habitat split, there is currently no indication whether this corresponds to an actual proposal, even generally, or whether there is any such correspondence to any project that is actually proposed or that might actually be constructed. It is unclear whether the graphic depictions of the proposed bypasses in the "Major Capital Improvements" maps in the plan correspond to the proposed widths and percentages mentioned. Nor are there any more detailed maps of the proposed bypass and habitat area or any discussion of how the assumed 25 percent area of habitat would be spatially and functionally distributed in relation to the assumed 75 percent agricultural land, or how these respective percentages would be maintained and made compatible. All of these details are key considerations for potentially affected stakeholders, yet the plan includes none of this information.
p. 3-14 re: Yolo Bypass:		Again, with respect to the “bypass expansion” in the Yolo Bypass, the plan lacks detail--and, yet, the text gives the impression that there *are* details that are simply not part of the plan. For example, the

		references to expansion of the upper and lower portions of the Bypass and the reference to 42 miles of levees suggest a level of detail not seen in the plan itself. In fact, a DWR map of proposed modifications in the area that was recently published in the Sacramento Bee was far more detailed than the map found in the plan itself. To the extent definite decisions have been made with respect to the new and existing bypasses, or specific designs proposed or approved, knowing what lands would be impacted and where, is very important to enable informed decision-making and local input on the project. From an agricultural standpoint, it also highly relevant to long-term planning and investment by private landowners in agricultural operations on potentially impacted lands. This level of detail is not currently found in the plan.
p. 3-14, Section 3.5.2 re: Feather River Bypass:		The text states that the proposed "Feather River Bypass" would "primarily provide benefits to the urban areas of Yuba City/Marysville." On page 3-14 above, however, the plan includes the following discussion:

		"Yuba City and City of Marysville – Improvements for this metropolitan area and adjacent urbanizing corridor (along Highway 99 north of Yuba City, and along Highway 70 within and south of Marysville) include the following: » Continue work to reconstruct and/or improve SPFC levees to urban design criteria along the Feather and Yuba rivers immediately adjacent to Marysville, consistent with ongoing local efforts. The State is supporting ongoing work to achieve an urban level of flood protection for the City of Marysville as part of the Yuba Basin Project. This project encompasses four phases of levee improvements and other actions, with an ultimate goal of protecting Marysville from a 250-year (0.4% annual chance) flood event. » Continue to work with Sutter Butte Flood Control Agency to develop and implement projects to achieve an urban level of flood protection for Yuba City and adjacent urbanizing areas. This includes reconstructing and/or improving SPFC levees to urban design criteria along the right bank of the Feather River, adjacent to and upstream from Yuba City, as

		part of the Feather River West Levee Project."
p. 3-15, Section 3.5.2 re: Lower San Joaquin Bypass:	"Evaluate the construction of a new bypass in the south Delta (expansion of Paradise Cut and/or other south Delta waterways), primarily for the purpose of reducing peak flood stages in the Stockton area."	Whether it is with respect to the Lower San Joaquin Bypass or to any of the other proposed bypass expansion proposals, and whether it is for the SSIA and any subsequent refinements or revisions of the SSIA, or for any other "approach" existing now or which may come into existence at some later date, the flood plan and any subsequent regional planning or project specific or feasibility level studies or documents tiering off the flood plan must ultimately weigh the benefits of anticipated peak flood stages reduction or attenuation, increases in system capacity, or other anticipated flood risk reduction benefits in relation to the relative impacts and projected costs of each alternative or plan component. At the current programmatic level of detail, a preliminary look at anticipated flood risk reduction benefits versus anticipated costs and impacts suggests that there is possible negative benefit to cost ratio at the projected cost of $14-17 billion, for program implementation over 20-25 years. The objective cost of any alternative or discrete plan components finally selected

		by the State of California should justify both the relative impacts and the relative costs of such improvements. This level of analysis is not currently found in the plan. The state should look for less expensive ways to achieve core flood plan objectives, while at the same time achieving greater benefits, including multiple benefit and asset-building projects. In particular, the plan should consider potential multiple benefits and relative costs of new surface water storage, as an express component of the flood plan and key part of the state's overall strategy on flood issues, water supply, climate adaptation, and ecosystem rehabilitation.
p. 3-15 re: Flood System Structures:	"[O]pportunities to expand fish passage at SPFC structures will be considered."	See above concerning Table 3-2 on pp. 3-4 re: Fish Passage Improvements.
pp. 3-15, 3-16, Section 3.5.4 re: Flood Storage:	"3.5.4 Flood Storage Preliminary systemwide analyses have identified potential benefits and opportunities for reservoir flood storage and operational changes for flood management in the Sacramento River and San Joaquin river basins. Flood storage may reduce the need for some types of downstream actions, such as levee improvements, and can offset the hydraulic effects of system improvements on downstream reaches. Additional flood storage can	Regarding the perspective reflected in the excerpted text, generally, Farm Bureau believes the failure to consider potential reservoir expansions, along with other potential program components at the programmatic level, greatly prejudices the potential for systematic development and integration of such elements in subsequent updates and stages of regional and statewide flood planning. As the text acknowledges, additional reservoir space has

	also provide greater flexibility in accommodating future hydrologic changes, including climate change, and provide greater system resiliency (similar to that provided by freeboard on levees) in the face of changing downstream conditions. New Reservoir Storage The only new surface water storage included in the SSIA is the Folsom Dam Raise, which is already authorized. During future feasibility studies, the State may consider partnering with other willing agencies on expanding existing reservoir storage. Transitory Storage The SSIA has not identified specific floodplain transitory storage, but may consider such storage on a willing-seller basis where consistent with local land use plans, all affected land owners support such storage, and the new flood storage area can be safely isolated from adjacent areas (easements or fee title)."	potential to provide significant flood protection benefits--while at the same providing many additional non-flood-related benefits in other areas (e.g., water supply, water quality, climate change adaptation, ecosystem protection, etc.). Additionally, as noted, additional upstream storage space can "reduce the need for some types of downstream actions," such as levee setback and bypass expansion projects. In contrast, the plan's disproportionate focus on "transitory storage" only, as opposed to traditional storage, wrongly prejudges, predetermines, and reduces the range of possible outcomes and solutions, while at the same time apparently betraying a certain implied bias against traditional surface water storage projects, on the part of the planners, or at least the planning process itself. The plan should recommend express integration of system-capacity expansion through potential expansion of existing surface water storage capacity, as an immediate priority.
p. 3-16, Section 3.5.5 Conjunctive Use and Groundwater Recharge:	"the SSIA provides opportunities for in-channel groundwater recharge and, although not recommending any specific recharge projects at this time, encourages	The plan should expressly recommend and outline potential regional planning or feasibility level planning efforts or processes to identify potential conjunctive use and

	exploring recharge opportunities in the San Joaquin River Basin, especially for capturing a portion of high flows from snowmelt, where feasible."	groundwater recharge opportunities for both water supply and flood control purposes. The Bureau of Reclamation and the Madera Irrigation District's Madera Ranch recently approved conjunctive project, for example, is a consummate example of such an opportunity. Such efforts are particularly important in the context of the San Joaquin River Restoration Agreement, the State Water Resource Control Board's San Joaquin River Flow Standard Review process, approaching FERC relicensing projects in that watershed, and other processes potentially affecting water supply in the San Joaquin River Basin and Watershed. Flood plan efforts in this area could overlap, build on, or leverage existing efforts, including the regional water planning and local conjunctive use and groundwater management projects in the area. Also, potential conjunctive use and groundwater recharge opportunities should not be viewed in isolation for potential climate change adaptation, fisheries restoration, water quality, water supply, potential reservoir reoperation and

		reservoir coordination, and surface water storage expansion proposals. In other words, state, federal, and regional interests should approach all of these things, as equal partners, from an integrated planning perspective, on multiple scales, from district level, to stream and watershed-base, to regional or basin-wide, to statewide planning.
p. 3-17 re: Weir and Bypass Operational Changes:	"The State proposes to investigate modifying the function and operation of weirs that spill floodwater to the bypasses in the Sacramento River Basin. The concept is to physically lower crests of overflow weirs and modify operations so that bypasses carry flows earlier and for longer durations during high river stages. These changes would reduce river stages and flood risks along main rivers. Depending on timing, duration, and a host of related hydraulic factors, the more frequently activated flood-plain in the bypasses would potentially provide a more productive rearing habitat for juvenile salmonids and other native fish and may provide riparian habitat."	See related comments at p. 3-15 and pp. 3-4, Table 3-2 (Re: proposed fish passage improvements).
p. 3-18, 1st full paragraph, re: Weir and Bypass Operational Changes:		The text states "extending the duration of bypass flooding could interfere with ongoing agricultural practice." Accordingly to comments from a number of agricultural

		stakeholders familiar with such matters, we are informed that the potential impacts for extending flooding of the bypasses can actually extended to agricultural lands outside of the bypasses, in the form of seepage. This can in turn affect the suitability of these lands, the existing agricultural practices and crop types grown on these lands. The flood plan and any subsequent planning or CEQA documents tiering off of it, must consider these effects.
pp. 3-21, 3-22, Section 3.7 Integrated Ecosystem Restoration Opportunities:	"Integrating environmental stewardship early into policy and project planning, development, and implementation will help move beyond traditional project-by-project compensatory mitigation." "This approach also creates the opportunity to develop flood management projects that may be more sustainable and cost-effective." "Flood protection projects that are integrated with environmental restoration components have the potential to increase federal and State cost-sharing for flood management projects and make improvements more affordable for local entities." "Flood protection projects that are integrated with environmental restoration components have the potential to increase federal and	The goals described are good ones in concept. Piecemeal mitigation and costly and complicated permitting requirements currently stymie necessary levee improvements and maintenance. Removing these impediments and doing so in a systematic, well thought-out way is a good idea. Also, these concepts are potentially compatible with the state's proposed vegetation management policy, which is an attempt at a practical compromise on the new, essentially infeasible Army Corps requirements. All of that said, however, any ecosystem improvements incorporated into our Central Valley flood system must be fully compatible with adjacent land uses and intended flood functions.

	State cost-sharing for flood management projects and make improvements more affordable for local entities." "DWR's goal in integrating ecosystem restoration and enhancement is to achieve overall habitat improvement, thereby reducing, or eliminating the need to mitigate for most ecosystem impacts."	Such improvements must also not swallow the plan's primary goal of "flood risk reduction," and must also require active management, with defined limits over time. The plan should expressly extend such assurances.
pp. 3-22-3-24, Section re: Climate Change Adaptation Strategy:	"DWR's goal in integrating ecosystem restoration and enhancement is to achieve overall habitat improvement, thereby reducing, or eliminating the need to mitigate for most ecosystem impacts. Therefore, the new hydrology will be most useful in technical evaluations leading to the 2017 update of the CVFPP." "Since available climate change information does not present probabilistic characteristics, DWR is working on the concept of prudent decision making that focuses on investments that could accommodate a broader range of climate change scenarios rather than optimizing investments within a few selective scenarios." "[I]mproved climate change information will allow more detailed evaluation of potential climate change impacts on the SPFC and refinement of approaches to	The text suggests that updated, more detailed, and potentially more accurate or reliable climate information will not be fully integrated into the flood plan until the 2017 update--and yet also suggests that evolving information in this area will figure as a consideration in regional and feasibility-study planning, applying the "prudent design" concept as a proxy during the interim period. We have several comments here: First, it strikes us that, to wait until 2017 for a comprehensive data set is, in one sense, too long to wait, since planning, and implementation of meaningful climate change adaptation strategies, in the event current climate changes are borne out, may require significant lead-time and, therefore, significant upfront effort now.

	manage higher floodflows and sea levels during preparation of regional plans and feasibility studies."	Second, to look at potential climate change effects solely in a flood control context is to take too limited a view. Since the effects of a changing climate could potentially impact a wide range of resources and state interests extending significantly beyond flood control alone, the State of California should be approaching this issue in a broadly integrated fashion, through interagency and interdisciplinary cooperation. Within DWR alone, for example, climate change efforts in the Flood Plan, on the California Water Plan, by the California Water Commission, by the Climate Change Action Team, and on the CALFED Surface Storage Investigations should all be closely coordinated with other pertinent state, federal, regional, and local planning processes, in addition to pertinent national, international, scientific, private sector and academic efforts in this area. Third, the flood plan's current focus on "transitory storage," bypasses, and releasing or evacuating water from reservoirs ignores the other possibility which is to expand reservoir capacity to capture and retain more water upstream to, in turn, achieve multiple objectives--including, especially, statewide water

		supply benefits. Fourth, even as the projected effects of climate change, as currently hypothesized and debated, are at least potentially significant and far-reaching, at the same time, it is also true that the exact nature and extent of these effects is highly uncertain at the present time. Given this tension, the state's strategy should be to move as quickly as possible toward a point where responsible decisions can be incrementally made, using the best and most reliable information possible, while at the same time resisting a potential opposite desire or tendency to rush to judgment on decisions that may be premature. As a centerpiece of the State of California's "prudent planning" stance on climate change, the state should move quite aggressively forward on potential climate change adaptation strategies, and should also work to significantly improve the quality and reliability of the science in support of them, over the next several years. At the same time, however, the state's approach should be pragmatic, with an emphasis on adaptation and mitigation of potential social and economic effects, as opposed

		to causal prevention, where there is, first, insufficient scientific justification, both as to the need for or efficacy of such causation-centered approach at this time, and, second, where there are presently no sufficient protocols, economic alternatives or regulatory mechanisms to ensure the success of such approach, even if one were to assume it is necessary. What it is possible to say, even now, is that, from a much more limited practical and critical resource-based standpoint, integration of complementary flood control- and water supply-related purposes should be a major focus of the state's selected "prudent planning" approach to the issue of climate change--and this approach should be reflected in the flood plan through active consideration of expanded upstream storage capacity.
pp. 3-30-3-32, Estimated Cost of SSIA:	"Table 3-5 summarizes the preliminary estimate of costs for the SSIA, assuming all elements are ultimately completed. Estimates include costs for capital improvements and 25 years of ongoing annual work to maintain the system. Estimated costs are in 2011 dollars." "Section 4 also shows cost estimates over a more certain time period of 10 years that will allow near-term	The source or basis of the cost ranges included in the plan for the SSIA is not identified. At a minimum, DWR should cross-reference any relevant material included in the technical appendices. For example, here, presumably, Attachment 8J, the "Cost Estimate" appendix would be one such reference. (As a more general comment, concerning the Flood Plan as a whole, the credibility

	projects to be constructed as longer term projects are under additional evaluation."	transparency, and accountability of the document would be significantly improved by cross-references to technical appendices and external sources throughout.)
pp. 3-38-3-39 re: Benefit to Local and Regional Economies:	"Increased benefits to regional economies – Implementing the SSIA would directly and indirectly benefit local and regional economies and support continued economic development in the valley. Implementation of the plan would reduce the potential for lost agricultural, commercial, and industrial production/income, and secondary "ripple" effects, as a result of a flood. " "Flood management improvements would reduce direct crop damages. Improved flood protection would result in an increased ability to obtain favorable crop insurance coverage and rates. Similarly, improved protection would also increase the ability to obtain agricultural loans with favorable terms. As a result, flood management improvement has the potential to contribute to improved agricultural sustain -ability. Over 90 percent of the citizens in rural-agricultural areas and small communities within the SPFC Planning Area could receive additional flood	The discussion of benefits to agricultural lands and area remaining after moving 40,000 acres of agricultural land into the floodways, and then converting 10,000 of those acres to habitat, ignores or fails to consider the deleterious effect on these lands. Nor does it consider the potential adverse impacts on the productive capacity of 70,000 to 115,000 acres of lands targeted by the plan for agricultural easements, and 50,000 to 75,000 of those 70,000 to 115,000 acres targeted for "transitional storage" (which is to say intentional periodic or temporary overspill of "peaks flows" from adjacent rivers and streams by design). Not only are the potential detrimental effects of these proposals not considered, they were also not even explicitly discussed in the Draft Flood Plan. Rather, all of this information is buried in an obscure technical appendix to the plan (Attachment 8J, the "Cost Estimate" attachment). As a separate comment on the public process for the Flood Plan, generally, in light of this

	protection by levee improvement measures, flood proofing, and relocation opportunities presented in the SSIA."	information, we believe it is only fair to again decry the utter lack of appropriate public disclosure and outreach to affected interests concerning these matters.
p. 108, Section 3.14.1 Reduced Economic Flood Damages:	"Results of the modeling indicate an overall reduction in total expected annual dam - ages of about 67 percent, with specific reductions in damages and losses as follows: - Structure and contents flood damages would be reduced by 72 percent - Crop damages due to flooding would be reduced by 6 percent - Business production losses would be reduced by 72 percent"	The source or basis of the 6 percent reduction estimate on crop damages should be referenced, and any embedded assumptions described. For example, it would appear this estimate is 6 percent valley-wide. But how do crop damage reductions vary from region to region? Does this account for agricultural lands or crops that would be sacrificed or compromised through the bypass expansions to provide the 6 percent increase to the rest? Also, 6 percent versus 72 percent reveals a large disparity in terms of anticipated benefits for rural and agricultural areas, versus benefits for urban areas. What determined the level of effort or expense that would confer a 72 percent benefit on urban areas, but just a 6 percent benefit on agricultural areas? Is this a policy decision, or a decision that has some objective or economic justification? Were other specific levels of protection considered and/or rejected? Does 6 percent vs. 72 percent properly and fairly value our agricultural lands as a food

		source? A source of jobs and important economic activity, and an irreplaceable asset to both the state and the nation? What specific level of protection or what specific improvements to rural and agricultural levees does the 6 percent figure assume?
p. 3-41, re: Ecosystem Restoration Benefits:	"Floodways would be expanded and extended to improve the flow carrying capacity of the channels, and the lands acquired for the expansion would be used for habitat restoration and environmentally-friendly agricultural activities. Over 10,000 acres of new habitats would be created within the flood management system. In addition, over 25,000 acres of land would be leased for growing grains, corn, and other habitat-compatible crops. "	The plan includes little or no information concerning spatial distribution, or anticipated configurations of the proposed habitat areas in relation to adjacent agricultural areas. Secondly, this section implies that lands would be purchased or condemned in fee title, and some 25,000 acres then "leased back" for "grains, corn, habitat-compatible crops" and "environmentally-friendly agricultural activities." These statements are very vague and leave many questions unanswered: For example, what is "environmentally-friendly agricultural activities"? And what about "agricultural-friendly habitat restoration"? (In reality, the latter is as much or more a consideration and a concern as the former--and yet it is not discussed.) As to the inference that lands would be acquired outright, this conflicts with the public statements of DWR officials, indicating that DWR's "preference" would be to

		maintain as much land as possible in private ownership, and to take flow easements consistent with this preference, in lieu of fee title acquisition. Thus, for example, this official correctly noted that keeping agricultural lands on the local tax rolls is a benefit to protect and preserve the local economies and communities. To clarify these issues, an appendix or separate discussion or description of potential land acquisition tools and alternatives to fee title acquisition could be very helpful to overcome fears which may be rooted, in large part, in a lack of pertinent information. In addition, as noted elsewhere, a compendium or separate description, reference, or resource describing agricultural assurances, and habitat planning and subsequent maintenance approaches or mechanisms, would be similarly helpful.
pp. 3-43-3-44, Small Community Land Use, Rural-Agricultural Area Land Use:	"The SSIA supports the continued viability of small communities within the SPFC Planning Area to preserve cultural and historical continuity and important social, economic, and public services to rural-agricultural populations, agricultural enterprises, and commercial	The overall approach described is logical from a statewide perspective, and yet not necessarily compatible with local priorities and decision-making. While it is understood that the state may have reasons for not wanting to "encourage" urban

	operations. Under the SSIA, several small communities within the SPFC Planning Area would achieve 100-year (1% annual chance) flood protection through structural means such as ring levees, where feasible. This would preserve small community development opportunities within specific boundaries without encouraging broader urban development." "The SSIA includes improvements for rural-agricultural flood protection, but excludes participation in flood projects to achieve 100-year (1% annual chance) flood protection that would be growth-inducing and, thus, increase potential flood risks. The SSIA includes many elements to preserve rural-agricultural viability, such as purchase of conservation easements to preserve agriculture and prevent urban development, when consistent with local land use planning and in cooperation with willing landowners."	growth in floodplains, by investing state monies in projects that are potentially inconsistent with state planning policies, these state policies should not usurp local land use planning authority, or operate as a bar on potential local improvements or projects, where local or private interests independently undertake to achieve 100-year or higher protection for their local areas. It is also erroneous to conclude that agricultural conservation easements--and especially flowage easements for "transitory storage" purposes--are necessarily beneficial, or conducive to "preserv[ing] rural-agricultural viability." In particular, if such easements are overly restrictive (for example, by restricting agricultural practices or crop types), or if they would expose or subject agricultural lands to frequent or extended inundation, such easements could, in fact, impair the economic and productive capabilities of these lands. The plan should recognize this fact. Furthermore, if, as stated, the goal is to "to preserve the robust agricultural economy of the Central Valley," in addition to being acquired on a willing seller basis, with

		broad local consensus, the terms of any such flood or agricultural conservation easements should expressly seek to further this goal.
p. 3-44 re: Rural-Agricultural Area Land Use:	"The State will work with FEMA's National Flood Insurance Program to promote the continued sustainable rural-agricultural economy and to examine opportunities to provide affordable flood insurance for low risk agricultural and farming structures in the floodplain."	This pledge is helpful and appreciated--but also offers little in the way of concrete action. Describing specific actions beyond "working" and "examining opportunities" in this area could clarify the practical application of this section and make it more useful as a distinct flood plan component. Moreover, some commitment to more concrete action could even serve as a form of potential mitigation to offset some the plan's potential adverse impact on the state's agricultural resources, and also to achieve the plan's goals in terms of "sustainable economic activities."
p. 4-1 re: Flood Management Programs:	"DWR's major flood management programs are as follows: - Flood Emergency Response Program - Flood System Operations and Maintenance Program - Floodplain Risk Management Program - Flood System Assessment, Engineering, Feasibility, and Permitting Program - Flood Risk Reduction Projects Program"	An interest feature of these existing DWR flood management programs is that the primary focus of all of them is, essentially, flood protection. This focus is consistent with the original purpose of the flood projects themselves. From this perspective, it is somewhat troubling to note the potential for substantial dilution of this primary purpose, with the Draft Flood Plan's significant, and in places even dominant, new

		overlay in the area of ecosystem restoration. The Flood Plan--and the Flood Board and DWR through the Flood Plan--should ensure that the state does not lose this historical focus on the primary objective of flood risk reduction, both in urban areas, and for small communities and local and regional economies in rural and agricultural areas. Ecosystem restoration should be a secondary objective--and, then, only where wholly compatible with the primary goal of flood risk reduction.
p. 4-6, Section 4.1.3, Floodplain Risk Management Program:	"The State supports efforts to reform the National Flood Insurance Program that would result in more equitable implementation while reflecting corresponding flood risks. Nationally-supported flood insurance premiums and payouts should be commensurate with demonstrated flood risk for a structure or area to encourage sound floodplain management at the State, local, and personal levels. Structures that sustain flood losses outside FEMA Special Flood Hazard Areas should be evaluated and their flood insurance premiums adjusted based on their full risk of flooding. In addition, to sustain agricultural communities and support the natural and beneficial functions of flood -	See related comment on p. 3-44 above.

	plains, FEMA should consider establishing a flood zone for agriculturally-based communities to allow replacement or reinvestment development in the floodplain for existing structures. The State will work with FEMA to consider a special, lower rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas."	
pp. 4-7-4-8 re: Integrated Flood System Improvements and Permitting / Conservation Planning:	"Integrated Flood System Improvements and Permitting DWR has initiated integrated flood management programs that could also facilitate permitting processes for implementing flood risk reduction programs and operations and maintenance of the flood management system in the Central Valley. Below are descriptions of major programs to achieve the goal of implementing multiobjective projects while facilitating programmatic permitting for flood management activities. Upon adoption of the CVFPP, these programs could inform DWR and partnering agencies in developing the Conservation Strategy that promotes implementation of integrated multiobjective projects while reducing or eliminating the need for mitigation, facilitating project	Subject to the many caveats concerning impacts to agricultural lands and compatibility of proposed habitat restoration features that are the dominant theme of these comments, it is nonetheless only fair to acknowledge that the concepts here described are, at least in theory, potentially useful ones. Specifically, reducing excessive permitting requirements and reducing costs through systematic planning could potentially represent a significant benefit to the system.

	permitting and reducing the costs and the time needed to acquire required permits." "Conservation Planning DWR, through development of the future Conservation Strategy, is evaluating systemwide and regional permitting approaches that will bring efficiencies to the approval processes for project construction and operations and maintenance activities." "DWR, through development of the future Conservation Strategy, is evaluating systemwide and regional permitting approaches that will bring efficiencies to the approval processes for project construction and operations and maintenance activities."	
p. 4-8 re: Corridor Management Strategy:	"Corridor Management Strategy The Corridor Management Strategy involves developing a vision, strategy , and plan (Corridor Management Plan (CMP)) for managing river corridors that integrate flood risk management, improved ecosystem function, and water management over a long-term planning horizon (greater than 30 years). A CMP includes a strategy for man -aging flood protection facilities, conveyance channels, floodplains, and associated uplands; a maintenance plan; and a restoration plan. A CMP also identifies policies for compatible land uses, such as agriculture and recreation,	Again subject to all of the many concerns raised herein with respect to agricultural lands, habitat, etc., it strikes us that the described "Corridor Management Strategy" is a potentially useful concept. If this model is indeed employed hereafter, it seems to us that such a process could represent a significant opportunity to much more meaningfully involve local interests in the development of solutions that seek to resolve conflicts and achieve an overall level of local consensus.

	within the corridor. In addition to addressing habitat restoration and flood facility maintenance, CMPs are a foundation for securing programmatic regulatory agency approvals for ongoing maintenance activities and routine habitat restoration. CMPs rely on coordination, collaboration, and cooperative working relationships with interested parties and stakeholders, including State, federal, and local agencies, nongovernmental organizations, maintenance districts, agricultural interests, and landowners." "CMP strategies are a means of restructuring existing flood management practices and policies implemented within a given management area to benefit and enhance the environment without compromising actions required by practices and policies."	
p. 4-8 re: Rural-Agricultural Area Flood Management:	"It is also clear that the combined resources of local agencies, the State, and the federal government will not be sufficient to improve the levees protecting rural-agricultural areas to meet the current 100-year level of flood protection performance standards. The CVFPP recognizes these realities, but also notes that it is important to improve flood protection for rural-agricultural areas, to the extent feasible, on a	Removing the unduly grudging and parsimonious qualifier "to the extent feasible, on a prioritized basis," and instead ending the sentence by saying, simply, that "it is important to improve flood protection for rural-agricultural areas" would greatly improve the tone of this section. The same goes for the qualifiers "when feasible" and "and where feasible" in the second and fourth paragraphs.

	prioritized basis."	Removing these qualifiers does not, of course, commit the state to unconditionally doing every rural-agricultural project in the world--but it at least commits the state to do something more than nothing. Since other portions of the plan suggest that it is neither the state's intent to do nothing for rural-agricultural areas, but nor is it the state's intent to do everything, these deletions would appear to have no practical effect at all--and, yet, the psychological and political effect would be notable. Because "feasibility" is, of course, a fairly essential requirement for any project that is not "infeasible," it would then seem that the useful qualifiers "when feasible," "where feasible," etc., are only unnecessary irritants for stakeholders who would like to hope the state will be so completely uncommitted to the state's rural and agricultural areas as this language would suggest. We would ask the state adjust the language of the plan in the manner suggested.
pp. 4-10-4-11 re: Rural-Agricultural Area Flood Management:		The commitments to "[address] known, localized performance problems or levees that have experienced distress during past flood events, prioritized based on flood risk," to "[[r]epair] rural-

		agricultural erosion sites identified by the latest inspection, on a priority basis (most critical first), and to "[d]evelop rural-agricultural area levee repair standards, in coordination with local and regional flood management agencies," are appreciated--as is the commitment to "work with FEMA to evaluate the feasibility of a program to provide post-flood recovery assistance to rural-agricultural areas."
pp. 4-18-4-19, Section 4.4, Refining Flood System Investments:	"To prepare the State feasibility studies, the State will first work with local agencies to prepare regional flood management plans. These plans (see Section 4.4.1) will include assessment of levees in each levee Flood Protection Zone (FPZ), will identify reasonable and feasible solutions to remedy the areas needing repair , and will include a regional financial framework. The State will use the regional plans as foundational information and will integrate the plans with system improvement feasibility analyses to prepare the two basin-wide feasibility studies."	As noted with respect to "corridor management planning," above, it would seem that the proposed "regional planning processes" represent a key mechanism to correct the lack of direct local involvement in development of the plan and to instead extensively engage local interests, including agricultural stakeholders and local governments in the next planning phase. As with the comments concerning "integrate floodplain management" and "corridor management planning" above, this comment is made subject to all of the other same caveats that otherwise pervade these comments, regarding the plan's potential adverse impacts on agricultural lands and economies, as well as the potential threat of unbridled and widespread habitat

		restoration as a part of our Central Valley flood system.
p. 4-19, Section 4.4.1, Regional Flood Management Plans:	"Regional Flood Management Plans To document site-specific flood system improvement needs and to involve local agencies in developing local investment strategies, the State will work with local entities and engage other interested stakeholders to define local flood system improvements that support the SSIA. This work will be site-specific for individual river reaches and likely begin with each FPZ within the potential implementation regions. FPZs are the smallest planning unit for gathering and organizing data and evaluating the costs and benefits of proposed flood management actions as they relate to overall systemwide improvements. Flood protection needs within the FPZs of an implementation region will be aggregated into regional flood management needs that, in turn, will be used to formulate regional projects/programs and associated feasibility analyses."	See related comment immediately preceding.
p. 4-20 re: Regional Flood Management Plans:	"The State proposes to provide a greater cost-share at the local level for environmentally beneficial projects, such as setback levees."	See related comment on pp. 3-10-3-11 re: Sections 3.4, 3.4.1: Rural-Agricultural Area Flood Protection.
p. 4-22, Section 4.4.2 Assisting Local Agencies in	"4.4.2 Assisting Local Agencies in Land Use	It is remarkable that so far into the process there has been no

Land Use Planning:	Planning The Central Valley Flood Protection Act requires each city and county within the Sacramento- San Joaquin Valley to amend its general plan to include flood-related information gathered for and presented in the CVFPP, within 24 months of the Board adopting the CVFPP. To assist local agencies in complying with the law, DWR will prepare the following information and make it available to local agencies: - Information gathered and used in the CVFPP. - Maps and geographic information system (GIS) data used to generate maps in the CVFPP and related documents. - Levee inspection data and completed geotechnical assessment results of SPFC facilities and related non-SPFC facilities, where data are available. - Water surface elevations for 100-year and 200-year flood events. - 100-year and 200-year inundation maps of the areas protected by the facilities of the SPFC. - Criteria for demonstrating an urban level of flood protection, including urban levee design criteria."	advance exchange of any of this information. The legislative task set for the local governments is, first of all, unclear; but, secondly, it is hardly a trifling one--and yet many local governments seem to be learning of the process just now. Unfortunately, like the tens of thousands of acres of agricultural lands potentially impacted under the plan, of which agricultural stakeholders are just now learning, the dearth of information that has been made available to affected local governments to date epitomizes what many perceive as the rushed, top-down nature of the CVFPP process to date. To ensure a fairer process, based on informed participation, it is absolutely essential that the state begin to immediately rectify this situation in the next phases of the process. The state can do this by conferring full partner status on local interests in the regional planning, feasibility, and project implementation phases of the plan--and, of course, in subsequent updates to the plan as well. Without such an approach, it is not difficult to predict, there will little local support for the plan.
p. 4-26 re: .4.5 Program Coordination,	"The State supports investing in “no-regrets” programs and	From an agricultural stakeholder standpoint, we

Communication, and Integration:	actions that clearly enhance system resiliency, integrate programs and resources, and preserve flexibility for future generations. Actions that fall into this category may include the following: » Acquisition of agricultural conservation easements where compatible with local land use plans (especially in deep floodplains adjacent to existing flood conveyance channels). » Expansion of existing river and bypass channels through levee set-backs, creation of new flood bypass channels, and development of wildlife and fisheries habitats in the bypass system, creating open space and integrating with recreation activities."	object to the term "no regrets programs activities," as used here, to describe acquisitions of agricultural easements, lands, and rights-of-way, levee setbacks, and bypass expansions. The term is awkward and inaccurate, from an agricultural standpoint, to the extent that the agricultural community and many of the affected local communities have by no means arrived at a point where they would consider such large-scale impacts to be free of "regret." On the contrary, these concepts were not properly vetted with affected communities before the release of the plan and, at this point, they have little to no buy-in from affected agricultural stakeholders and affected local communities. At a minimum, Farm Bureau suggests rephrasing the opening sentences in the excerpted portion of text to read as follows: "[Subject to subsequent refinement, including participation from local stakeholders in regional planning and feasibility phases,] the State supports investing in [...] programs and actions that [...] enhance system resiliency, integrate

		programs and resources, and preserve flexibility for future generations. Actions that [might] fall into this category include...." In contrast, Farm Bureau would instead tend to view the following as true "no regrets" activities: 1. The "rural-agricultural flood management improvements" listed on pages 4-10 and 4-11; 2. The "Flood System Operations and Maintenance Program" and "Floodplain Risk Management Program" related "Near-term Priority Actions" identified, for Rural-Agricultural Areas," on pages 4-31 and 4-32; 3. The "Floodplain Risk Management Program" related goals on page 4-32; 4. The "Flood System Risk Assessment, Engineering, Feasibility, and Permitting" related goals, on page 4-32, to "[better engage] partners and stakeholders," "[e]valuate the feasibility of initiating a program to provide post-flood recovery assistance to rural-agricultural areas," and "[p]rovide programmatic permitting for operations and maintenance of the flood management system." Farm Bureau would also view levee work to achieve legislatively mandated 200- and 100-year protection from "high risk" urban and

		urbanizing communities, work toward development of long-term surface water expansions, and the "Flood Risk Reductions Projects Program" related goals to work with local interests to design, permit, and implement feasible improvements for "high-risk urban and urbanizing areas," "small community projects," and "rural-agricultural area flood management activities," as discussed on page 4-33, to be "no regrets" actions. Proposals to purchase easements and lands for large bypasses, large-scale habitat restoration, and transitional storage need significant additional vetting and buy-in--not to mention full documentation of cost-benefit ratios and project feasibility--before such improvements could be considered "no regrets" actions.
p. 4-30 re: "Near-Term Priority Actions":		See related comments on "no regrets" actions on page 4-26 above.
pp. 4-32-4-33:		Many of the long-term activities here described are objectionable at this point, to the extent they would appear to commit the State of California and the major stakeholders and affected communities and areas of the state to an approach that was never properly vetted through these stakeholders or these communities, and that these

		stakeholders and communities do not currently support. To the extent the state endeavors to move such long-term concepts and planning processes forward at all, it should do so only upon a foundation of strong bottom-up regional planning, corridor management planning, integrated floodplain management planning, and feasibility-level planning, in direct partnership with local agencies and local stakeholders. The long-term planning activities to which this comment refers include the objectives, on pages 4-32 and 4-33, to: 1. "Launch a major effort to coordinate FloodSAFE activities with all levels of USACE, and with Congress to refine USACE feasibility study processes under the two State basin-wide feasibility studies, for the purpose of facilitating timely federal cost-sharing of flood management projects in the Central Valley"; 2. "Perform two basin-wide feasibility studies: one for the Sacramento River Basin and one for the San Joaquin River Basin"; 3. "Complete the Conservation Strategy"; 4. "[P]repare a long-term

		implementation plan for presentation in the 2017 CVFPP [...] [upon] completion of the State basin-wide feasibility studies and refinement of the projects]"; 5. "Complete the Financing Plan for the CVFPP in 2013"; 6. "Acquire lands, rights-of-way, and easements to implement systemwide projects, including extending and expanding the bypass system and ecosystem restoration components, as soon as studies to further refine the locations of the lands to be acquired are completed."
p. 4-35, Section 4.6.2 Implementation Phasing:	"4.6.2 Implementation Phasing [...] Phasing of system improvements will help accommodate the timing of project planning, design, land acquisition, partnering, etc., as well as funding availability. [...] Phase I will generally occur within five years (2012 to 2017) of CVFPP adoption. DWR will begin working on priority improvements, such as improved flood forecasting and emergency response, land use planning initiatives, enhanced operations and maintenance practices, and flood risk reduction projects. Physical on-the-ground improvements will focus on continued efforts to improve flood risk reduction in urban areas, develop small community and	In our view, consistent with related comments already made elsewhere herein, Farm Bureau views the identified work on "priority improvements" and on "[p]hysical on-the-ground improvements," as described, to be appropriate actions ready for near-term implementation in Phase I. With respect to the last item under Phase I, to "initiate" "development and feasibility evaluations and land acquisitions for expansion of the bypasses," please see our related comments, concerning Phase 1 long-term planning and property acquisition activities, on pages 4-32 and 4-33, above.

	rural flood risk reduction projects, repair erosion sites, and implement ecosystem improvements, where feasible. The Conservation Strategy will be developed, and feasibility evaluations and land acquisitions for expansion of the bypasses will be initiated."	

California Farm Bureau Federation thanks you for the opportunity to comment on the Public Draft 2012 Central Valley Flood Protection Plan.

Yours truly,

Justin E. Fredrickson
Environmental Policy Analyst

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.org	Technical Attachments	All	All	Many of the attachments and appendices were not published until as late as four weeks ago, well beyond the December 31,2011 deadline for the plan. Neither the CVFPB nor the public have had the statutory and intended six months to review and comment on the details of the CVFPP provided in the attachments and appendices. As has been stated at many of the public hearings, phase 3 and 4 of the development process were not completed due to time constraints.	We suggest that the CVFPB require DWR to complete the process it designed and started

Yuba-Sutter Farm Bureau
Serving Agriculture Since 1919

April 20, 2012

Mr. Bill Edgar, President
State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: **ADDITIONAL** Comments on the Draft 2012 Central Valley Flood Protection Plan and Draft Environmental Impact Report

Dear President Edgar:

It has just come to the attention of The Yuba-Sutter Farm Bureau (YSFB) in Appendix A (the "CVFPP Cost Estimate Methodology") to Attachment 8J to the Flood Plan ("Cost Estimates" document).in Table 4-0, Flood Management Elements, that we have been misled about the extent of the impact on agricultural lands. The Draft report and Department of Water Resource's staff have continually insisted that the impact to agriculture would be in the range of 40,000 acres. A number we already feel is excessive and intrusive to production agricultural lands in California. Now we discover that the plan actually calls for an additional 70,000 to 115,000 acres in agricultural easements. The intended use of these easements includes temporary and periodic storage of peak flood flows or better known as **Transitory Storage** locations. Not only do we feel deceived and have lost all confidence in the integrity of the process but this is exactly what we do not want to see happen to our farms and legacy communities. We do not believe less populated areas in the agricultural regions should be the relief valve for the more populated urban areas. I cannot express strongly enough that this additional acreage is absolutely unacceptable to the YSFB and burying this in the appendix of the document, failing to included this information in the public outreach hearings, and neglecting to bring it up anytime during discussions with the agricultural community is unethical. We have felt all along that the time frame associated with this process was too short and that the public did not have sufficient time to review this information. This is what we feared would happen if the document was pushed through and not given the necessary time for comprehensive analysis.

Sincerely,

Tara Brocker
President

475 N. Palora Avenue, Suite A • Yuba City, California 95991 • Phone: (530) 673-6550 • Fax: (530) 671-5836
yuba-sutterfb@sbcglobal.net http://yubasutter.cfbf.com

Yuba-Sutter Farm Bureau

Serving Agriculture Since 1919

March 22, 2012

Mr. Bill Edgar, President
State of California
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento CA 95821

RE: Comments on the Draft 2012 Central Valley Flood Protection Plan and Draft Environmental Impact Report

Dear President Edgar:

The Yuba-Sutter Farm Bureau (YSFB) would like to thank the board for your time and effort in providing a public forum for discussion on the Central Valley Flood Protection Plan, and scheduling more public outreach hearings than are required by law. We are also encouraged by the pledges from staff to improve the outreach to stakeholders and incorporate a grassroots structure to the plan. However, there are several areas of the plan with which we have concerns, and the YSFB would like to offer the following recommendations for change:

1. It is time for a fundamental shift in the practices by the board and the State to preserve, protect and respect agriculture and rural communities. The proposed plan affects some 40,000 acres of agricultural land in the Central Valley. YSFB would like to see the board work towards minimizing all agricultural impacts from this plan. Instead of losing some of California's most productive agricultural ground, try to focus on improving the existing bypass system. Expansion and incorporation of habitat should be a last resort; there must be a focus on retaining agriculture uses for the long term, and finding a new way to encourage environmental projects that work cooperatively with agriculture instead of at the expense and loss of productive land.

2. The plan must make parallel investments to both urban and rural communities. There needs to be a clear commitment made and funding identified, that will address improvements specific to rural areas. Seventy-five percent of the levees analyzed by the plan are rural, yet less than fifteen percent of the plan's funds are dedicated to improving these levees. This is an inequitable allocation for those who have to live in these "high-risk" communities. Rural areas should not be an afterthought when it comes to funding and the commitment of the plan to provide for these areas. The existing language of "if funding is available" or "where feasible" is not acceptable. The YSFB wants to see hard commitments in the plan that provide specific funding, and provide it within the first five years of the program.

3. YSFB asks that the board work with local communities during present and future phases of the plan's implementation process, to ensure that the specific concerns of each area are given their due diligence. Drawing on the knowledge, insight and expertise of locals will achieve a more successful plan and provide much needed cost savings. If the State desires a plan that improves flood control and attains the public's buy-in, then grass roots, bottom-up planning and implementation is necessary.

4. To protect our local legacy communities and preserve the farms that encompass them, YSFB urges the board to recognize the critical need for a FEMA Ag Zone. Plan language should encourage FEMA to adopt policy that allows for the continued growth of agriculture in FEMA floodplain areas while providing reasonably priced insurance. One of the best resources for determining the specific language needed in the plan is the Agricultural Floodplain Management Alliance (AFMA) of which YSFB is a member. We would like to see a commitment from the board to work with AFMA to ensure protection of legacy communities and agriculture.

475 N. Palora Avenue, Suite A • Yuba City, California 95991 • Phone: (530) 673-6550 • Fax: (530) 671-5836
yuba-sutterfb@sbcglobal.net http://yubasutter.cfbf.com

5. Levee setbacks and bypass expansions are bad for agriculture. YSFB believe the focus of the plan should be to fix and maintain the current bypass system. Habitat encroachment has managed to negatively interfere with management of the current system; vegetation has perpetually overgrown and is preventing our waterways from flowing freely. If it does become necessary to expand the bypass, then the process needs to start at the bottom of the system and be driven by a local, grassroots process. If land has to be acquired we strongly recommend that policy favor voluntary participation between willing sellers before condemnation. Condemnation procedures should only occur after all feasible alternatives are exhausted. At which point, landowner compensation must include all possible benefits for the landowner's contribution to the system-wide aspect of the plan.

The Yuba Sutter Farm Bureau requests that these recommendations be given full consideration by the board. We hope to see them incorporated into the plan, and look forward to participating in the next stage of the planning process. It is our goal to find a way to work together to achieve the needs of the agricultural community. Yuba Sutter Farm Bureau believes thes needs include providing improved flood protection but balancing that with protecting our valuable farmland and legacy communities.

Sincerely,

Tara Brocker
President

Moricz, Nancy

From: Scott--NorthStateDiving [scott@northstatediving.com]
Sent: Friday, April 20, 2012 3:36 PM
To: Cvfpp_Comments
Cc: Scott Smith-NSD
Subject: CA Draft Central Valley Flood Plan

Importance: High

From: Scott Smith

April 19, 2012

To: Central Valley Flood Protection Board

3310 El Camino Ave

Room 151

Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Scott Smith

PO Box 266

Richvale, CA 95974

530-882-4424

Moricz, Nancy

From: Matthew Keasling [mkeasling@taylor-wiley.com]
Sent: Friday, April 20, 2012 3:41 PM
To: Cvfpp_Comments
Cc: John Taylor; David and Susan Moore
Subject: Comment letter on the CVFPP
Attachments: Moore Comments on draft CVFPP_04192012.pdf

Dear Ms. Moricz:

Attached please find the comment letter of the Moore family regarding the draft Central Valley Flood Protection Plan. This letter identifies the lands belonging to both David and Susan Moore as well as brothers, Arlan and Roger Moore, located near the community of Grimes which will be severally and detrimentally impacted under the draft CVFPP. The attached Moore letter goes on to suggest two alternatives to the proposed "conceptual setback area" that may continue to provide adequate flood protection while preserving their historic family home, active orchard and lone boat marina.

Please ensure that the Moores, and Taylor & Wiley as their representatives, are added to the notification list for this project with respect to any portion thereof that will impact the community of Grimes.

Very truly yours,
Matthew S. Keasling, Esq.

Matthew S. Keasling
TAYLOR & WILEY
2870 Gateway Oaks Dr., Suite 200
Sacramento, CA 95833
916.929.5545

CAUTION: THE INFORMATION CONTAINED IN THIS ELECTRONIC E-MAIL AND ANY ACCOMPANYING DOCUMENT(S) IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY BE CONFIDENTIAL, MAY BE PRIVILEGED (ATTORNEY-CLIENT, ATTORNEY WORK PRODUCT, RIGHT TO PRIVACY) AND MAY CONSTITUTE INSIDE INFORMATION. IF ANY READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT THAT IS RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED, AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT (916) 929-5545, AND DELETE THE ORIGINAL MESSAGE FROM YOUR ELECTRONIC MAIL BOX.

MOORE FAMILY PROPERTIES

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

April 19, 2012

Re: Comments in Opposition to Proposed Setback Levee for Grimes as Shown In the Draft Central Valley Flood Protection Plan (January 2012)

Dear Executive Officer Punia and Board:

Our family has been in the community of Grimes for four generations, having settled the family homestead along the right bank of the Sacramento River in 1885 (see attached). David and Susan Moore currently live in the historic family home, a home that, if a setback levee is constructed as proposed in Figure E-7 of the Draft Central Valley Flood Protection Plan (CVFPP), will cease to have flood protection, will become uninhabitable and will eventually be destroyed by the Sacramento River. Roger and Arlan Moore (Moore brothers) own a producing walnut orchard, two residences, and the only boat marina located on the west bank of the Sacramento River between Knights Landing and Colusa, located just south of the family homestead and which are similarly in jeopardy of destruction. The potential loss of all of these assets is the primary reason that the Moore family strongly opposes the CVFPP (January 2012 Draft) as proposed.

Currently, the plan proposed to reinforce the levee adjacent to the community of Grimes but then recommends building a setback levee beginning on the southside of town and removing the existing levee (see attached Figure E-14 and related discussion). This will result in the loss of several acres of farm land as well as the historically significant home and the Moore brothers' marina. Rather than produce income for our family, feed people around the world, and provide access to the River for local residents, these lands will revert to riparian habitat. This will be a large loss to the town of Grimes and a devastating loss to the Moore family.

We appreciate the efforts of staff and the CVFPB in undertaking this immense project intended to provide improved flood safety to the citizens of this state. We also understand that this draft is only the first in a series of planning efforts that will occur before development of specific project segments. Since this is only a preliminary phase, we recognize that we will be afforded opportunities to participate in future planning efforts. <u>However, it is far preferable to the entire Moore family to have the aforementioned impacts to our property addressed now during this draft phase, rather than waiting to address the matter years from now after current generations have passed and the "conceptual" plan has become entrenched</u>.

As such, we humbly request that the Board modify the draft plan with respect to a setback levee south of Grimes (including but not limited to Figure E-7, attached, and the discussion on page D-50) to remove the proposed setback levee on the west side of the River and instead "fix in place" the existing levee south of Grimes. This alternative will provide protection from a one percent AEP flood for the broad community of Grimes, including its industry, historic places, and amenities. In the alternative, if a setback levee is necessary to meet the goals of the CVFPP, we request that its alignment be modified as shown on Exhibit A (attached). This alternative alignment will reduce impacts to agriculture while avoiding the historic Moore Family home and the only marina.

Thank you for your consideration.

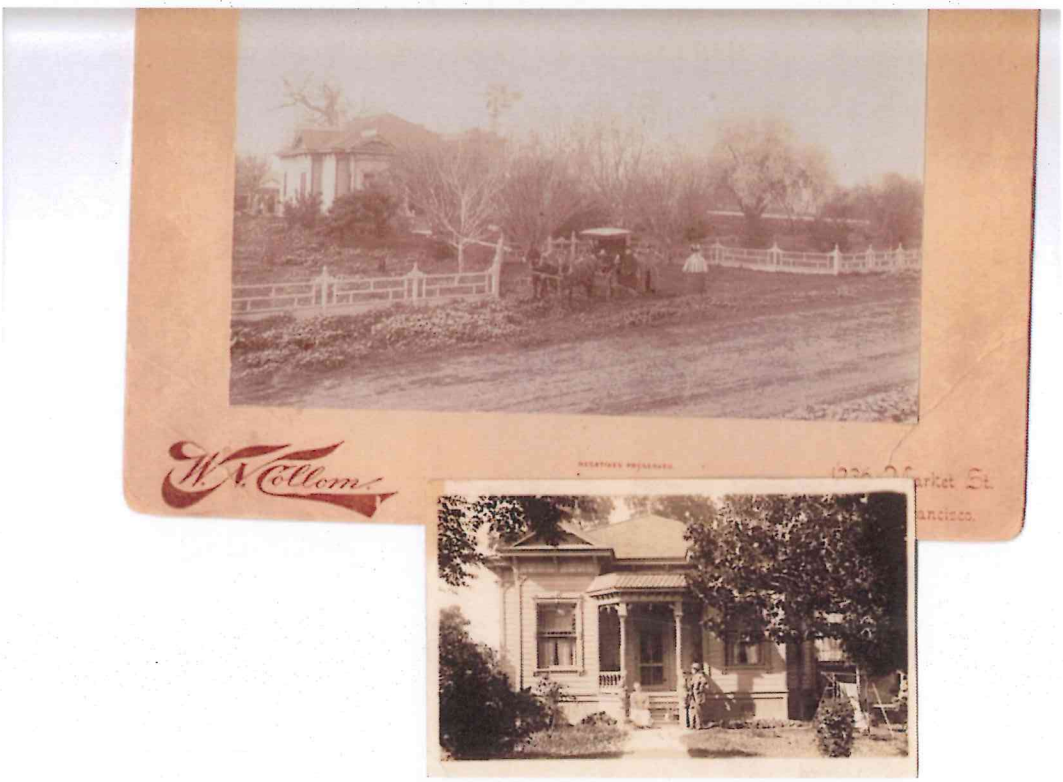
Sincerely,

David Moore
Susan Moore

David and Susan Moore
1665 Highway 45
APN: 019-110-017-000

Roger Moore and Arlan Moore
1661 and 1659 Highway 45
APN: 019-110-019-000

Cc: John M. Taylor, Esq.
Taylor & Wiley
2870 Gateway Oaks Dr., ste 200
Sacramento, CA 95833



Historic photographs of the Moore Family home.

The Moore home as it looks today.

5- 2 78
USDA
40 06011
178-21
Index No. 246
homesite
marina
Corner
Corner

Grimes

Grimes is an unincorporated community located along the right bank of the Sacramento River in Colusa County. FLO-2D hydraulic modeling results referenced over aerial photography of Grimes (Figure D-20) showed that water depth from a simulated 1 percent AEP flood would be 0 to 1.5 feet. In addition, GAR (DWR 2010) and RACER (DWR 2011) information was reviewed for the type and cost of remediation necessary to repair the existing levee adjacent to Grimes. After analyzing the available data, it was determined that reconstruction-in-place repairs along the right bank levee of the Sacramento River, in combination with construction of a training levee south of Grimes, would protect the community from a 1 percent AEP flood (Figure D-20).

Recommended repairs along the right bank of the Sacramento River include remediation for under-seepage, through-seepage, nonseepage-related stability, erosion, and freeboard. The most thorough approach to repairs was chosen because of past performance issues along the levee segment associated with under-seepage, erosion, and possibly through-seepage. The cost to repair a 3.53-mile portion of the levee segment, identified in the GAR as Segment 288, was estimated to be $41.9 million, which calculates to about $11.9 million per mile. The cost per mile was then applied to only the 0.50-mile portion of Segment 288 (Figure D-20) to estimate the reconstruction-in-place costs. Although the cost to repair freeboard along Segment 288 to 1957 design elevations was applied to the current cost estimate, more data are needed to determine if the levee segment has the minimum 3 feet of freeboard for a 1 percent AEP level of protection. Additional costs to increase the crown elevation and overall size of the levee prism may apply.

To complete the conceptual layout, a training levee would be constructed beginning from the right bank of the Sacramento River, just south of Grimes. From the right bank of the Sacramento River, the training levee would extend westward along the edge of the community. The training levee was conservatively designed with a height of 4.5 feet (1.5 feet plus an additional 3 feet of freeboard) along the entire alignment. The total cost for construction, including reconstruction-in-place repairs, was estimated to be $7.0 million.

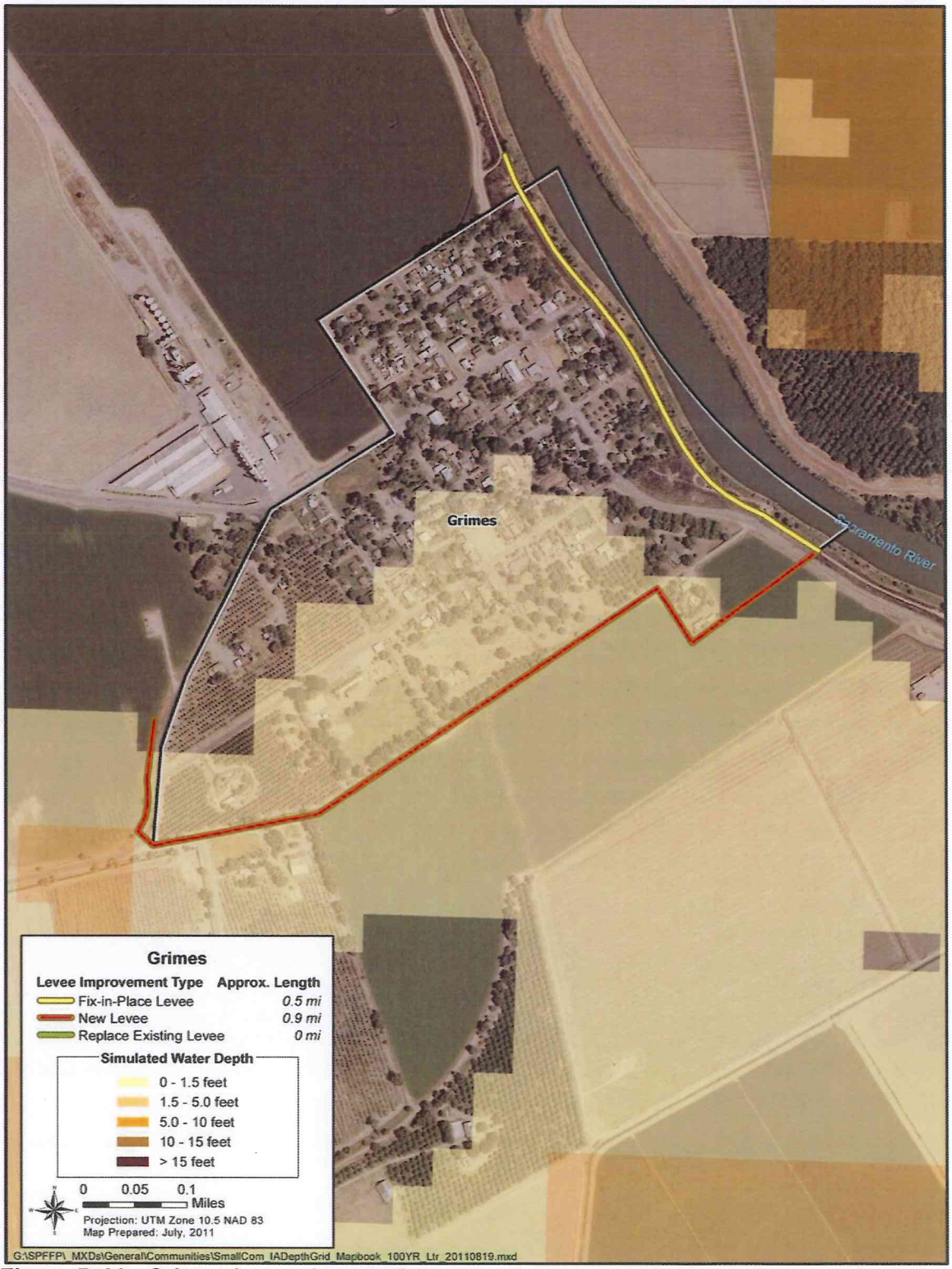


Figure D-20. Grimes Levee Approach

Specific conceptual levee setback opportunities are shown in the following figures. The length of the new levees, removal of existing levees, and area of land created by these conceptual setback levee projects formed the basis and provide the quantities for the cost estimates.

Costs Basis and Development

Costs were generated for setback levees parametrically. Unit costs were developed based on land type and levee function from other representative studies and construction projects for setback levees. Table E-1 lists cost development assumptions.

Table E-1. Cost Assumptions for Setback Levees

Element	Cost or Percentage
Environmental, Permitting, Engineering, and Feasibility	25%
ROW Cost	$22,000 per acre
New Setback Levee Cost	$20 – $25 million/mile
Levee Removal Cost	$5 – $10 million/mile
Fix-in-Place Levee Cost	$15 – $20 million/mile

Key:
ROW = right-of-way

Setback projects and data are listed in Table E-2. Four conceptual setback levee projects were identified in the Sacramento River, and five conceptual setback levee projects were identified in the San Joaquin River.

Table E-2. Conceptual Setback Projects and Quantities

Project	Basin	Region	New Levee Length (miles)	Removed Levee Length (miles)	Fix-in-Place Levee Length (miles)	Restored Area (acres)
FTR1	Sacramento	Feather	5.6	8.4	9.3	4,000
MSAC1	Sacramento	Mid-Sac	4.3	5.7	4.3	1,000
MSAC2	Sacramento	Mid-Sac	8.4	15.2	5.2	3,000
MSAC3	Sacramento	Mid-Sac	7.8	10.7	6.2	2,000
LSJ1	San Joaquin	Lower SJ	5.6	12.8	7.7	3,000
LSJ2	San Joaquin	Lower SJ	5.6	8.4	9.3	2,000
MSJ1	San Joaquin	Middle SJ	10.6	11.6	2.5	4,000
USJ1	San Joaquin	Upper SJ	7.1	8.5	2.6	2,000
USJ2	San Joaquin	Upper SJ	10.4	11.3	12.5	5,000
Totals			**65.4**	**92.6**	**59.4**	**26,000**

Key:
Sac = Sacramento
SJ = San Joaquin

The conceptual setback projects would create 26,000 acres of potential riparian habitat. The habitat created may bring additional institutional support and financial benefits to the CVFPP. Setback projects would also reduce monitored and maintained levee length by 27 miles. This would save a significant amount of money in annual maintenance.

If these projects were to move forward toward implementation, they would require a feasibility analysis of alternatives. The analysis would need to further assess the impacts to existing agricultural uses, local infrastructure, and river and levee access. Additional detail for the conceptual setback levee approach is shown for each project in Figures E-5 through E-13.

The high and low range of conceptual construction costs are listed in Table E-3. The nine projects would cost between $3.2 billion and $4.5 billion to construct. This cost does not include long-term maintenance and restoration costs (tree, shrub, grass plantings, temporary irrigation) for the restoration acreage.

Table E-3. Summary of Setback Levee Costs

Project	Total Construction Cost (low)	Total Construction Cost (high)
FTR1	$381,408,500	$519,854,050
MSAC1	$201,276,950	$294,718,650
MSAC2	$386,807,260	$552,329,180
MSAC3	$345,190,150	$490,166,950
LSJ1	$356,844,340	$509,253,520
LSJ2	$337,408,500	$475,854,050
MSJ1	$395,038,150	$540,414,650
USJ1	$268,030,710	$381,322,830
USJ2	$562,191,900	$755,309,700
Totals	**$3,234,196,460**	**$4,519,223,580**

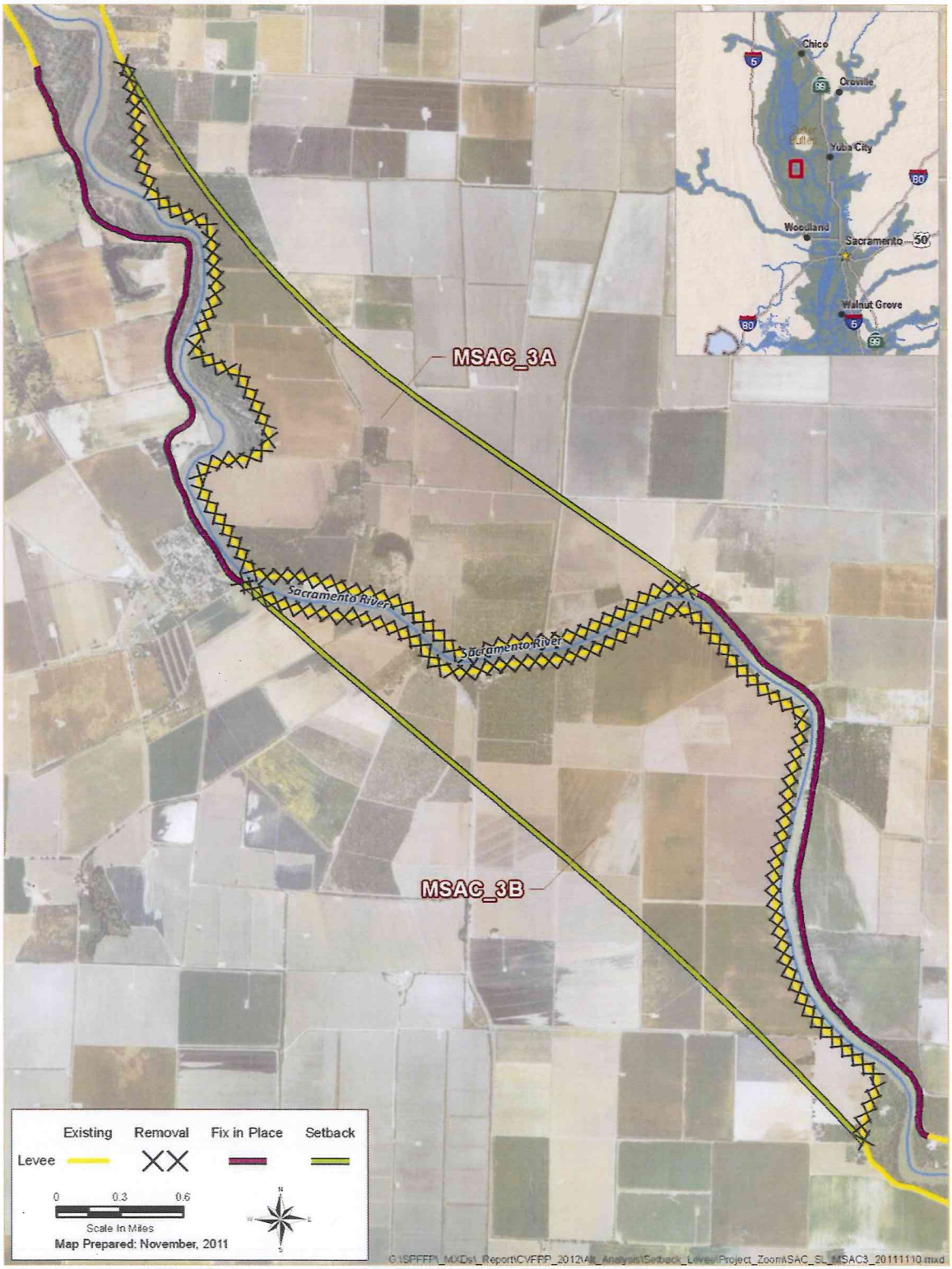
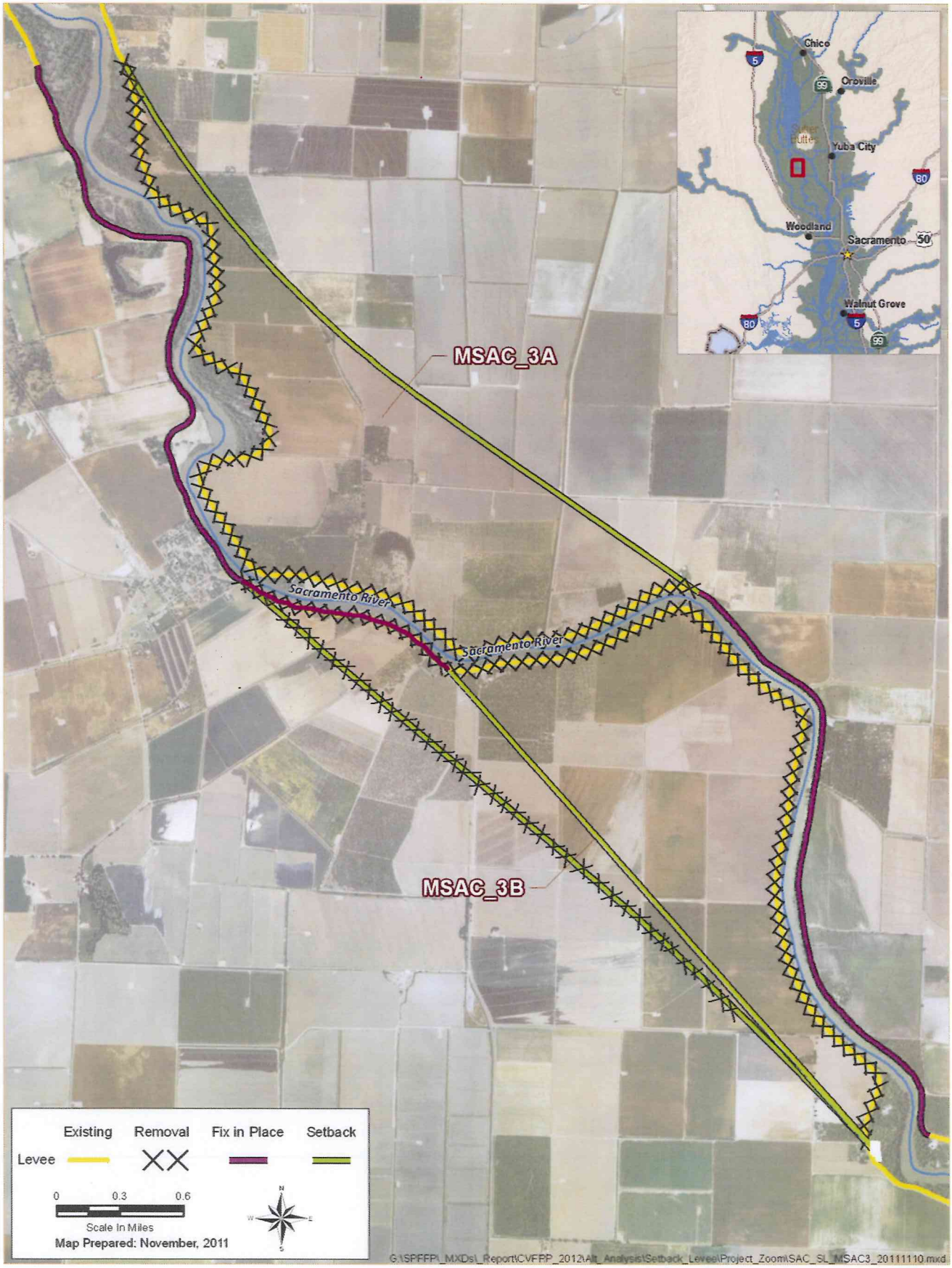


Figure E-7. MSAC3 Conceptual Setback Area, Sacramento River

EXHIBIT A


Chico
Oroville
Yuba City
Woodland
Sacramento
Walnut Grove
MSAC_3A
Sacramento River
Sacramento River
MSAC_3B
Existing
Removal
Fix in Place
Setback
Levee
0
0.3
0.6
Scale In Miles
Map Prepared: November, 2011
G:\SPFFP_MXDs_Report\CVFPP_2012\Alt_Analysis\Setback_Levee\Project_Zoom\SAC_SL_MSAC3_20111110.mxd

DIRECTORS
ERIC LARRABEE
KEN ANDERSON
LANCE TENNIS
BRYCE LUNDBERG
GREG JOHNSON

WESTERN CANAL
WATER DISTRICT

OFFICERS
GENERAL MANAGER
& SECRETARY
TED TRIMBLE
ATTORNEY
JEFFREY MEITH
MINASIAN LAW FIRM

April 19, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Ave, Room 151
Sacramento, CA 95812

Via email: cvfppcom@water.ca.gov

Dear Ms. Moricz:

Western Canal Water District (WCWD) submits the following comments on the draft Central Valley Flood Protection Plan (draft Plan). WCWD encompasses approximately 67,500 acres located in the Butte Basin and adjacent to the proposed Feather River Bypass (Cherokee Canal) at our eastern border. WCWD's main water supply is delivered from the Thermalito Afterbay to the WCWD system, passing under the Cherokee Siphon and into the WCWD main canal which serves approximately 90% of the district.

Given the draft Plan's negligible details, including the reference to a potential "flood control structure" in the Cherokee area, we have serious concerns any future proposed development of a "Feather River Bypass" project will seriously impact our ability to deliver water to our landowners. Rather the focus should be shifted to improving flood capacity and rectifying deferred maintenance on the Cherokee Canal and other such designated flood relief channels.

Additionally, the specific nature and locations of proposed restoration of "shaded riparian aquatic habitat, wetlands or other habitat" would remove existing agricultural land from production and impact adjacent landowner operations and local economy.

Finally, WCWD supports comments submitted by the Counties of Butte and Sutter and incorporate them into our own. WCWD staff is pleased to work with the Central Valley Flood Protection Board staff to review this and any future proposed projects in our area of concern. For additional information please feel free to contact me at 530-342-5083.

Sincerely,

Ted Trimble
General Manager

P.O. BOX 190
RICHVALE, CA 95974 | P [530] 342-5083 | F [530] 342-8233 | E INFO@WESTERNCANAL.COM

Department of Conservation & Development

30 Muir Road
Martinez, CA 94553-4601

Phone: 1-855-323-2626

Contra Costa County

Catherine Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

Jason Crapo
Deputy Director
Building Inspection Division

Steven Goetz
Deputy Director
Transportation, Conservation and Redevelopment Programs

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Ms. Mary Ann Hadden, Staff Environmental Scientist
California Department of Water Resources
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Subject: *Comments on the Central Valley Flood Protection Plan (Public Draft Decembe 2011)*;

and,

March 2012 Central Valley Flood Protection Plan, Draft Program Environmental Impact Report

Dear Ms. Moricz and Ms. Hadden:

Thank you for the opportunity to comment on both the Central Valley Flood Protection Plan (Public Draft, December 2011) and the Draft Program Environmental Impact Report (EIR), the Central Valley Flood Protection Plan (March 202). Contra Costa County appreciates the efforts of Central Valley Flood Protection Board and the California Department of Water Resources in responding to the legislative mandate under Senate Bill (S.B.) 5 to prepare a comprehensive plan for the management of flood risk along the Sacramento River and San Joaquin River systems.

While there are no lands within Contra Costa County that are currently receiving protection from the State Plan of Flood Control (California Water Code section 9651(g)), which appears to be the plan's primary focus, the proposed Central Valley Flood Protection Plan (CVFPP) would nevertheless have both direct and

indirect affects on Contra Costa County, particularly those areas of the county that are within the Primary and Secondary Zones of the Legal Delta. Staff from the County's departments of Conservation & Development and Public Works, Flood Control Division, has reviewed the proposed CVFPP and the accompanying Draft Program EIR and offer the following comments for your consideration.

1. Compliance with S.B. 5 Provisions Affecting Cities and Counties and Lack of 200-year Flood Mapping and Data

   S.B. 5 was part of a suite of flood control legislation enacted in 2007 addressing flood risk management and flood protection in California. Specifically, S.B. 5 establishes new requirements of cities and counties within the jurisdiction of the Central Valley Flood Protection Board to update their General Plan within 24 months of the CVFPP's adoption and amend their zoning ordinance within 36 months of the CVFPP's adoption by incorporating the CVFPP. Additionally, S.B. 5 requires that cities and counties under the Central Valley Flood Protection Board's jurisdiction cannot approve development agreements for property, discretionary permits/entitlements/ministerial permits for a project, or a tentative subdivision map in an urban or urbanizing area unless it can be determined that there is protection or adequate progress toward protection from a 200-year flood. Also, under S.B. 5, as part of the CVFPP, the Department of Water Resources is to establish criteria to determine if an area meets or exceeds the required 200-year urban level of food protection.

   Unfortunately, the proposed CVFPP indicates that implementation of the plan will extend well beyond the Year 2015 deadline for cities and counties to begin implementation as required under S.B. 5, and it does not discuss how cities and counties are to comply with S.B. 5 in the interim period, nor does it discuss the ramifications and impacts on cities and counties if they are unable to do so.

   In order for cities and counties to comply with S.B. 5 provisions related to the 200-year flood protection findings for new development, Contra Costa County will need access to hydrologic, hydraulic and floodplain data well in advance of the mandated timelines to update the County's General Plan and Zoning Ordinance Code. It was our expectation that in preparing the CVFPP the state would provide much if not all such needed data for cities and counties to comply with S.B. 5. We were disappointed to realize that the CVFPP did not contain this much needed data for S.B. 5 compliance. At a minimum, the following data elements are needed for Contra Costa County:

- 200-year without project and with project design hydrographs and water surface profiles along the leveed rivers and streams (both "project" and "non-project" levee systems); and,

- 200-year floodplain maps showing with project and without project.

2. Make Funding Available to Cities and Counties to Comply with S.B. 5

   To facilitate compliance with S.B. 5, the State needs to make funding available to each city and county under the Central Valley Flood Protection Board's jurisdiction to prepare the required 200-year floodplain maps and to amend their respective General Plan and Zoning Code. The CVFPP needs to expressly address what, if any, grant funding or technical assistance will be made available to support the cities and counties with these efforts. The CVFPP also needs to address how cities and counties are to fund these efforts in the absence of such funding, and the ramification if they are unable to do so.

3. Implementation of New Levee Design Standards and Urban Level of Flood Protection Criteria

   As required under S.B. 5, the Department of Water Resources has prepared new levee design standards and findings procedures for implementation of the law by cities and counties. We note that while local officials have been involved in the development of these standards and criteria they have consistently expressed real concerns that many of the requirements under consideration may not be implementable given S.B. 5 time constraints and significant funding constraints at the local level. An issue of particular concern is whether the proposed requirement that the 200-year flood protection finding requirement should be applied to interior drainage, or areas not protected by levees. The Central Valley Flood Protection Board should evaluate whether standards and criteria should apply to interior drainage given the practical constraints for local implementation as described by the local officials who have participated in the drafting of the new levee design standards and criteria. We have heard from several of these local officials who question the Department of Water Resources' interpretation that S.B. 5's requirements apply to interior drainage, and this is another matter the Board should evaluate.

   Please note that Contra Costa County is in receipt of the draft Urban Level of Flood Protection Criteria released on April 10, 2012 by the Department of Water Resource, and intends to submit separate comments on that document by the May 4, 2012 deadline.

4. Environmental Stewardship and Vegetation Removal

Environmental stewardship should be a part of the CVFPP, and, as such, levee vegetation has significant ecosystem importance. Vegetation along levees provides critical fishery habitat and is ecologically significant to numerous Endangered Species Act (ESA) listed and protected species the winter run Chinook salmon, California steelhead trout, and green sturgeon. Enhancement of the remaining riparian corridors and providing connectivity is necessary for the survival and recovery of these listed fish species, and such concerns need to be addressed in the CVFPP and the accompanying Program EIR. More specifically, the CVFPP needs to acknowledge that removal of levee vegetation will have serious negative consequences on the aquatic environment. It appears that some CVFPP alternatives will result in direct loss of vegetation as a result of implementing the U.S. Army Corps of Engineers (ACE) vegetation policy. Contra Costa County is concerned that implementation based on the ACE vegetation policy would lead to significant impacts to the environment, ecosystems, and numerous species, including fish, plant and wildlife species. The Program EIR needs to address large scale removal or significant net loss of riparian vegetation that may result from CVFPP implementation and evaluate these vegetation removal impacts against existing baseline conditions to identify appropriate mitigation measures. Furthermore, the CVFPP needs to propose how vegetation will be replaced in areas where it may be removed.

5. Commitment Toward Rural Levee Standards and Rural Levee Grant Program

In order to respect and protect agriculture, and in recognition of the essential role of agriculture in the Central Valley and the State, the CVFPP should include the State's commitment to develop a rural levee standard that provides clear standards for those levee's providing protection for small, rural communities and agricultural lands, and to create a rural levee grant program which can be used to repair the most critically deficient rural levee segments.

At Section 3.3 Small Community Flood Protection, page 3-10, the CVFPP states that "*Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas*". The CVFPP should make parallel commitments and investments for small communities and rural levees as it does toward urban areas.

6. Downstream Impacts on Rural Levees in the Delta

The CVFPP proposes flood control bypass modifications, levee modifications, and levee setbacks projects upstream on the San Joaquin and Sacramento River systems that have the potential to create downstream hydraulic impacts on rural levees in Contra Costa County. The Sacramento and San Joaquin Rivers converge at the Sacramento and Contra Costa County line in the Delta. Increased levels of flood protection in the urban areas should not be achieved by redirecting higher peak flows to the rural levees in Contra Costa County, particularly in the Delta region. As a mitigation measure, a full hydraulic analysis should be completed to determine impacts to Contra Costa County Delta shorelines and islands for both the 100-year and 200-year floods for no project and project conditions.

7. Maintain Vitality of Agriculture in FEMA Floodplain

Several Central Valley counties have previously commented that the CVFPP should include a commitment by the State to work with the Agricultural Floodplain Alliance to influence Federal floodplain laws and regulations to allow for the continued vitality of agriculture in a FEMA floodplain. Contra Costa County supports such goals. This may include State advocacy with FEMA on changes to the National Flood Insurance Program to ease some of the financial burden of flood insurance to rural areas and reducing building restrictions on non-residential agricultural buildings and related infrastructure.

Thank you in advance for your consideration of Contra Costa County's comments on the proposed CVFPP and the accompanying Draft Program EIR. These comments will be transmitted both electronically through the Central Valley Flood Protection Board's website and via U.S. Mail. Should you have any questions regarding these comments, please contact me by telephone at (925) 674-7807 or by email at patrick.roche@dcd.cccounty.us.

Sincerely yours,

Patrick Roche

Patrick Roche
Principal Planner

CC: Members, Contra Costa County Board of Supervisors
David Twa, County Administrator
Catherine Kutsuris, Director, Department of Conservation & Development, Contra Costa County
Julia Bueren, Director, Department of Public Works, Contra Costa County
Reclamation Districts (13) and Bethel Island Municipal Improvement District, Contra Costa County

G:\Advance Planning\adv-plan\Environ. Docs\CVFPPcommentltr.04202012.doc

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section
James Gallagher		jgallagher@co.sutter.ca.us	CVFPP	

Index No. 249

SUTTER COUNTY BOARD OF SUPERVISORS

COUNTY OFFICE
1160 CIVIC CENTER BLVD.
YUBA CITY, CA 95993

COUNTY (530) 822-7106
FAX (530) 822-7103
RES (530) 822-5687

JAMES GALLAGHER
FIFTH DISTRICT

April 20, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Honorable Board Members:

I wish to offer you a perspective on the Draft Central Valley Flood Protection Plan ("CVFPP") from the eyes of a rural county protected by 215 miles of levees. A small county who, like many areas north of Sacramento, have been your partners in flood protection from the very beginning and who want to continue to be your partners in flood protection and preserving and protecting our vital water resources.

For well over 100 years, we have given a lot to this partnership with the State of California. Sutter County was the site of the very first levee district, Levee District No. 1, in which local citizens were among the very first to tax themselves in order to build levees in the Sacramento Valley. Landowners in Sutter County, Colusa County, and Yolo County were the very first to give up their land to develop the Bypass System on the Sacramento River that is the keystone of flood protection in the Sacramento Valley. Our reclamation districts, levee districts, and water districts have contributed scarce resources to expensive and vital projects, including pump stations, fish screens, weirs, channels, dams, and conservation easements all to help the goal of water supply, conservation, flood protection, and ecological sustainability.

My concern with this Plan is that it doesn't do enough to recognize these vital contributions that we have already given to the stated missions of the CVFPP. We are asked again under this Plan to give more and though we want to be part of the solution, we simply have to ask: are we valued as partners? If so, on behalf of my constituents I respectfully request that the Plan be modified in accordance with the following principles:

1. Setback proposals should be secondary to the primary goal of repairing, restoring, and enhancing the existing levee and bypass system. Proposition 1E was primarily an infrastructure improvement bond designed to rehabilitate and enhance our antiquated flood control system. As such, monies should be allocated first to projects such as fix-in-place levee projects, sediment and vegetation removal, dam/reservoir management and channel improvements. Benefits of setbacks must be proven by further study and should be locally-driven. Maps containing "conceptual" setback proposals for which there has been no cost-benefit study should be removed so as to not negatively affect the value of property.

2. A real commitment must be made to repairing and rehabilitating rural levees at the same time as urban levees. A rural levee standard should be established and money should be

immediately allocated and safeguarded for rural levee projects. Without corresponding rural levee repairs rural basins north of Sacramento will experience an increase in overall flood risk as urban levees are improved. This is not "getting better together."

3. The Plan must ensure that agriculture is preserved, protected, and respected. As currently drafted, rural, agricultural counties will bear all of the brunt of NFIP flood insurance and construction requirements which seriously impact the future of farming operations, while urban areas avoid this cost and get better flood protection. To address his impact DWR should make a very serious commitment, financial and otherwise, to reforming the NFIP as it applies to agricultural basins. Furthermore, proposed ecological restoration projects, setbacks, and bypass expansions will take 40,000 acres of agricultural lands out of production. This is unacceptable to your partners in flood protection.

4. Before committing scarce funding to bypass expansions, DWR should fund projects that enhance the existing footprint of the Sutter and Yolo Bypasses including sediment and vegetation removal and rehabilitation of critical sites along the Bypass levees. If further study shows a need for Bypass expansions, they should begin at the bottom of the system and should provide for local input on the scope, size, and operation of such expansions.

I would also like the Board and DWR to reconsider the following in the CVFPP:

North Levee of Natomas Cross Canal: The North Levee of the Natomas Cross Canal is currently shown as a "rural" levee in the Plan. This should be reconsidered for characterization as an "urban" levee. The Sacramento Area Flood Protection Agency (SAFCA) has recognized that this levee provides protection for the urban Natomas Basin and has allocated $9 million from its Developer Impact Fee (DIF) program for improvements to this levee. Furthermore, the 1999 Water Resources Development Act (WRDA) authorized a project to raise this levee to the same height as the southern levee of the Natomas Cross Canal, so there already exists an identified federal share for this project. Considering that this project has an identified local and federal share and helps to protect an urban basin, this levee should be identified as urban.

Small Communities Designation: The Plan fails to identify several small communities in Sutter County that are in need of protection under the Plan. These communities include Rio Oso, East Nicolaus, and Pleasant Grove. These are also small communities protected by State Plan of Flood Control levees. In the case of Pleasant Grove, the community has been impacted by the SPFC, specifically by the creation of the Pleasant Grove Creek Canal such that drainage to the Sacramento River is blocked causing residual flooding in the community. These communities should be identified as small communities so as to be eligible for funding under the Plan.

Water Supply: In discussing water supply objectives that are interlinked with state flood control interests there is no mention of water storage projects. This is a significant hole in the Plan especially when you consider that DWR has been concurrently involved in a water bond package that includes building Sites Reservoir and other water storage projects. Such water storage projects, and other more conceptual storage projects should at least be discussed in the Plan. **It would seem a gross inconsistency that the draft Plan outlines extremely broad, costly and expansive objectives for capacity enhancement and ecosystem restoration, but is much more limited when it comes to addressing the goals of water storage and improving rural levees**.

Recognize Value of Agriculture to Ecological Sustainability. There is little to no recognition in the Plan or the Conservation Framework that ensuring the vitality of agriculture meets the Plan's goal of ecological sustainability. In addition to contributing billions of dollars to the California economy, our farmers provide vital habitat for species. For instance, our rice lands have played a vital role in the Natomas Basin Habitat Conservation Plan for Swainson's hawk and the Giant Garter Snake and also in restoring migratory bird habitat and the Pacific Flyway. The taking of agricultural lands would be a devastating environmental and economic impact that cannot be taken lightly. Further, habitat restoration and re-vegetation projects appear to be the favored use of setback areas and bypass expansions. If further study shows a need for setbacks and bypass expansions, the preferred use should instead be agriculture if at all feasible. Agriculture provides the ecological values, but more importantly keeps the channels and bypasses clear and better maintained for flood capacity purposes.

In closing, we are very much willing to work with the State on a system-wide enhancement approach to flood control. However, we must be ensured that our levees will also be improved so that we can better provide for the public safety of our citizens. The Plan must do much more to preserve, protect and give credit to our agricultural lands which contribute to the values of ecological stewardship, reducing flood risk, and economic sustainability. The Plan must prioritize the maximization of the bypass footprint that we have already given to the mission of capacity before seeking to expand that footprint. These are the things we must have and need from the Plan. Considering all that we have given and will continue to give to the mission of flood protection in the Central Valley, it seems like a pretty small task.

Respectfully,

JAMES M. GALLAGHER
Supervisor, 5th District

JMG/ja

SAN JOAQUIN FARM BUREAU FEDERATION
MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

April 20, 2012

Central Valley Flood Protection Board
Attn: Ms. Nancy Moricz
3310 El Camino Ave, Room 151
Sacramento, CA 95821

Mary Ann Hadden, Staff Environmental Scientist
DWR, Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Submitted via email: *DPEIRcomments@water.ca.gov*
cvfppcom@water.ca.gov.

RE: Central Valley Flood Management Plan

Dear Board Members:

The San Joaquin Farm Bureau Federation represents over 4,000 farming and ranching families in San Joaquin County, and in the San Joaquin River flood management planning area. We are commenting today to express our concerns with the most recent Central Valley Flood Management Plan (Plan) proposal. First off we would like to request an extension to review these substantial documents. The "volumes" as represented at the Stockton field hearing, were represented as substantial documents that event those accustomed to reviewing these types of documents found difficult to digest fully and meaningfully.

Furthermore, we recently learned after the hearings that the potential footprint of Plan much bigger than we initially were led to believe, as revealed in Appendix A (the "CVFPP Cost Estimate Methodology") to Attachment 8J to the Flood Plan ("Cost Estimates" document).

Specifically we understand that 36,800 acres are to be acquired inside levees for new bypasses and bypass expansions (Table 4-1); with a great deal of these becoming habitat acres.
We also understand that the Plan calls for easements and assumes both ag, transitional storage, and flowage easements, would be from willing sellers, and assumes this logic as part of the blueprint. We are concerned as the Board expressed desires to reach out to individual landowners, to discuss important issues such as these that are being raised, but seemingly has failed to adequately demonstrate good faith in educating individual property owners of these plans.

3290 NORTH AD ART ROAD • STOCKTON, CA • 95215 • (209) 931-4931 • (209) 931-1433 Fax
WWW.SJFB.ORG

This is alarming as these facts could only be found buried deep in the Technical Appendices of the Plan and were not discussed in our Stockton public meeting.

For these overwhelming reasons, we ask that the time frame be extended to review these items more closely, and to hear Board responses on these very important features of a Plan before they are adopted to avoid unintended consequences. Thank you for the opportunity to comment. If you have any questions please contact our staff member Katie Patterson (209) 931-4931.

Sincerely,

Bruce Fry
President

Moricz, Nancy

From: Sherry Smith [ricefarmersdaughter@yahoo.com]
Sent: Friday, April 20, 2012 4:12 PM
To: Cvfpp_Comments
Cc: ricefarmersdaughter@yahoo.com
Subject: California Draft Central Valley Flood Protection Plan

Attention: Ms. Nancy Moricz

April 19, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

In a personal note; I live and farm on the rice farm that my great-grandfather purchased over 80 years ago. 5 generations of my family have farmed and are continuing to farm here. I was genuinely dissappointed to find out that such a plan, without details, was forming and planning on going through our farm without any direct notification to us, our neighbors, local businesses, etc. by DWR or the Central Valley Flood Protection Board. The planning for this state's flood control has been going on for several years, and we weren't even told about this part of it until now (February 2012). I found out only from another farmer. I also understand that the CVFP Board didn't know DWR's intentions with this part of the plan either.

I am asking that the CVFP Board not pass any flood plan without all of the details and costs and full understanding and input of those of us directly involved. The July 1st, 2012 dealine is much too early a date to make this kind of a decision. Please vote that an extension of the deadline date be made, for at least 1 to 2 years. Please do NOT vote yes to a blank-slate plan where the details will be "filled in at a later date" by a government agency. This is not wise and not the way anyone should do business, let alone plan flood control for an entire state.

Thank you for your time and sincere consideration in this matter. I have attended your meetings and felt that you, the CVFP Board, are a good group of people that have experience, seem understanding to this situation and very capable and knowledgable in making wise decisions. Please hear us as you consider DWR's unfinished flood plan for California.

Sincerely,

Sherry Smith

Sherry Smith
PO Box 266
Richvale, CA 95974
530-882-4424

SACRAMENTO COUNTY FARM BUREAU

8970 Elk Grove Boulevard • Elk Grove, California 95624-1946
(916) 685-6958 • Fax (916) 685-7125

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Ave., Room 151
Sacramento, CA 95821

Sent Via email: cvfppcom@water.ca.gov

Re: Draft Central Valley Flood Protection Plan comments

Dear Ms. Moricz;

On behalf of the Sacramento County Farm Bureau Board of Directors please accept these comments on the draft Central Valley Protection Plan.

The Sacramento County Farm Bureau is a non-governmental, non-profit, grassroots organization. Our purpose is to protect and promote agricultural interests throughout Sacramento County and to find solutions to the problems of the farm, the farm home, and rural communities. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

It recently has come to our attention the potential footprint of the Flood Plan is much bigger than we thought, as revealed in Appendix A (the "CFPP Cost Estimate Methodology") to Attachment 8J to the Flood Plan ("Cost Estimates").

Specifically, 36,800 acres acquired inside levees for new bypasses and bypass expansions; 10,500 acres of that becomes habitat , 75/25 split in Yolo Bypass and elsewhere. Over and above that, as it appears through recent findings, the cost estimate assumes 70,000-115,000 acres of "agricultural easements" outside of the bypasses. Of which the cost estimate assumes separate flowage easements on 50,000 to 75,000 acres to accommodate 200,000 acre-feet of capacity in the Sacramento Valley and 100,000 acre-feet of transitional storage in the San Joaquin River watershed.

The Plan goes on to state that easements would be acquired from 'willing sellers', but then incorporates these very large acreages as an assumed component of the overall, long-term blueprint of the Plan. We strongly oppose the involuntary approach to acquisition of land, either through easements or fee title.

We are greatly concerned over the expanded agricultural footprint of the project and even more concerned over the apparent intent to not disclose important information. While it may be assumed there are few direct impacts in the geographical boundary of Sacramento County, the lively hood of our farmers and ranchers benefit from the thriving agricultural industry in the region. Any negative impacts to agricultural land in our neighboring counties will have direct impact to agriculture viability in Sacramento County.

We strongly encourage the Central Valley Flood Protection Board to extend the final comment period and properly present all information. To hurry through the Plan to have final adoption in July is extremely risky as it will result in long-term negative consequences.

We appreciate the opportunity to provide comments.

Sincerely,

Kevin Steward
President

April 19, 2012

Via Email: cvfpcom@water.ca.gov

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: Central Valley Flood Protection Plan

Dear Ms. Moricz:

The purpose of this letter is to provide comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). I own and operate property which could be adversely affected by this Plan. I have many concerns with the Plan and DPEIR, many of which are set forth below. I also join in the comments submitted by the California Farm Bureau Federation.

The Plan calls for expansion of the Sutter Bypass. Specifically, the Plan provides, starting at page 3-13:

> Future studies to refine specific project elements related to bypass expansion should consider increasing the capacity of the Sutter Bypass to convey large flood events. Expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. Although the required width of the bypass has not been determined, DWR used a 1,000-foot increase in the bypass width for planning purposes. The evaluations for planning purposes were initially based on 75 percent of the new width allocated to agricultural use and 25 percent allocated to habitat restoration."

While the text recognizes that "future studies" will be needed to "refine project specific elements related to bypass expansion," the Plan does not clearly identify what "specific project elements" have already been developed (and will be refined). Moreover, the DPEIR completely fails to identify and analyze the many impacts that are likely to occur with bypass expansion, including the loss of valuable and important agricultural lands and existing habitat.

Changes in operation of the bypass, including changes in operation of various weirs, may result in flooding in late Spring, early Summer, including the months of May and June. Changes in operation could result in flooding in areas where crops are planted and present during these months. The potential impacts that could result from these changes must be disclosed and fully analyzed in the DPEIR, with all impacts identified.

Not only does the Plan and DPEIR fail to identify impacts associated with the actual widening of the bypass and possible changes in operation of weirs, but the Plan also suggests significant impacts to agricultural operations that will result from the creation of new habitat within the widened bypass. For example, the Plan, at page 1-18, provides:

Montna Farms A. & G. Montna Properties, L.P. Montna Farms Dryer
12755 Garden Highway Yuba City, CA 95991 OFFICE 530.674.2837 FAX 530.671.4740

> "[W]here wildlife habitat is proposed in proximity to existing agricultural lands, the impacts of plowing, spraying, and harvesting of agricultural lands on nearby wildlife habitat and, conversely, the impacts of protected species on agricultural lands, must both be carefully addressed to successfully implement long-term environmental enhancement projects."

As the Plan proposes to widen the Sutter Bypass and provide 25% of the expanded area for environmental restoration, and recommends "addressing" the impacts of plowing, spraying, and harvesting on wildlife, the Plan and the DPEIR must disclose the impacts to agriculture so the public can be adequately informed of the impacts of the Plan.

In addition to the concerns identified above, on April 11, 2012, the Sutter Butte Flood Control Agency (SBFCA) held a public workshop on the Plan. There, representatives from DWR attended to provide the SBFCA board with a presentation and answer questions the board had on the draft plan. After the presentation, a SBFCA board member asked whether the 25% restoration component in the Plan was to mitigate for the impacts of the flood control project or whether there were other projects, outside the Plan, that were driving the 25% figure. DWR's representative, at this meeting, candidly informed the public that the restoration component was not only for the Plan itself, but also for other ongoing DWR efforts like the Bay Delta Conservation Plan (BDCP). DWR's representative acknowledged that the Plan and DPEIR could have done a better job identifying the purposes of the restoration. I am, therefore, additionally concerned that the State has now proposed to take private lands adjacent to the Sutter Bypass, through the guise of a Statewide flood plan, to provide restoration lands for the BDCP.[1] Not only does the Plan completely omit this critical information, by the DPEIR wholly fails to inform the public of the need for these restoration lands (e.g. the BDCP) and fails to disclose the impacts through the direct loss of important agricultural lands and indirect loss through the creation of adjacent habitat.

Indeed, I am concerned that the Plan appears to place habitat restoration on an equal footing with the primary purpose of the flood control project – namely flood protection. Any flood protection plan developed by DWR and adopted by the Central Valley Flood Protection Board must recognize flood protection and flood damage reduction as the primary goal. Any ecosystem uses must be incidental to the primary purpose of flood control facilities. At a minimum, the Plan must not be used as an attempt to obtain private agricultural lands, in the name of flood protection, to create habitat in support of the BDCP.

Respectfully,

Alfred G. Montna
Owner, Montna Farms

---

1 The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	Draft Programmatic Environmental Impact Report (DPEIR)	3.5	3.5-1	The Biological Resources - Aquatic section seems to be limited on the discussion of delta smelt. This is concerning due to the fact that they are in the Sacramento River. More discussion should be included regarding the potential affects to this state listed endangered fish species.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-3	It is stated, "the Sacramento River is one of California's largest and most important aquatic ecosystems". Furthermore, it should be stated that the Sacramento River is California's largest river system.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-5	It is stated, "Setback levees exist along portions of the river upstream from Colusa, but leeves become much narrower along the river's edge as the river continues south to the Delta". This statement is not entirely true as levees do not become "narrower" instead, levees are built closer to the river's edge thus creating a more confined channel.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-5	It is stated, "Most of the levees along the lower Sacramento River are lined with riprap, which reduces the ability of the levees to contribute erodible substrate, reduces habitat variability, and nearly eliminates the processes that lead to the development of complex shaded riverine aquatic (SRA) habitat preferred by native species...". Due to the creation of poor habitat conditions it is of great importance that future plans for habitat enhancement be implemented in these reaches of the river. Every avenue for the construction of new setback levees in areas where feasible should be explored.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 15	3.5-5	"Shaded riverine aquatic", has been defined and previously abreviated and should be abbreviated in the rest of this section	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 42	3.5-5	There is no such species as the "Feather River Chinook salmon". Rather, this should be stated as Chinook salmon in the Feather River.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5, line 2	3.5-6	"pools/ponds", the forward slash should be spelled out and replaced with the word "and" instead.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-6	The scientific name should be included for green sturgeon.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-6	It should be noted that the Daguerre Point Dam acts as a fish barrier for salmon as well as salmon cannot all pass over the ladder at all times of the year.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-9	It's stated that there are no spawning anadromous salmonids in the San Joaquin River. This is an inaccurate as there are both spawning California Central Valley Steelhead and Fall-run Chinook present.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-41	NMFS agrees that implementing the vegetation management strategy (VMS) will result in a gradual reduction of existing riparian habitats. A vegetation variance should be applied for on proposed project sites. This is especially important in the State System Wide Improvement Area (SWIA) as a large percentage of this area is designated as critical habitat and essential fish habitat (EFH) for listed fish species. The eventual die off of levee vegetation without allowing for vegetation recruitment could lead to jeopardizing the future existence of these ESA listed fish species. The VMS would create a situation where all project related actions may not be able to be mitigated for.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-45	More analysis needs to be included regarding negative impacts to fish resulting from the removal of levee riparian forests. For instance, this would include a reduction in the reproductive productivity of invertebrates which is a food source for many fish species, loss of SRA, loss of large woody material (LWM) and debris as a refuge for fish and escapement of fish predators.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-48	It is stated, "it cannot be assured that in all instances fisheries impacts would 8 be mitigated to a less-than-significant level". Further mitigation efforts will be a requrement of the regulatoury agencies to ensure impacts to listed fish species are not at a significant level thus, additional mitigation will need to be conducted.	
Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-58	Scientifically engineered land grading on newly designed floodplains will need to graded allow for proper drainage as floodplains recede in order to prevent fish entrainment.	

Julie Wolford	NMFS	Julie.Wolford@noaa.gov	DPEIR	3.5	3.5-59	It is stated that, as a result of future operational changes in multiple Central Valley reservoirs, flow patterns could benefit fish in some instances and adversely affect them in other instances. If these operational changes result in adverse effects on listed fish species then this will contradict legislative direction to improve habitat for the future existence of listed species. Legislative direction is given in the CVFP Act of 2008 Water Code Section 9616 (a) (Act) that mandates system improvements to be made in water conveyance practices which will promote natural ecosystem functions. More specifically, "promote natural dynamic hydrologic and geomorphic process as to promote the recovery and stability of native species populations and overall biotic community diversity". Therefore, any changes in water conveyances that will result in redd scouring, change in water temperatures or increases siltation as specified in the DPEIR will not be consistent with the environmental objectives set forth in the Act and is also clearly stated as goals in the CVFPP Conservation Framework.	

COUNTY OF YOLO

Board of Supervisors

District 1, **Michael H. McGowan**
District 2, **Don Saylor**
District 3, **Matt Rexroad**
District 4, **Jim Provenza**
District 5, **Duane Chamberlain**

625 Court Street, Room 204 ▪ Woodland, CA 95695
(530) 666-8195 ▪ FAX (530) 666-8193
www.yolocounty.org

County Administrator, **Patrick S. Blacklock**
Deputy Clerk of the Board, **Julie Dachtler**

April 20, 2012

VIA ELECTRONIC MAIL ONLY

Mary Ann Hadden
Staff Environmental Scientist
DWR, DFM
C/O MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Re: Comments of Yolo County—Draft Environmental Impact Report (Draft EIR) for the Central Valley Flood Protection Plan (CVFPP)

Dear Ms. Hadden:

This letter sets forth the County of Yolo's (County) comments on the Draft EIR for the CVFPP. The County submits these comments in its capacity as the local agency with primary legal responsibility for ensuring the health, safety, and welfare of its citizens. The County also submits these comments in its capacity as a "responsible agency" under the California Environmental Quality Act (CEQA).[1]

Consistent with the County's February 9, 2012 letter regarding the CVFPP, this letter focuses on the proposed expansion of the Yolo Bypass and related modifications to the Fremont Weir. The County continues to oppose these elements of the CVFPP. As described below, many of the County's concerns with the proposed physical changes to the Yolo Bypass and Fremont Weir arise from the potential environmental impacts of such changes. The Draft EIR, however, fails to describe and study the environmental impacts of these (and other) program elements in the manner required by CEQA. Consequently, adoption of the CVFPP is inappropriate until the Draft EIR is substantially revised and recirculated for additional public review.

1. Legal Standards for a Programmatic EIR.

In preparing these comments, the County fully considered the "programmatic" nature of the Draft EIR for the CVFPP. Just like a project-level, EIR, however, a programmatic EIR must "give the public and government agencies the information needed to make informed decisions, thus protecting not only the environment but also informed self-government." (In re Bay-Delta

[1] The County is a responsible agency under CEQA because, among other things, the County must ensure that its general plan and zoning conform to the CVFPP following its adoption. (Cal. Gov. Code §§ 65302.9 and 65860.1.) This is discussed in the Draft EIR at p. 2-37 (and in other locations).

Programmatic Environmental Impact Report Coordinated Proceedings, 43 Cal.4th 1143, 1162 (2008).) The "semantic label accorded to the [EIR]" does not determine the level of specificity required. (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners of the City of Long Beach, 18 Cal. App. 4th 729, 741-42 (1993).) Rather, the "'degree of specificity required in an [EIR] will correspond to the degree of specificity involved in the underlying activity which is described in the [EIR].'" (In re Bay-Delta, 43 Cal.4th at 1176, citing CEQA Guidelines § 15146.) The level of detail in the Draft EIR must therefore reflect—at a minimum—the level of detail in the CVFPP. Similarly, both project-level and programmatic environmental analyses must include "accurate, stable, and finite" project descriptions. (Rio Vista Farm Bureau Center v. County of Solano, 5 Cal. App. 4th 351, 370 (1992).)

Additionally, while subsequent environmental analyses will "tier" from or otherwise draw upon a programmatic EIR, tiering is not a device for deferring the analysis of present issues. "Tiering is properly used to defer analysis of environmental impacts and mitigation measures to later phases *when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases*." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412, 431 (2007) (emphasis added).) "'[T]iering' is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause," and "fundamental and general matters" should be addressed in the first-tier EIR. (Stanislaus Natural Heritage Project v. County of Stanislaus, 48 Cal. App. 4th 182, 199 (1996).) The Draft EIR for the CVFPP, accordingly, must identify and consider foreseeable significant environmental impacts that will result from the actions authorized by its adoption.

Lastly, the EIR must set forth alternatives "to permit a reasoned choice" and examine in detail "the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." (In re Bay-Delta, 43 Cal.4th at 1163, quotations and citations omitted.) An EIR's alternatives analysis "must contain sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" and "'must explain in meaningful detail . . . a range of alternatives to the proposed project and, if [the agency] finds them to be infeasible, the reasons and facts that [the agency] claims support its conclusion.'" (Sierra Club v. City of Orange, 163 Cal. App. 4th 523, 546 (2008), citing Laurel Heights Improvement Association v. Regents of the University of California, 47 Cal.3d 376, 406 (1988); CEQA Guidelines § 15126.6(d).) Further, the analysis of alternatives must not be "devoid of substantive factual information from which one could reach an intelligent decision as to the environmental consequences and relative merits of the available alternatives to the proposed project" and may not omit "relevant, crucial information." (Friends of the Eel River v. Sonoma County Water Agency, 108 Cal. App. 4th 859, 873 (2003).)

2. CEQA Deficiencies of the Draft EIR.

Unfortunately, the Draft EIR fails to meet many of the legal standards set forth above. This section describes the key deficiencies observed by the County in its initial review of the Draft EIR. The County reserves the right to provide additional comments on the legal adequacy of the EIR prior to a final decision on adoption of the CVFPP.

A. The Public Review Process is Inadequate.

Due to the unusual length and complexity of the CVFPP and the Draft EIR, a 45-day public review period—while authorized by CEQA—nonetheless frustrates the core CEQA policy of informed public involvement and decisionmaking. Section 15141 of the CEQA Guidelines states that "the text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." The Draft EIR for the CVFPP, however, exceeds *1,200 pages* (not including appendices). This is significant by itself but, as described in the following section of this letter, a reader must actually review *thousands of additional pages* of information to properly understand the full scope of the "proposed program." On these grounds, the County seriously questions the legal adequacy of providing only the minimum statutory period for public review at the conclusion of a planning and environmental review effort that itself consumed over four years.

B. The Description of the "Proposed Program" is Incomplete, Internally Inconsistent, and Misleading.

As noted above, all environmental documents prepared pursuant to CEQA must contain an accurate, stable, and finite project description. (County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 193 (1977); Communities for a Better Environment v. City of Richmond, 184 Cal. App. 4th 185 (2010).) The Draft EIR not only fails to meet this basic standard, it is so thoroughly bereft of meaningful descriptive information that one could seriously question whether a good faith effort at full disclosure has been made.

(1) The Proposed Program is Not Fully Described and Readily Available Information has been Ignored.

The Draft EIR contains an incomplete program description. The Draft EIR defines the "proposed program" studied therein as the State Systemwide Investment Approach (SSIA) set forth in the CVFPP. Central to the SSIA is an expansion of the Yolo Bypass and related lowering or widening of the Fremont Weir.[2] The CVFPP describes the potential expansion as consisting of:

- Widening the Fremont Weir by "about one mile" and/or lowering the Weir by an unspecified amount. (CVFPP at pp. 2-12 and 3-13.)

- Widening areas of the Yolo Bypass, shown vaguely (to be generous) in Figure 3-1 of the CFPP, and building "[a]bout 42 miles of new levees" to increase its capacity by 40,000 cubic feet per second. (CVFPP at p. 2-12 and 3-13.)

Surely, the Department of Water Resources (DWR) did not decide to feature an expansion of the Yolo Bypass in the CVFPP based on this paltry description of key project design, location, operation, and other details. The same is true for features of the floodplain habitat restoration

[2] As these improvements appear to be part of an integrated project proposed for future evaluation, references in this letter to the "Yolo Bypass expansion" are intended to include both the Bypass expansion and any related modifications to the Fremont Weir.

apparently intended for integration into the design and operation of an expanded Yolo Bypass and modified Fremont Weir. However, aside from passing references to 10,000 total acres of "new habitats" expected to result from implementation of the SSIA (e.g., CVFPP at p. 3-41), the CVFPP and the Draft EIR are bereft of any information concerning the purported ecosystem component of the Yolo Bypass expansion.

In describing the SSIA (and otherwise), both the Draft EIR and the CVFPP thus omit information regarding the conceptual design of Yolo Bypass expansion and related habitat features. The CVFPP contains several opaque references to "preliminary planning" efforts (CVFPP at pp. 3-43 and 3-44) that apparently included an assessment of the potential farmland impacts of these program elements. The CVFPP cites these "preliminary planning" efforts as the basis for 10,000 acre estimate of "new habitats" and a few other quantitative acreage impacts presented therein (discussed below). However, despite many hours spent scouring thousands of pages of CVFPP appendices and related documents, County staff could not to locate any additional substantive information concerning these "preliminary planning" efforts or the proposed Yolo Bypass expansion.

This changed, however, on the eve of the close of the Draft EIR public comment period. Buried in Appendix A (CVFPP Cost Estimate Methodology) to Attachment 8J (Cost Estimates) to the CVFPP, there is a significant additional amount of information concerning the proposed Yolo Bypass expansion and other CVFPP elements. All of the following assumptions were apparently relied on in developing estimated costs for CVFPP implementation:

- The Yolo Bypass expansion will require the acquisition of **25,500 acres**;

- Agriculture on **6,500 acres** of the land acquired for the Yolo Bypass expansion will be "developed for environmental conservation." Presumably, this means agricultural production will cease. The remaining **19,000 acres** will be "leased back to farmers for environmentally friendly agricultural practices such as planting of corn, rice, and other grains."

- In the regions that include Yolo County (Lower Sacramento and Delta North), an additional **10,000 to 20,000 acres** will be acquired for agricultural conservation easements;

- Based on a GIS analysis of specific proposed levee locations, the following new levees will be built to facilitate the Yolo Bypass expansion:

  - Yolo Bypass near Fremont Weir, Left Bank — 2.5 miles

  - Yolo Bypass upstream of Putah Creek, Right Bank — 16.5 miles

  - Yolo Bypass downstream of Putah Creek and near Rio Vista, Right Bank — 18.5 miles

These figures provide a much more meaningful picture of the scope of the proposed Yolo Bypass expansion than any data provided in the CVFPP or the Draft EIR. Presumably, if the acreage figures and location data are good enough to rely on in developing estimated costs for decisionmaking purposes, this information is also good enough to use in evaluating environmental impacts—particularly in the absence of other meaningful information. Moreover, the use of "GIS analyses" necessarily means that *a map exists* of the potential location of new levees for the Yolo Bypass expansion. This map should be produced and evaluated in the Draft EIR, together with any other relevant information from the "preliminary planning" efforts referenced in the CVFPP.

(2) The Proposed Program Description is Internally Inconsistent.

The Draft EIR is internally inconsistent because--despite purporting to incorporate the SSIA as the "proposed program" under consideration--it frequently conflicts with or ignores information in the CVFPP and Attachment 8J thereto. This shortcoming is so fundamental that the Draft EIR does not even specifically mention, much less analyze, some of the basic details of the Yolo Bypass Expansion that it supposedly incorporates from the CVFPP. For instance, aside from two brief references in Chapter 2 (Project Description), the Draft EIR does not analyze the CVFPP's estimate that 10,000 acres of farmland will be permanently converted to habitat by "increas[ing] the overall area of frequently activated floodplain" by the proposed expansion of the Yolo Bypass (and other bypasses). (Draft EIR at p. 2-44.) And nowhere does the Draft EIR reference the CVFPP's estimate that 75 percent of the farmland affected by bypass expansions will continue to be farmed. (CVFPP at p. 3-44.) This means that *40,000 acres of farmland* will be affected by the bypass expansions, but none of this is specifically analyzed in the Draft EIR.[3]

This information, together with the information in CVFPP Attachment 8J, is vital to an evaluation of impacts on agricultural resources. To varying extents, this information is also relevant to other categories of potential impacts (including impacts on terrestrial species). Despite this, the Draft EIR instead offers only a *qualitative* evaluation of the potential conversion of farmland and related environmental impacts. The following language is typical of the approach taken in Chapter 3.3 (Agricultural and Forestry Resources) and throughout of the Draft EIR:

> [T]he exact amount of land that could be affected [by bypass expansions] is not known, and each project would need to be examined on a case-by-case basis. Although no numeric thresholds have been established, it is likely that these actions would result in conversion of substantial amounts of Important Farmland and cancellation of a substantial number of Williamson Act contracts, which could have a potentially significant impact on the environment. (Draft EIR at p. 3.3-44.)

The disparity between this conclusory analysis and the specific figures set forth in the CVFPP and other sources mentioned above is obvious and must be addressed not just in the describing the "proposed program" in Chapter 2, but also in other chapters where the conversion of

[3] For reasons described below, the County believes that even this figure significantly underestimates the total acreage that would be affected by changes to the Fremont Weir and Yolo Bypass.

farmland is relevant, including Chapters 3.3 and 3.6. The same is true for other inconsistencies between the level of detail provided in the CVFPP, Attachment 8J thereto, and the Draft EIR.

(3) The Proposed Program Description is Misleading.

Third and finally, the description of the proposed program is also misleading in certain respects. Of fundamental concern to the County is the CVFPP's emphasis on the purported ecological benefits of the SSIA, including the expansion of the Yolo Bypass and modification of the Fremont Weir. This emphasis rests upon two premises that are utterly false in the context of the Yolo Bypass projects: that these ecological benefits are dependent upon implementation of the SSIA; and that the Yolo Bypass expansion and Weir modification are necessary to achieve such benefits. In reality, as the CVFPP notes (at p. 3-24), the Bay Delta Conservation Plan (BDCP) process is intensively examining at a suite of measures intended to achieve the exact same ecological benefits *without* expanding the Yolo Bypass *or* lengthening the Fremont Weir *or* lowering the Fremont Weir. The ecological benefits of this element of the SSIA are therefore illusory and should not be considered in the Draft EIR or otherwise offered as justification for these modifications to the Fremont Weir and Yolo Bypass.[4]

Similarly, the "proposed program" evaluated in the Draft EIR includes land acquisitions for bypass expansions within the "near term" (i.e., between 2012-2017), as proposed in the CVFPP (at pp. 4-31 through 4-35.) This presumably includes acquisitions in furtherance of the 25,500-acre figure for the Yolo Bypass expansion that appears in CVFPP Attachment 8J. As a matter of law, however, land acquisitions cannot proceed until the proposed Yolo Bypass expansion is defined and studied in a project-level environmental document. This is almost certainly infeasible in the "near term." Hence, land acquisitions for a Yolo Bypass expansion will be legally impossible during this period and all references to near term land acquisitions for bypass expansions should be deleted from the CVFPP and EIR. The public may otherwise be misled to believe that adoption of the CVFPP represents a commitment to implement--rather than study--a Yolo Bypass expansion, which the County does not believe is intended.

C. The Draft EIR Fails to Consider the Full Range of Potential Environmental Impacts of the Conversion of Farmland, Changes in Agricultural Practices, and Related Effects.

Central to the CVFPP is the recognition that a significant amount of farmland will be affected by implementation of the SSIA. As already asserted, the specific acreage figures in the CVFPP and Attachment 8J need to be included and analyzed in numerous chapters of the Draft EIR. In the County's opinion, a proper analysis of these figures and related supporting information would result in a much broader analysis of the direct, indirect, and cumulative environmental effects of

[4] In theory, it could be argued that the success of the BDCP process is uncertain and that the CVFPP offers a needed alternative approach to Yolo Bypass habitat restoration. This is not necessarily true, however, as the BDCP *approach* (which relies primarily on construction of an operable gate in the Fremont Weir) could still proceed even if the BDCP *process* fails to culminate in an adopted plan. Other ecological benefits common to the CVFPP and BDCP, such as fish passage improvements, are similarly independent upon the Fremont Weir modifications and Yolo Bypass expansion proposed as part of the SSIA.

eliminating or changing agriculture on 40,000 acres of farmland. The range of factual information and environmental effects that should be evaluated more comprehensively includes the following:

- **An expanded discussion of the "preliminary planning" data, particularly with respect to the cessation and impairment of agricultural uses—** Additional information must be included regarding the substance of the "preliminary planning" (CVFPP, p. 3-44) indicating that the 40,000 acres of farmland will be affected by the SSIA. Other related information from the "preliminary planning" effort should also be explained and evaluated where relevant in the Draft EIR, including in the cumulative effects (Chapter 4) portion of the Draft EIR. Lastly, unless covered by the "preliminary planning" estimates of affected agricultural acreage, the Draft EIR should explain why *all* of the agricultural acreage included within the Yolo Bypass would not be adversely affected by the proposal to lower the Fremont Weir to flood the Yolo Bypass more frequently and for longer durations.

- **An analysis of the direct and indirect environmental effects of the potential cessation and impairment of agricultural uses—**With the additional information from Attachment 8J and the preliminary planning effort, the Draft EIR should analyze the nature and extent of potential farmland conversions, the impairment of agriculture on additional affected acreage, and the probable environmental consequences of these effects. This includes a discussion of the details and environmental effects of the anticipated frequency, duration, and extent of inundation of all agricultural lands that will be included within the expanded Yolo Bypass footprint. To the extent that changes in crop selection are foreseeable, this should also be mentioned because of, among other things, its relevance to impacts on certain species and the potential for indirect environmental effects of economic changes in the agricultural sector. The potential for more frequent inundation to affect crop insurance and agricultural loans should also be evaluated, as decreasing the ability of growers to obtain insurance and loans will directly affect the future of agriculture in the Yolo Bypass.[5]

- **An evaluation of economic effects and the potential for indirect environmental effects—**The economic impacts of farmland conversions is a topic that requires serious attention in the Draft EIR. This includes consideration of the direct and indirect environmental effects of lost or reduced opportunities to grow common crops. To use one example, the potential decline of rice cultivation in the Yolo Bypass[6] due to ecosystem

[5] This issue is noted at pages 2-8 through 2-12 in the publication "Important Considerations for the Central Valley Flood Protection Plan Related to Sacramento-San Joaquin Valley Agriculture" (May 2010 Draft) (hereinafter, "Important Considerations--Agriculture"), available on the Board's website.

[6] The County is currently completing an agricultural impacts analysis that examines the likelihood of such a decline under a variety of scenarios relevant to the BDCP. We will forward this analysis to the Central Valley Flood Protection Board when it is complete (likely within a few weeks).

restoration could lead to a "tipping point"—meaning that rice cultivation ceases to be commercially viable even on unaffected lands throughout the County—due to a decline in rice volumes, the resulting closure of local rice mills, and the eventual rise of unit processing costs to unacceptable levels.[7]

- **A focused discussion of local effects.** In refining the Draft EIR's discussion of agricultural resource impacts, the current regional-level analysis provided in Chapter 3.3 should be expanded to include a discussion of local effects of major program elements. In the specific context of the Yolo Bypass expansion and modification of the Fremont Weir, the Draft EIR should analyze the Attachment 8J acreage figures. The Draft EIR should also provide estimates of the size and location of other farmland conversions, including lands that may be affected by borrow pitting and related activities. The potential location(s) of this acreage and its current uses (i.e., agricultural crop types, etc.) should also be identified.

- **An evaluation of potential effects on agricultural support infrastructure.** At p. 3.3-11, the Draft EIR identifies several impacts of flooding on agricultural production and infrastructure. All of these impacts are also a consequence of the periodic inundation of lands within flood bypasses. The effects of the proposed program on agricultural support infrastructure located in bypasses—including roads and other facilities within the proposed footprint of the expanded Yolo Bypass—should be evaluated with respect to these issues.

Finally, the proposed mitigation measures included in Chapter 3.3 are both incomplete and inadequate. A broader range of mitigation should be evaluated, potentially including programs intended to sustain agriculture on lands affected (but not converted) by ecosystem restoration projects as a means of helping to offset the local effects--including indirect environmental effects--of changes in agriculture. Additionally, the proposed use of conservation easements in Mitigation Measure AG-1c improperly defers the formulation of adequate mitigation because it fails to clearly specify the appropriate mitigation ratio. (Draft EIR at p. 3.3-37 and 3-3.38.) It also appears to endorse the "stacking" of agricultural and habitat easements, an approach that the County has long rejected on policy grounds because it typically leads to the curtailment of certain agricultural uses. In lieu of these elements of Mitigation Measure AG-1c, the County urges the Board to consider requiring project proponents to adhere to the requirements of locally-adopted mitigation programs and policies.[8]

---

[7] It does not appear that potential regional or local economic effects of agricultural production *losses* have been studied at any point in the development of the CVFPP, calling into question claims that the CVFPP and SSIA benefit the regional agricultural economy. (*See* CVFPP Attachment 8H: Regional Economic Analysis, p. 4-12 (stating that regional economic effects of agricultural production damages have not been considered.)

[8] Yolo County generally requires 1:1 mitigation for the conversion of farmland and has adopted a detailed ordinance that includes various requirements for mitigation lands. (Yolo County Code § 8-2.2416.)

D. The Draft EIR Ignores the Redirected Flood Risk and Vegetation Management Conflicts Inherent in the Proposed Yolo Bypass Expansion.

The CVFPP recognizes that there are serious problems with the levees bounding the Yolo Bypass, with Figure 1-7 indicating that most of the Bypass levees are of "medium" or "higher" concern. Text at page 3-18 reinforces this concern, stating in part:

> Evaluations would also need to consider the extent of potential impacts from more frequent and longer durations of flooding in the bypasses. For example, some levees along the bypasses may not be as durable as levees along the main rivers--levee reliability could be lowered by longer duration wetting.

Presumably, a diligent effort will be made to address significant problems with the Yolo Bypass levees in the near future. The County is concerned, however, that the proposed allocation of significant funding to *studies* as part of the CVFPP will dilute the pool of funds available for levee repair *projects*. We sincerely hope that scarce funds will not be diverted from high-priority levee repair projects to studies for projects that may never be built. Further, major habitat restoration efforts should not be funded with bond monies allocated to flood improvement projects, reducing available funding for flood protection elsewhere in the Delta. If in fact these outcomes are a consequence of adopting the SSIA rather than other alternatives, however, the public safety and property damage tradeoffs should be evaluated in the Draft EIR.

Further, the Draft EIR should also evaluate the potential public safety and property damage consequences of the proposed incremental increase in the frequency, duration, and amount of floodwaters diverted into an expanded Yolo Bypass. Needless to say, while an expanded Yolo Bypass may have regional flood control benefits, the County will not share those benefits. It will instead have to endure an array of new environmental, economic, and public safety impacts due to increased diversions into the Yolo Bypass. Consequently, the analysis of various impacts that appears in Chapter 3.13 (Hydrology) of the Draft EIR should be revisited with this specific "redirected impacts" concern in mind. The County takes some comfort in representations that redirected impacts must be reduced to a less than significant level as a prerequisite to any project. (Draft EIR at pp. 3.13-83 and 84.) However, these representations do not actually appear in any of the mitigation measures accompanying Chapter 3.13 and, in any event, would not eliminate the need for a more robust analysis of the potential for such impacts in the first instance.

Lastly, farmland conversions can lead to the potential establishment of vegetation within ecosystem restoration areas (or on fallowed lands), as noted in Chapters 3.3 (at p. 3.3-2) and 3.7 (at p. 3.7-58) of the Draft EIR. (See also *Important Considerations--Agriculture* at pp. 4-2 and 4-3.) Improper vegetation management could adversely affect the conveyance of floodwaters through the Yolo Bypass.[9] This issue needs to be addressed in appropriate chapters of the Draft EIR, including Chapter 3-18 and potentially Chapter 4 (Cumulative Impacts), because it is a reasonably foreseeable consequence of ecosystem restoration and other projects, plans, and

[9] While the CVFPP and Draft EIR generally refer to "vegetation management" in the context of levee maintenance, the County is using this term more broadly to encompass the control of nuisance vegetation throughout the Yolo Bypass.

programs that are contemplated in the CVFPP. (*See Important Considerations--Agriculture*, pp. 4-2 and 4-3.) To some extent, this analysis dovetails with the additional agricultural impact analyses discussed above, as the scale of agricultural impacts (including the potential for indirect impacts, such as the cessation of agriculture on unaffected lands) directly influences the maintenance of vegetation in many flood-prone areas of the Delta.

E. Other Specific Deficiencies in the Draft EIR.

(1) Land Use.

Many of the County's concerns with the Land Use and Planning chapter of the Draft EIR (Chapter 3.14) relate directly or indirectly to the conversion of farmland and other changes in agricultural practices. As noted at p. 3.14-14 of the Draft EIR, "[a]quiring farmed land and subsequently retiring that land affects the economic base for both farm support industries and community businesses that rely on patronage from citizens working in farming or farm support industries." Statements such as this demonstrate a basis for an evaluation of the indirect environmental effects—such as urban blight and the prospect of reaching an economic "tipping point," as described above—of these economic changes. While such analyses are becoming commonplace under CEQA, the Draft EIR does not include any meaningful discussion of these issues. This is a fundamental flaw that should be addressed.

Chapter 3.14 also neglects to fully discuss potential conflicts with the implementation of local general plans. While Chapter 3.14 evaluates certain potential conflicts, such as the potential for local governments to increasingly direct future development away from areas subject to flood risk in response to the CVFPP, it should also consider the potential for projects contemplated by the CVFPP to preclude the implementation of components of local general plans. Of immediate concern to the County is the future viability of development in the Elkhorn area. In its 2030 General Plan (adopted in October 2009), the County designated 348 acres in Elkhorn for future development as a "gateway to Yolo County" through a specific plan process. The proposed Yolo Bypass expansion, however, could preclude any development of this area. This significant conflict should be evaluated in the Draft EIR and avoided in the event an expanded Yolo Bypass is eventually considered for approval.

Lastly, the discussion of Impacts LU-8 (NTMA) and LU-8 (LTMA) is vague and conclusory. These impact analyses appear intended to cover the effects of farmland conversions and related changes in agricultural uses. With the discussion consisting of only a few sentences apiece, however, it is difficult to determine the intended scope of Impacts LU-8 (NTMA) and LU-8 (LTMA). Consequently, it is hard to evaluate whether the proposed mitigation measure—which does not contemplate agricultural conservation easements—is adequate. This section should be clarified and revised, with corresponding changes to the mitigation measure as needed.

(2) Terrestrial Species.

The conversion of farmland to other uses, fallowing, and changes in crop selection could adversely affect species that are dependent on the agricultural landscape, including the

Swainson's hawk, giant garter snake, and many migratory waterfowl and other bird species.[10] (Draft EIR at p. 3.6-33.) With regard to the giant garter snake, for example, the conversion of rice fields to other crops, habitat, or fallowed land as a consequence of longer bypass inundation periods could be very significant. Similarly, the potential for a widespread conversion of Swainson's hawk foraging habitat to uses that provide diminished foraging value is quite clear in light of estimates that 40,000 acres of farmland will be affected by the SSIA. Yet Chapter 3.6 (Biological Resources--Terrestrial) of the Draft EIR does not discuss these issues in any detail and, perhaps more troubling, dismisses virtually all potentially significant effects on the giant garter snake, Swainson's hawk, and other species as less than significant with mitigation.

The County is perplexed by these determinations in Chapter 3.6 and the range of similar determinations appearing in Chapter 4 (Cumulative Effects). The Draft EIR offers no sound analytical support for these determinations and, in particular, does not explain how the various proposed mitigation measures could possibly make up for the construction and operational effects of many elements of the SSIA (including the Yolo Bypass expansion and related changes) or its incremental contribution to cumulative impacts on terrestrial species. The proposed bypass expansions alone will involve many miles of new levees and permanently eliminate 10,000 acres of farmland--roughly the equivalent of building a new city of 80,000 residents. Projects with a far more modest impact on the giant garter snake, Swainson's hawk, and other terrestrial species are routinely deemed to have a "significant and unavoidable" impact on such species in other environmental documents, even where similar mitigation measures are adopted.

Additionally, the proposed mitigation measures do not—and cannot—eliminate the net loss of species habitat and the potential (or more accurately, likelihood) for a direct take during construction and operation of the expanded bypasses and other elements of the SSIA. The inevitability of such net losses was central to the conclusion in Chapter 3.3 (Agricultural Resources) that farmland conversions are "significant and unavoidable" even if conservation easements are used to preserve other lands. Precisely the same "net loss" dynamic exists in the context of terrestrial species habitat. Further, the feasibility of mitigating certain terrestrial species impacts is also highly questionable. Many species—particularly plant species—exist solely in small geographic areas. In such instances, there is no "replacement habitat" to preserve or restore. The Draft EIR should recognize and account for this problem in assessing the significance of terrestrial species effects.

For all of these reasons, under CEQA Guidelines § 15065 and other provisions of CEQA, these significance conclusions and the related discussion appearing in Chapters 3.6 and 4 of the Draft EIR are utterly wrong and would not withstand judicial scrutiny.

---

[10] In the context of the Yolo Natural Heritage Program (a local HCP/NCCP under preparation by a joint powers authority that includes the County), the California Department of Fish and Game (CDFG) has strongly urged the preservation of alfalfa and rice for the Swainson's hawk and giant garter snake, respectively. Presumably, CDFG provided similar input during the development of the Draft EIR pursuant to CEQA Guidelines § 21104.2 (requiring state lead agencies to consult with CDFG on potential impacts to threatened and endangered species).

(3) Recreation.

The County is concerned with the potential effects of the SSIA, including the proposed Yolo Bypass expansion and Fremont Weir modification, on the current operation of the Yolo Bypass Wildlife Area and the numerous hunting clubs located throughout the Yolo Bypass. At the outset, Chapter 3.18 (Recreation) notes that implementation of the SSIA could affect "land based activities such as hunting, wildlife viewing, and hiking . . . ." (Draft EIR at p. 3.18-1.) Chapter 3.18 also discusses current Wildlife Area operations and references the existence of nearly two dozen private hunting clubs in the Yolo Bypass. (*See* Draft EIR at p. 3.18-26 and pp. 3.18-29.) Despite this, Chapter 3.18 does not even generally discuss how the proposed Yolo Bypass expansion and related activities could affect recreational activities and facilities within the Wildlife Area and on private hunting lands.

This analysis should be included in Chapter 3.18. There are many ways in which the proposed Yolo Bypass expansion and Fremont Weir modification could affect the Wildlife Area and other recreational opportunities within the Bypass. For instance, changes in agriculture within the Yolo Bypass Wildlife Area could detrimentally affect operation of the Wildlife Area, as it depends on revenue from agricultural leases to sustain its operations. The potential for such effects should be analyzed in the Draft EIR, likely in Chapters 3.18 and 4 (Cumulative Effects), and to the greatest feasible extent, ways to avoid such impacts should be identified.[11]

More frequent and longer periods of inundation could also cause impacts that rise to the level of "indications that a project may require the construction or expansion of recreational facilities," described in the Draft EIR (at p. 3.18-47) as including:

- The permanent displacement of existing recreational facilities or substantial permanent decrease in access to existing recreational facilities or opportunities;

- A substantial decrease in the quality of recreation in an area.

The specific potential for such effects within the Yolo Bypass should be evaluated in the Draft EIR. The County believes that proper consideration of this issue may result in changes to the significance determinations expressed in Chapters 3.18 and 4 of the Draft EIR, all of which currently indicate that impacts on recreation will be less than significant (often with mitigation). The mitigation measures offered in Chapter 3.18 are inadequate to reduce the impacts of a Yolo Bypass Expansion and Fremont Weir modification—which will include massive and prolonged construction efforts and, subsequently, significant changes in the character of the Yolo Bypass—to a less than significant level.

[11] If impacts cannot be reduced to an insignificant level, then mitigation should be considered. This could include requiring the creation of a stable alternative revenue source for Wildlife Area operations and improvements.

(4) Climate Change and Greenhouse Gas Emissions.

Ecosystem restoration proposals included within the BDCP indicate that floodplain within the Yolo Bypass may be activated more frequently and for longer periods of time—including into April and occasionally May—than under current conditions. Given the paucity of information provided in the Draft EIR for the CVFPP, it is impossible to determine whether ecosystem restoration accompanying the Yolo Bypass expansion will be similar in character and duration. Assuming so, however, the potential for large emissions of methane is highlighted in the following Draft EIR text:

> When wetlands are inundated, particularly during prolonged warmer temperatures, anaerobic conditions in the carbon-rich soils can cause relatively large amounts of methane to form. The tissues of emergent plans provide pathways for much of this methane to move from sediments to the atmosphere. Consequently, wetlands can emit large amounts of methane into the atmosphere. (Draft EIR at p. 3.7-19.)

The Draft EIR contains only a brief analysis of this causal relationship in the context of bypass expansions and related projects. This analysis concludes that (in sum) there are too many variables at play to determine even generally whether GHG emissions could increase as a consequence of such projects. (Draft EIR at pp. 3.7-57 through 3.7-59.) This is yet another clear instance where an adequate description of program activities affecting the Yolo Bypass and other locations would greatly bolster the impact analysis. With such information, the field of unknown factors would likely be narrowed enough to allow for a meaningful qualitative analysis in the Draft EIR.

Additionally, the Draft EIR should observe that an earlier end to Yolo Bypass inundation would help obviate the potential problem of increased methane emissions resulting from anaerobic conditions that develop during warmer weather. An earlier end to inundation could, in addition, minimize a wide array of other impacts. For example, information developed as part of our agricultural impacts analysis (see footnote 6, above) indicates that a February 15 end date for inundation would substantially avoid all agricultural impacts while also providing benefits for numerous aquatic species. The County thus encourages the Board to identify this approach in the Draft EIR and propose a full evaluation of the potential for an "early" end date to ecosystem-related inundation in appropriate chapters.[12]

(5) Water Quality.

Although not discussed in the Draft EIR, the potential for adverse mercury effects in connection with increased inundation of the Yolo Bypass is a significant topic. Another contemporary

[12] As a final comment on Chapter 3.7, the text at p. 3.7-58 (lines 24-29) erroneously states that "[w]here agricultural land would be converted to habitat, GHG emissions from agricultural operations would cease and newly planted vegetation could result in carbon sequestration." This statement ignores the need for vegetation maintenance within a bypass or floodway. For this reason, it is debatable whether newly emergent and riparian vegetation would provide a greater rate of carbon sequestration than the continuation of agriculture.

document, the Preliminary Draft EIR/EIS for the BDCP, makes this clear.[13] The BDCP EIR/EIS extensively discusses the hazards posed by mercury and methymercury and, in addition, specifically notes problems that currently exist in the Yolo Bypass. For example, at pp. 8-64 and 8-65 of the BDCP EIR/EIS, the discussion references recent studies that identified elevated fish tissue mercury concentrations—*five times* higher than the Delta TMDL recommendation—in fish originating in the Yolo Bypass. Apparently for this and other reasons, the BDCP EIR/EIS includes the following proposed mitigation measure:

> [Ensure] [a]ppropriate consideration of conservation measure locations, preferably not in the direct path of large mercury or selenium loading sources such as the Sacramento River, **Yolo Bypass**, Consumnes River or San Joaquin River. (BDCP EIR/EIS at p. 8-459 (emphasis added).)

These portions of the BDCP EIR/EIS demonstrate the need for analysis of Yolo Bypass mercury issues in the Draft EIR for the CVFPP. Both are programmatic documents that propose increasing the frequency and duration of flooding in the Yolo Bypass. Substantially the same scientific information on mercury and related water quality issues is available to the drafters of each document. Consequently, the absence of any discussion of such issues in the Draft EIR for the CVFPP is quite notable and should be promptly remedied in appropriate places, likely include Chapters 3.21 (Water Quality) and 4 (Cumulative Impacts).

6. Alternatives.

Chapter 5 of the Draft EIR describes and analyzes various alternatives to the SSIA as a means of attempting to satisfy CEQA Guidelines § 15126.6, which requires an EIR to describe a range of reasonable alternatives to the proposed project that would feasibly attain most of the basic project objectives while also avoiding or substantially lessening its significant environmental effects. There are at least three problems with Chapter 5.

First, Chapter 5 does not contain an adequate range of alternatives. The California Supreme Court has clearly stated that one of an EIR's major purposes is to ensure that the lead agency thoroughly assesses all reasonable alternatives to a proposed project. (Laurel Heights, 47 Cal.3d at 406). The Draft EIR for the CVFPP, however, fails to provide the public and decision makers with meaningful choices among different approaches to achieving most of the basic program objectives. The largest and most environmentally damaging component of the SSIA—the Yolo Bypass expansion—is included in each alternative selected for analysis with the exception of the "Modified SSIA" alternative.[14] No consideration appears to have been given to proposing a more modest expansion of the Yolo Bypass than vast project contemplated in the SSIA. As a result, the approach leads the County to believe that the authors of the Draft EIR have already determined that a major Yolo Bypass expansion should be adopted as a key part of their preferred program.

---

[13] Relevant portions of the Preliminary Draft BDCP EIR/EIS are available online at www.baydeltaconservationplan.com.

[14] The fact that the Yolo Bypass expansion is also excluded from the "no project" alternatives is of no consequence, as the analysis in Chapter 5 dismisses the viability of those alternatives and makes clear they are included simply for legal purposes.

Second, in light of the many deficiencies in the Draft EIR noted in this letter, it is impossible to evaluate whether the alternatives described in Chapter 5 avoid or substantially lessen the environmental effects of the proposed program. This automatically renders the alternatives analysis legally deficient. As noted repeatedly, beginning with the project description, the Draft EIR fails to accurately and fully describe the SSIA. This fundamental problem plagues the analysis throughout the balance of the document, compromising virtually every substantive chapter following Chapter 2 (Project Description). A valid alternatives analysis is legally impossible in these circumstances.

Third, for much the same reason, the alternatives are not fully described in the Draft EIR. This deficiency is yet another symptom of the fundamentally inadequate description of the "proposed program" in Chapter 2 of the Draft EIR. Because Chapter 2 does not properly define the "proposed program," the alternatives analysis—just like other chapters of the Draft EIR—necessarily suffers because many of the offered alternatives borrow heavily from elements of the SSIA that are poorly described at the outset. Perhaps the best example of this deficiency appears in Table 5.1, which compares the alternatives and the SSIA and, importantly, purports to describe the "percentage of footprint onsite/offsite" for each. The "percentages" have no meaning to a reader because the Draft EIR provides no acreage-based metrics that could be used to convert the percentages into meaningful estimates of affected land area. Consequently, the alternatives analysis does not allow for a useful comparison as required by CEQA. (Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692 (1990).)

* * *

The County appreciates the opportunity to comment on the Draft EIR for the CVFPP. We look forward to continuing to participate in the environmental review process.

Sincerely,

Jim Provenza, Chair
Yolo County Board of Supervisors

Friends of the
Sacramento
River Greenway

(Supporting public access and
recreation along the Sacramento River)

April 20, 2012

VIA E-MAIL (cvfppcom@water.ca.gov) & U.S. MAIL

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments to the December 2011 Public Draft of the 2012 Central Valley Flood Protection Plan

Dear Ms. Moricz:

Please accept the accompanying comments from the Friends of the Sacramento Greenway ("FSRG") to the December 2011 Public Draft of the 2012 Central Valley Flood Protection Plan ("CVFPP"), and please convey them and this letter to the Central Valley Flood Protection Board for its consideration.

On February 23, 2012, FSRG provided comments to the Working Draft of Proposed Technical Amendments to Title 23 of the California Code of Regulations. We attach and incorporate those comments here. We also provide additional discussion below to explain how our prior comments pertain to the CVFPP.

Our comments focus on two issues: (1) the CVFPP's failure to address the flooding risks posed by existing encroachments on levees and the role that those encroachments now play in hindering access to the levees for the public and public agencies; and (2) the role that paved multi-use public trails (described as "bicycle trails" in regulations) could play in enhancing access, and in helping the State find alternate funding and interest for constructing at least an interim alternative to fully compliant all-weather access roads on and to levees.

Our continuing research into existing encroachments in the Pocket and Little Pocket neighborhoods of Sacramento causes us great concern about the risk these encroachments pose for residents. We have not researched encroachments in other areas of the Central Valley, but we assume that problems plaguing the Pocket and Little Pocket exist elsewhere. We would be happy to share our findings with the Board or its staff. While the CVFPP incorporates many laudable goals, the failure to address the simple fix of removing or mitigating these dangerous encroachments is a serious oversight.

On the other hand, two stated goals of the CVFPP are the establishment of all-weather access roads on levee crowns, and the search for cost-sharing opportunities to accomplish CVFPP's goals. As detailed in the attached letter, paved multi-use trails provide an alternative when state or federal funding is not available for the State to construct all-weather access roads. Even in difficult economic times like these, local interest and funding sources (including private funds) are often available to build multi-use trails because of the societal benefits these trails provide, such as improving public health and recreation, decreasing demand on streets and roads, and reducing air pollution. The CVFPP would benefit from recognizing and encouraging this synergy.

Decades ago, the Reclamation Board approved the first of several fences and gates in the Pocket area over the objection of DWR that these encroachments would increase flooding risks. The Reclamation Board also gave scant attention to the public's right to access the river under the public-trust doctrine. As a result of the misjudgment in approving fences and gates, landowners now assert private property rights on levees that the landowners cannot justifiably claim. Furthermore, landowners have flouted the conditions of their encroachment permits and have augmented encroachments and added new encroachments. Now, with a false sense of privacy and security that they cannot legally claim, these landowners vociferously oppose any increased access to the levee, even the increased access that would bring the Pocket and Little Pocket in compliance with access standards set by the U.S. Army Corps of Engineers.

Given the increased flooding risks posed by existing encroachments, and given landowners' reliance on non-conforming and even unpermitted encroachments to staunchly oppose improved levee access, the CVFPP must incorporate goals of removing and mitigating all such encroachments.

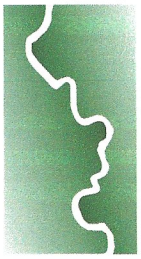
Our comments, submitted herewith on the CVFPB's Excel form, provide a few, minimal additions to the CVFPP that will help to direct future actions to address these issues. We would be happy to answer any questions or concerns by the Board or its staff and to provide any additional information that the Board desires. In the meantime, we sincerely appreciate your consideration of these comments.

Very truly yours,

/s/

James E. Houpt

19 Northlite Circle, Sacramento, California 95831. Tel. (916) 205-3823. Fax (916) 427-2460



Friends of the Sacramento River Greenway

(Supporting public access and recreation along the Sacramento River)

February 23, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments to the Working Draft of Proposed Technical Amendments to Title 23, May 2011

Dear Mr. President and Honorable Board Members:

We write as members of the Friends of the Sacramento River Greenway ("FSRG") to provide comments on the Working Draft of Proposed Technical Amendments to Title 23 of the California Code of Regulations ("Working Draft").

FSRG'S INTEREST

FSRG is an unincorporated association of individuals who seek the completion of the Sacramento River Greenway, a multi-use trail envisioned by the California State Lands Commission for both sides of the Sacramento River. Consistent with that goal, FSRG is pursuing the completion of the Sacramento River Parkway, the plan by the City of Sacramento for a multi-use trail on the Sacramento side of the river. More immediately, FSRG is lobbying for and researching the means to complete the Parkway through the Little Pocket and Pocket neighborhoods.

In addition to our interest in the Greenway and the Parkway, our members are residents of the Land Park, Little Pocket, and Pocket neighborhoods. As such, we have a vital interest in flood protection. Therefore, we fully support the Board's efforts, and we recognize and appreciate that Board's paramount concern must be flood protection. However, as explained below, we believe that the Greenway, the Parkway, and similar projects may provide synergies that allow the flood protection system to provide multiple-use benefits and cost-sharing opportunities that promote not just public safety, but also the public's need for transportation and recreation.

FSRG anticipates that it will submit public comments on the pending draft of the Central Valley Flood Protection Plan, and that our comments here will be fully consistent with and complementary of our comments on the CVFPP. We will also remain involved as the Board continues its consideration of these issues.

PRELIMINARY COMMENTS

The Public Trust Doctrine

We note again that flood prevention must be CVFPB's priority over all other concerns. However, our review of past actions by the Reclamation Board gives us concern that prior Boards may have ignored an important aspect of California law and policy: the public trust doctrine. We respectfully recommend that the Board consider this issue as it reviews our comments and as it discusses the Working Draft.

As embodied in the California Constitution since 1879, the public trust doctrine protects our right to access waterways such as the Sacramento River:

> No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

Cal. Const. X, § 4 (public right of access to waterways)). The constitutional provision is an aspect of the public trust doctrine, which dates to the founding of our great country and was embraced by California when the state entered the union in 1850. The legislature designated the California State Lands Commission in 1938 as the primary guardian of public trust lands. Thus, in addition to encroachment permits from the Board, residents along waterways like the Sacramento River need a lease from the Commission for boat docks and similar installations because these installations are on public land.

Though the Commission has the legislative charge to protect public trust lands, all agencies – including this Board – are under the same duty to protect and enforce the public trust doctrine. *See National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 446-47 (1983) (explaining that public trust doctrine imposes "an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible"; actions should not cause "unnecessary and unjustified harm to trust interests").

Residents of the Pocket and Little Pocket neighborhoods installed some fences down to the river's waterline. To the extent these fences were approved by past Boards, they failed to protect and enforce the public's right. If the Board allows these fences to remain without a plan to phase them out, the Board may well deny a vital right to the public. These fences not only increase flooding risk, as the Board's staff and the Army Corps of Engineers have testified, the fences have given a relative handful of residents – approximately 111 homes – a false belief that they have a privacy and security right that is not subject to compromise. Rather than providing for their own privacy and security, they have used the levees as their backyard. Then they argue that their false right trumps the public's right. Regrettably, by their seeming failure to consider the public trust when granting encroachment permits years ago, past Boards may have been complicit in creating this attitude. When the fences increase flood risk for the thousands of residents in the Pocket and Little Pocket, this Board should not be complicit by allowing the fences to remain without a plan for their ultimate removal.

We urge the Board to coordinate with the Commission in the future to ensure that the public trust is preserved and protected, and to consult with the Commission to ensure that past actions are consistent with the interests protected by the public trust doctrine.

The Risks of Existing Fences and Gates

By allowing the continued existence of fences and gates, and by creating a presumption in favor of new gates, the Working Draft fails to address flooding risks that the Board's staff and others have complained about for a number of years. FSRG does not understand how the Board can allow this risky situation to continue, especially when many of the fences also appear to violate the public's rights as embodied in the public trust doctrine.

Your staff have complained over a long period of time that the fences and gates exacerbate flooding risks. In 2005, your former chief engineer, Steven Bradley, testified against a fence application:

> "Staff is recommending denial of this. Like I said, the fence is really – is not for flood control and it does impact. It's just one more fence that's going across the levee. We already have more than we want down there. Every time the inspectors got to go through there they unlock the fence, have to relock it and go on. Have to make sure they have those keys. Have to make sure somebody doesn't put a lock on there that's not one of the state locks or compatible with a state lock, which happens in a lot of our areas, not just the Pocket area. But people do, especially in the ag areas, a lot farmers will slap their own lock on.
>
> "Like I said before, the removable sections of the fence require active management during a flood event. That means somebody has to be there, has to remember to remove those fences so that they don't collect debris and block the flow of water or, worse, redirect the flow towards the levee."

Transcript, Reclamation Board, June 17, 2005, at 80-81.

> "The reason the Board – or staff is recommending denial of this permit is it's a problem for flood control. It's one more – out of all the ones we don't want there to begin with that they have to go through, it is one more fence that has to be addressed during the flood where they have remove it on the water side. These are flood control issues."

Id. at 113. Your prior secretary and current board member, Bill Edgar, has also expressed concerns about the fences and gates:

> "And, as Steve pointed out, from our perspective, when we're maintaining and operating those levees – and I believe this is in Maintenance Area 9 – the staff goes down there. It's hard to do that when you have to unlock and lock all of these fences. And there are eight of them in that area.
>
> "And when you get into a flood fight, to be able to say – or to have a situation occur where you're required to ask the city to remove the fence before you start the flood fight, that's just a lot of time and effort that you shouldn't have to expend."

Id. at 116.

More recently, the U.S. Army Corps of Engineers has expressed its concerns fences and gates, as reflected in the testimony of Meegan Nagy in January 2011:

> "During our recent inspections, we have had significant issues with access, especially along the private property in the Sacramento area. Even along this area, if we have a lock on it, it tends to get cutoff, you get to the gate, you can't get through it, unless you use the universal lock removers on that, and then people get angry. So we've had universal issues across the Board with access.
>
> "If you've driven down the levee in the Pocket, you've heard about the 14 fences. And it might not sound like a lot, but when you drive through there, it is a huge pain to get through that area. And when we bring people out, we want to show them areas of the levee, I mean, we even have the conversation, do you really want to go through the Pocket. It's such a pain to drive through there. We usually have to send somebody out in advance, go through open all of the gates in advance of us. It becomes a big problem.
>
> "The fence on the – the portion of the fence on the waterside, I don't think you're going to see the Corps approve any of those ever again, unless it's a very unique situation. That catches debris when the water is high. It just causes a problem.

"And we talk about removable fences, but human nature is they're not going to remove it. By the time they figure out the water is coming up, they're trying to do other things. They're not going to remove the removable pieces of the fences. So I don't think you'll ever see us approving a portion of the fence on the waterside.

"And we talked about – I don't know where every property line is where the State owns the levee versus where it's a private property owner. But if you think about Mr. Murphy's argument and allowing every private property owner to do a fence similar to him to protect his dogs and his grandchildren, the amount of fences that you would have, not just in the Pocket but in the system, would be unmanageable.

"And so the precedent that it sets, based on protecting the animals and the grandchildren, everybody can have that argument. And we need to have – we need to think about that as we set standards.

"And also it leads to the next question, if the safety hazard is the grandchildren and you have the fences on either end, the bigger hazard is the water. Is the next question to be have a parallel fence on the waterside as well. We need to think about what could lead from this approval as well.

"The other thing that we've noticed on our inspections recently is when we see private property owners put a fence that runs perpendicular to the levee, the levee becomes more of their own. And I think I heard that the property owner is actually below the levee. I'm not sure how that easement works. But just human nature, they start to take the levee as their own property and they just start doing other things on the levee. It's just human nature. And so that's the other thing that I think it encourages."

Transcript, Central Valley Flood Protection Board, January 28, 2011, at 131-33. We have seen time and again that Ms. Nagy's observation is correct: allowing homeowners to construct fences and gates causes the homeowners to claim rights they do not have under the public trust doctrine.

We understand that the Board has not traditionally required proof of liability insurance for fences and gates, but has required homeowners to agree to indemnify the state for loss. Most homeowners are unlikely to have the wherewithal to reimburse the state for serious damage to levees caused by debris buildup and erosion. Most homeowners' insurance policies, even if the insurer agrees to cover the loss, will be unable to reimburse the state fully. In the case of a major levee failure caused by a fence, the indemnification will not be worth the paper it's written on.

Given the history and the indemnity issues, we agree that a regulation permitting perpendicular fences across the levee did not satisfy the Board's duty to provide for flood safety. Therefore, we agree with amendments to your regulations that prohibit future fences. However, FSRG believes that the proposed amendments do not go far enough. We cannot support regulations that permit continuation of the status quo without clear guidance for terminating that status. California and other jurisdictions have long recognized that phasing out non-conforming uses as they are damaged or destroyed is permissible without implicating due process concerns. *See, e.g.*, *Sabek, Inc. v. County of Sonoma*, 190 Cal. App. 3d 163, 167 (1987) ("The object of such a provision is the gradual elimination of the nonconforming use by obsolescence or destruction by fire or the elements, and it has been frequently upheld by the courts." (quoting *Rehfeld v. San Francisco*, 218 Cal. 83, 84 (1933)). At the least, regulations should provide clearly and unmistakably for the removal of waterside fences as they are damaged or destroyed.

While the FSRG proposes clearer standards for removal of fences, we also recommend that the Board ask its staff to consider whether the waterside fences, in particular, are a serious enough hazard that they constitute a nuisance. A long line of federal and state cases holds that an injunction requiring the cessation or removal of public nuisance is not an unconstitutional taking of private property, and does not require compensation to the owner. *See, e.g.,. Mohilief v. Janovici*, 51 Cal. App. 4th 267 (1996). But even if removal required compensation to the owner, we believe that the value of the fences is negligible, particularly when compared to the risks that they pose. Therefore, we respectfully recommend that the Board ask its staff to consider the means to remove all waterside fences from the Sacramento River levee.

On the related matter of gates, FSRG is concerned that the existing and amended regulations give no attention to the risks created by gates, as your staff and the Army Corps of Engineers have described them. At a minimum, the amendment should not create an impression that gates are presumptively allowed. We urge the Board to approve new gates only on a particularized showing of need balanced against the risks and availability of alternatives. Over the longer term, FSRG respectfully recommends that the Board pursue strategies to remove existing gates, except where necessary to limit unauthorized vehicle access to the levee. We note that the Board's support for the Sacramento River Parkway would further this goal.

The Benefits of Bicycle Trails

We note here at the outset that the term, "Bicycle Trails," is a misnomer. The multi-use trail on parts of the Sacramento River levee south of Old Sacramento is used by walkers and runners, in addition to bicyclists, just as a variety of users coexist on the American River Parkway. Because mile-markers line the trails, these multi-use trails are particularly useful to train for long-distance races, or for those who simply wish to track their fitness progress. Thus, the multi-use trails encourage health and fitness. Plans by the Delta Protection Commission for the Great California Delta Trail promise the extension of these benefits over longer distances, and to a much greater population.

The multi-use trails encourage alternatives to the automobile for transportation and, therefore, reduce pressure for the construction of new roads, improvement of existing roads, and repair to roads from overuse. The current situation on the Sacramento River Parkway, where walkers and bicyclists must detour from the levee for long distances, discourage the use of the Parkway for transportation. Bicyclists are at increased risk where they must mix with automobile traffic on busy roads that are ill-suited to bicycle traffic.

As written, the Board's regulations do not recognize these and additional benefits of multi-use trails atop levees. However, the encouragement of the multi-use trail is consistent with the proposed Central Valley Flood Protection Plan ("CVFPP"), which encourages the development of multiple uses and benefits for flood control assets. Uses of levees for transportation, public health, and recreation do not increase flooding risks and, in fact, may enhance surveillance and maintenance.

As currently written, the Board's regulations permit bicycle trails, but create the presumption that the trail should be off the levee "where feasible." FSRG respectfully suggests that this is short-sighted, causing planners to choose off-levee routes when an on-levee route creates distinct advantages for levee maintenance crews. Even though a bicycle trail is not constructed to the higher standards for an on-levee maintenance road, the bicycle trail is far preferable to a gravel surface. Driving on a gravel surface can be difficult and risky. Vehicles can more easily damage the levee and create channels for erosion when a gravel surface alone protects the levee structure. Another goal of the proposed CVFPP is to provide additional all-weather access roads to the levees for maintenance crews. Bicycle trails also require all-weather access roads, serving both the goals of transportation/recreation and flood safety.

Furthermore, users of a bicycle trail can greatly extend and expand the ability of maintenance crews to identify potential risks. "Be Flood Safe" signs can train and encourage users to spot and report problems like burrowing animals and erosion. The hearty souls who venture out during and shortly after storms can spot active erosion and boils. When the public is actively discouraged from using levees, the public cannot assist in these efforts.

Yet another goal of the CVFPP is to encourage cost sharing for the improvement of flood management projects. Bicycle trails create a synergism to advance this goal. Federal and state transportation funds, and even private grants and individual donations are available to construct and maintain bicycle trails and all-weather access roads.

FSRG does not recommend that the regulations create a presumption for placing bicycle trails on levee crowns, but rather the elimination of the presumption that bicycle trails should be off levees "where feasible." The Board and its staff can make case-by-case assessments about the advisability of trails on and off the levee. However, creating the presumption that bicycle trails should be off the levee will cause planners to look for alternatives to trails on the levee crown, and deny possible benefits from bicycle trails on levees.

COMMENTS ON THE WORKING DRAFT[1]

§ 107

FSRG PROPOSED REVISION TO PREAMBLE (PAGE 18/75):

> The following uses may be permitted in the designated floodway so long as alone or cumulatively, in the judgment of the ~~board~~Board, they will not unduly impede the free flow of water in the floodway or jeopardize public safety, and are otherwise in compliance with all requirements of these regulations:

DISCUSSION: Subsection (b) relating to fences does not capture all restrictions that are contained in section 126 (including the requirements that fences may not "interfere with or preclude legal public access"). *See* § 126, subsec. (e). The proposed revision makes clear that section 107 does not provide an independent basis for fences or other encroachments.

§ 108

FSRG PROPOSED REVISION TO SUBSECTION (a)(2) (PAGE 19/75):

> Nonconforming existing encroachments that do not have a major detrimental impact on an adopted plan of flood control or on project facilities shall be allowed to continue under a permit or order until abandoned or until they are destroyed or damaged, by any cause, to the cumulative extent of more than fifty (50) percent of their market value, their replacement cost, or their physical usefulness ~~during any 10-year period~~.

DISCUSSION: FSRG presumes that the added phrase, "a major detrimental impact on an adopted plan of flood control or on project facilities," will allow the Board to revoke encroachment permits whenever fences or other obstructions create or demonstrate that they have created an increased risk to the structure and stability of a levee. If the phrase does not effect that presumption, FSRG recommends a revision to ensure that the Board retains authority to act quickly when fences or other obstructions increase flooding risk.

FSRG proposes the addition of "replacement cost" as a better measure of damage for fences that arguably have no "market value" except to the homeowner who has the encroachment permit.

---

[1] Changes proposed by the Working Draft are underscored or have a single strikethrough line. Changes proposed by FSRG are double-underscored or have a double strikethrough line.

FSRG proposes to strike the reference to "any 10-year period" as ambiguous. Does it mean that a damaged fence must remain in place for 10 years before it must be taken down? FSRG believes, if a non-conforming fence is damaged to the extent described by the regulation, the encroachment permit should be revoked automatically.

FSRG PROPOSED REVISION TO SUBSECTION (a)(3) (PAGE 19/75):

> Nonconforming existing encroachments that have a major detrimental impact ~~shall~~ on an adopted plan of flood control or on project facilities and which were in existence at the time of adoption of the plan of flood control or new or revised Article 8 standards ~~may~~shall, at the discretion of the ~~board~~Board, be removed~~, abandoned,~~ or suitably modified at no cost to the owner~~, if they have been in existence prior to the adoption or authorization of a project by the United States or prior to the adoption or authorization of a plan of flood control by the state.~~

DISCUSSION: The word "may" creates ambiguity. The word could be the basis for an owner to resist removal or modification. FSRG also recommends a revision from "board" to "Board" to be consistent with the use of "Board" as a defined term. FSRG does not undertake to highlight other inconsistencies, but we note this inconsistency in the event that it has escaped staff's attention.

§ 126

FSRG PROPOSED REVISION TO RE-LETTERED SUBSECTION (c) (PAGE 54/75):

> Gates crossing the levee crown are allowed by the Board upon a particularized showing of need by the applicant, and findings by the Board that a gate does not appreciably increase flood risk or harm other interests, and that other measures to restrict access are not reasonable. ~~Gates~~ When allowed , gates within a floodway or on a levee must conform to the following requirements:

DISCUSSION: As discussed more fully above, given the past problems with gates on levees, the Board's regulations should avoid an inference that gates are presumptively allowed. An applicant should satisfy an evidentiary burden to establish that a gate is necessary, and that a less-restrictive means is not available to serve the need for a gate. Staff and the public should also have the opportunity to provide input on potential risks created by an additional gate, and to comment on possible conflict with other interests, such the City of Sacramento's long term plans to complete the Sacramento River Parkway.

FSRG PROPOSED REVISION TO RE-LETTERED SUBSECTION (e) (PAGE 55/75):

> No fence, gate, wall or other barrier may interfere with or preclude legal public access.

DISCUSSION: FSRG believes that the word "gate" should be included to avoid a possible ambiguity that "barrier" would be interpreted to mean only non-movable objects.

§ 132

FSRG PROPOSED REVISION TO SUBSECTION (a) (PAGE 69/75):

> (a) It is the ~~board's~~Board's policy to permit the construction of paved and unpaved bicycle trails by public agencies on levees and within floodways under the ~~board's~~Board's jurisdiction, provided that the flood control purpose of the floodway facilities remains primary. Bicycle trails must meet the following general conditions:
>
> > ~~(1) Where feasible, the bicycle trail must be located off of the levee.~~

DISCUSSION: For reasons discussed more fully above, FSRG believes that the Board should avoid a presumption that bicycle trails are better located off levees. Placing trails on levee crowns helps to satisfy aspirational goals of the CVFPP. The Board can still make a case-by-case analysis of the risks and benefits for an on-levee trail.

FSRG PROPOSED REVISION TO SUBSECTION (e) (PAGE 71/75):

> ~~(e) The permittee must address and incorporate into the trail design where necessary concerns for privacy issues.~~

DISCUSSION: FSRG proposes the deletion of the added provision. As drafted, the provision places the burden for protecting privacy entirely on the public agency proposing the bicycle trail. In the Pocket and Little Pocket, where the Parkway has been the public policy of the city for 37 years, homeowners bear some responsibility to plan for privacy protection. The provision is also vague and ambiguous as drafted. The Board always has the discretion to consider privacy issues, but it is unnecessary to create a presumption that the public agency-permittee bears all responsibility for protecting privacy. Additionally, as drafted, this provision could be used to challenge existing bicycle trail permits where homeowners bought property adjacent to existing portions of the Parkway.

* * * *

FSRG stands ready to address any questions or concerns by the Board or its staff. If you have any such questions or concerns, please address them in the first instance to Jim Houpt, who is the primary author of our comments. You can reach him by phone at 916-396-7239, or by e-mail at jhoupt@jhouptlaw.com.

We sincerely appreciate your consideration of these comments.

Very truly yours,

Anne Rudin

Anne Rudin
Former mayor, City of Sacramento
And Founding Member, FSRG

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
James E. Houpt	Friends of the Sacramento River Greenway	jhoupt@houptlaw.com	December 11, 2011 Public Draft Central Valley Flood Protection Plan ("CVFPP")	1.6.2	P. 1-27	As detailed in the FSRG's letters, the CVFPP should address the flooding risks posed by existing encroachments, obtain the simple fix available to improve flooding safety by removal or mitigation, and undercut objections to improved access by landowners who have usurped property rights that they do not legitimately have.	ADD TEXT (NEW BULLET POINT): **Remove or Phaseout Incompatible Encroachments** – Identify encroachments that increase flooding risks or exacerbate the difficulty of inspecting levees and fighting floods, and create a program for the removal or mitigation of these encroachments.
James E. Houpt	Friends of the Sacramento River Greenway	jhoupt@houptlaw.com	CVFPP	3.4.1	P. 3-11	As detailed in the FSRG's letters, the State should encourage paved, public multi-purpose trails (bicycle trails) on levee crowns to provide improved access until state funds are available to construct fully compliant all-weather access roads.	ADD UNDERSCORED TEXT: SPFC levee improvements in rural-agricltural areas will focus on maintaining all-weather access roads to facilitate inspection and floodfighting, or encourage local funding and development of paved, public multi-use trails (bicycle trails) until the State can fund and construct fully compliant all-weather access roads.
James E. Houpt	Friends of the Sacramento River Greenway	jhoupt@houptlaw.com	CVFPP	4.1.1	P. 4-2	As detailed in the FSRG's letters, the State should encourage paved, public multi-purpose trails (bicycle trails) on levee crowns to provide improved access until state funds are available to construct fully compliant all-weather access roads.	ADD UNDERSCORED TEXT: In addition, the SSIA includes a State cost-shared program for improving levee crowns to provide all-weather access roads, or interim paved, public multi-use trails (bicycle trails), that allow agencies to quickly respond to flood emergencies.
James E. Houpt	Friends of the Sacramento River Greenway	jhoupt@houptlaw.com	CVFPP	4.1.4	P. 4-10	As detailed in the FSRG's letters, the State should encourage paved, public multi-purpose trails (bicycle trails) on levee crowns to provide improved access until state funds are available to construct fully compliant all-weather access roads.	ADD UNDERSCORED TEXT (FOURTH BULLET POINT): Improving access for flood emergency response and floodfighting by providing all-weather access roads on levee crowns, with associated ramps and turnouts, or encouraging local funding and development of paved, multi-use trails (bicycle trails) to serve as interim access.

April 20th, 2012

Central Valley Flood Protection Board,

Care of: Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Members of Central Valley Flood Protection Board,

Thank you for the opportunity to comment the Central Valley Flood Protection Plan (CVFPP), as well as the Draft Program Environmental Impact Report (DPEIR). The following remarks should be considered on BOTH the DPEIR AND the 2012 Draft Central Valley Flood Protection Plan.

Throughout the past several weeks, I have had two particular opportunities to participate in "town hall" meetings in both Richvale and Colusa, California where Department of Water Resources officials have failed to provide to clarity about the CVFPP and DPEIR. As it is currently drafted, I strongly suggest that the plan should be REJECTED, in its entirety, by the board.

As such, I have a few comments below for the "Flood Board" to consider.

I. **Considering the vast volume of supporting documents, I believe the CVFPP and DPEIR have not been released in a timely fashion to allow for proper vetting by taxpayers, landowners, and small communities who will be affected by the plan.**
   a. The plan and supporting attachments includes complex tables, references acreage amounts for newly created habitat, miles of new or updated levees, yet lacks specific, detailed information for effected landowners or even socioeconomic impact on taxpayers, rural communities, and small businesses.
   b. The plan proposes spending Billions of public tax Dollars on potential projects, with little regards to funding mechanisms for to equitably collect the funds, or equitably allocate them. We've heard from DWR's Noel Lerner at the meeting Colusa that "cost share" funds may be available. It was not clearly answered, by whom or when the criteria will set for the cost share funds. Perhaps strings will be attached to cost sharing funds which are counterproductive to flood

protection, or, out of the hands of the Flood Board entirely. Questions remain, these concerns should be addressed publicly before being the Plan is approved by the board.

II. The potential acreage covered by the Plan could be much bigger than was indicated by DWR staff at public meetings in Richvale and Colusa, as revealed in Appendix A (the "CVFPP Cost Estimate Methodology") to <u>Attachment 8J</u> to the Flood Plan ("Cost Estimates" document). The Board should address this with staff and reject the plan entirely based on this alone.

a. It was mentioned by DWR staff in both Richvale and Colusa when that is a "top level" plan, with no specific details to discuss about projects mentioned in the plan, including the proposed Feather River Bypass along the Cherokee Canal (bypass), yet specifically, **Attachment 8J** and subsequent tables mention specific acreage amounts, specifics miles of new levees, and specific miles of enhanced or repaired levees, as well as mentioning the price per acre for acquiring new land in title, or through easements.

b. If in fact there are now specifics, and this is a "high level" plan, why is it then in table 4-5 of the attachment, does it mention that 15.5 miles of new levees will be required along the "Cherokee Canal – Left Bank?" Consider that it's even delineated to the TENTH of a mile, it seems there are MANY specifics.

   i. Where, specifically, are these 15.5 miles of new levees to be located to create the new levee along the Cherokee Canal?

   ii. Where, specifically, are these 15 miles of levee repairs needed along the Cherokee Canal?

   iii. What lands adjacent to the Cherokee canal, specifically will be effected, or proposed for habitat or levee or flood plain contsruction? It would seem to me, that if DWR knows 15.5 miles of new levees need to be created, and 15 miles of new levees need significant repairs, and well as the 5,000 acres of new land acquisitions will be required as discussed for the Feather River Bypass in Table 4-1 of attachment 8J, that there must be specific mapping and a detailed analysis conducted by someone at DWR or the Flood Board?

III. Increasing habitat and/or creating additional wetlands under the guise of flood protection should NOT be considered as a priority of the CVPP, by the board, or by DWR.

a. Habitat creation and enhancement activities in, along, and near flood structures, and levees operated & maintained by DWR have lead to significant problems and damaging impacts for nearby landowners while compromising repair activities. Various species which use the levees as artificial habitat often find their way into adjacent lands and cause crop losses, and potentially damage orchards and irrigation systems. I don't believe the plan, the Flood Board, or DWR has

addressed this at all. In fact, during the meetings in Colusa and Richvale, it was mentioned by DWR that losses to agriculture were not considered or addressed at all! With such significant plans to change the landscape of flood protection structures, why?

b. Potential for habitat restoration or creation should not be a priority in the plan, but only discussed as a potential coexistent feature of flood control structures after building or repairing them to design capacity, and should not impeded on any later maintenance activities.
c. Current habitat areas often cost taxpayers additional amounts of public dollars to maintain annually. Any habitat created or enhanced as function of this plan, should not require any additional amounts of public dollars, to manage or enhance them, further into the future. In other words, any habitat should be self supporting.
d. The Plan talks about specific habitat acreages, yet fails to adequately address or offer mitigation for any future problems or funding needs for the habitat, for things such as fire protection, ongoing maintenance, changes in operation or in the species served.

IV. Climate Change is not adequately addressed by the Plan or DPEIR

a. While it may be politically expedient, or in an effort to capture "green" dollars allocated by the legislature to consider climate change, the plan fails to adequately address all aspects of climate change, or the costs to simply adapt.
    i. For example, what happens if forecasts or models, often generated themselves under political considerations or questionable funding sources, are simply wrong?
b. Have the effects on climate change been addressed by the creation of additional habitat under the plan?
    i. Have increased amounts of carbon levels been considered when creating additional habitat, when habitat features such as tules & reeds decompose annually?
    ii. Have increased amounts of such things as methane gas releases been considered when additional acreages are proposed to be covered with water by the plan?

V. Impacts to Agriculture and subsequent losses have not been adequately considered or addressed by the plan.

a. It was noted at the meeting in Richvale by DWR staff that agricultural losses were not considered in the plan or in the DPEIR. These should be considered, especially when taking into account the acreages and improvements detailed in Attachment 8J.

b. Rural communities the plan aims to protect are reliant on a strong, vibrant agricultural economy. Yet this plan will take away Millions if not Billions of Dollars of farm income which will not be available to circulate in rural communities, generate tax revenue, or generate employment in the sector.
c. Impacts to a decline in property value of farmland, homes, and rural business have not been discussed by the documents, and should be considered by the board and DWR. It could amount to a government "taking" as it potentially could decimate property values of areas identified for wildlife habitat, or where slated for flood control project areas. The would obviously effect local property tax based funding for counties and communities as well.
d. Current watershed programs should be considered, such as the Irrigated Lands Program, as well as future groundwater management activities by both the plan and the board prior to adoption.

VI. **Impacts to counties, small communities, and taxpayers have not been addressed adequately, though should be prior to adoption. It seems nonresident species, such as migrating waterfowl, have been given priority, and that is unfortunate.**

a. Impacts to drainage of water from agricultural lands, as well as from cities through agencies such as Reclamation District 833 in times of even normal flow or rainfall, have not been considered adequately, or even addressed that I am aware of.
    i. These agencies provide important functions year round, and consideration of their operations, infrastructure, and funding should be considered both in the design, construction, and ongoing maintenance of any flood control structures.
b. Consideration of taxpayers adjacent to the levees who already pay a disproportionate amount of taxes for levee maintenance and repair simply based on their location, not necessarily benefit, should be given relief from shouldering the increased burden of ongoing maintenance with any new structures or improvements. It should be allocated more equitably amongst ALL California residents.
c. Waterfowl already enjoy private working landscapes, such as rice fields, private wetlands, and pastureland in the Sacramento valley annual. Additional habitat should not be purchased in title or through easement, and the contributions of private, working landscapes should be recognized by the plan.

VII. Additional water storage should be a priority!

a. To provide greater flexibility regionally in the event of "atmospheric rivers" or high water flows, new storage facilities should be built and existing ones expanded.

i. Municipalities, agriculture, wetlands, and our rivers all enjoy the bounty of what's stored behind our lakes in reservoirs in times of storage. This should be discussed further in the plan, and any plan adopted by the board in the future should advocate, along with DWR, for more storage.
    1. This allows greater flexibility for flood control as well.

Thank you for the opportunity to comment on both the CVFPP and the DPEIR, if you have any questions or concerns, please don't hesitate to contact me at ryan@schohr.com.

Best Regards,

Ryan Schohr

1523 Ridgebrook Way

Chico, CA 95928

CALIFORNIA FARM BUREAU FEDERATION
OFFICE OF THE GENERAL COUNSEL
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Sent via E-Mail
DPEIRcomments@water.ca.gov

April 20, 2012

Mary Ann Hadden
Staff Environmental Scientist
DWR, DFM
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Re: Comments on the March 2012 CVFPP DPEIR

Dear Ms. Hadden:

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau thanks the Department of Water Resources for the opportunity to offer these comments.

Project Description

The PEIR fails to provide an adequate project description for the project. For proper impacts assessment and development of effective mitigation, an EIR must provide an accurate description of the project. Even in a programmatic EIR, this must be done by providing as much information as possible, based on information available to the preparing agency at the time the EIR is completed.

Here, both the Central Valley Flood Protection Plan itself and the PEIR describe the project in only the most general terms. Information found in certain technical appendices to Flood Plan show the Department in fact has much more specific information, for example,

concerning the potential range, extent, and locations of potential significant impacts to agricultural resources, that are simply not addressed in either the Draft Flood Plan or the Draft PEIR. Moreover, there is information to suggest that the Department has significant information concerning specific or approximate geographic locations, acreages, footprints, flow and conveyance assumptions, and ecosystem restoration and mitigation plans and assumptions that the Department has not included, or clearly or adequately discuss in the main body of Flood Plan, or the PEIR.

Burying the potential significant impacts of major features of a project in the technical appendices to an EIR—and perhaps even omitting other such key information from the EIR altogether—does not serve to adequately appraise the public of a projects potential impacts. Nor does it enable the public to accurately assess the adequacy or inadequacy of the EIR's proposed mitigation measures.

Because PEIR omits key information concerning known potential significant impacts of the project in the areas of agricultural resources, land use, hydrology, biological resources, socio-economic impacts, water supply, and cumulative impacts, the PEIR fails to meet the basic purposes of CEQA in this regard.

Alternatives

CEQA requires the EIR to discuss a reasonable range of alternatives. A reasonable range of alternatives includes consideration of alternatives that could lessen or avoid potential significant adverse environmental impacts of the project, even if such an alternative might be more costly, more technologically difficult, or achieve only some or most of the project's objectives, but not all.

Here, the planning process that produced the Draft Flood Plan and the four approaches or alternatives presented in the Plan analyzed in the PEIR identified some 94 individual management actions, grouped into 11 categories or types of actions, including a category for "additional floodplain and reservoir storage."

The State Systemwide Improvements Approach alternative selected as the Department's preferred alternative relies heavily on farmland inundation, setback levees, and new and expanded bypass areas to achieve increased system capacity. These actions, in turn, result in substantial adverse impacts agricultural lands and to the Central Valley's important agricultural economy and rural areas.

These impacts could be lessened or avoided by an alternative that included additional flood space in expanded reservoirs. Instead, actions to increase flood control capacity by increase upstream surface water storage were entirely excluded from the SSIA.

Reservoir expansion was considered as part of the Department's "Enhanced Flood System Capacity" preliminary approach. However, this approach was not a realistic, or a

balanced one, whereas neither the SSIA, nor any other approach or alternative made any attempt to incorporate increased reservoir space as a potential alternative, to achieve must program objectives, while simultaneously avoiding or reducing significant adverse impacts in the areas of agricultural resources, land use, hydrology, biological resources, socio-economic impacts, water supply, and cumulative impacts.

Because of the failure to consider a reasonable range of alternatives, the PEIR fails to satisfy the basic purposes of CEQA.

Impacts Analyses and Mitigation Measures

As noted, due to the failure to include an adequate project description, the PEIR fails to properly disclosure or analyze potential significant environmental impacts in the areas of agricultural resources, land use, hydrology, biological resources, socio-economic impacts, water supply, and cumulative impacts. Similarly, as a result of the failure to include an adequate project description and to properly disclose and analyze the project's potential significant adverse environmental impacts, the PEIR also fails to describe adequate mitigation measure for these same potential adverse environmental impacts.

Cumulative Impacts

The PEIR fails to consider the potential adverse impacts to agricultural resources, land use, hydrology, water supply and local and regional economies which may foreseeably flow from many potential individual ecosystem restoration projects which may be undertaken over the 20 to 25 year lifetime of the project, when considered in combination with the ecosystem restoration activities contemplated as part of the project. Furthermore, the PEIR fails to adequate describe or adopt specific mitigation measures to reduce or avoid the potential cumulative direct and indirect impacts of all of these individual habitat projects over time.

Biological Resources / Agriculture and Forestry Resources

Mitigation commitments in the PEIR and in the Flood Plan itself considered, especially, in connection with the Department recommended Vegetation Management Policy, suggest the potential for significant, additional impacts to agricultural resources. However, the PEIR makes no sufficient attempt to quantify this potential magnitude or extent of this impact, extrapolating from the known acreage of potentially affected vegetation, as compared to a potential range of required mitigation. The failure to assess this potential significant impacts renders the PEIR adequate to inform the public and satisfy the basic purposes of CEQA.

Agricultural Resources, Mitigation

Regarding mitigation of impacts to agricultural resources, many of the CALFED ag mitigation measures relied upon, almost exclusively in the PEIR, are overally vague/not specific enough for specific types of impacts involved in the Central Valley Flood Plan.

There is a need to consider additional agricultural mitigation measures in the areas of transitional assistance, retaining lands in production over time, ensuring compatibility and preventing encroachment of habitat-related uses over time, easements versus land acquisition, and avoiding impacts to permanent crops.

Additional, mitigation for reclamation of borrow sites must take into account unqiue characteristics of soils for production of certain crops (e.g., clay pan soils for rice) and gauge mitigation specifically to preserve unique productive capabilities of agricultural lands to the maximum extent possible.

California Farm Bureau Federation thanks you for the opportunity to comment on the March 2012 CVFPP DPEIR.

Yours truly,

Justin E. Fredrickson
Environmental Policy Analyst

Schohr Ranch, Inc.
P.O. Box 785
Gridley, CA 95948
Phone 530-846-4354
Fax 530-846-5660
Email ricencows@schohr.com

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Response and Objections to: 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN and the DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT for the PLAN

Dear CENTRAL VALLEY FLOOD PROTECTION BOARD, STAFF AND DEPARTMENT OF WATER RESOURCES STAFF:

Our is writing in response and with objections to the PLAN and the DPEIR concerning the PLAN. The major concern is that the Schohr family was completely left out of this plan even though it will encompass the majority of our farming ground and one hundred year history on this property. We currently live, work, play and are raising the sixth generation at this location. Our property concerns lie on both sides of the current Cherokee Canal and within the proposed acquisition area for increasing the area of the Cherokee Canal and Levees.
We first heard about this program in an email forwarded to us from a neighbor who in turn had just heard about it from Reclamation District 833 in Gridley, CA. This was only in February of this year (2012)! How disconcerting that we had never been approached concerning this project in any way, shape or form even though hours and hours of work were put into the plan over several years. After attending hearings we realized that urban areas and especially the environmental concerns were all included at the table for planning purposes of the PLAN but not rural cities, rural counties and especially those who would be affected with the process.
The first meeting family members attended was in Richvale, CA, on March 28, 2012 at the Richvale Café where over one hundred local people attended to find out about the PLAN and voice their concerns. The primary concern was once again that all were not included in the process.
Attending and speaking at this meeting to inform those present were – Noel Lerner, Chief of Flood Control and Head of the PLAN, Paul Marshall –Division Chief and Assistant Flood Manager and Mark List – Assistant Chief of Flood (he did not speak).

Noel Lerner made the following comments about the PLAN –

1. The current flood system in antiquated and at risk
2. The plan offers multiple benefits.
3. Limited funds are available for the PLAN
4. Primary concern of the PLAN is to protect the public and health
5. Also to protect the local economy
6. The PLAN looks at safety, economic, environmental concerns and emergency response
7. The PLAN includes improved maintenance and system improvements.
8. The PLAN maximizes benefits from limited funds.
9. The “Feather River Bypass” is not defined in the PLAN and is on conceptual at this time. Analysis has not been done.
10. DWR and CVFP are faced with challenging issues to protect sake interests of agriculture, environmentalist and urban interests. This is a onetime effort.
11. Can’t answer what the flow is now or what it will be.
12. Intent of the PLAN isn’t to take productive farmland. Some farmland may have to go to environmental restoration which further helps future maintenance..
13. Plan addresses sediment removal.
14. Agriculture might have to switch to another type of farming more conducive to flood plain areas.
15. DWR wants to work hand in hand with agriculture on maintenance.
16. Looking for easements on ground.
17. State and PLAN are not looking for 100 year protection in agriculture areas.

18. Other policies are being developed in DWR Flood Office working on cost share with communities for reimbursement
19. PLAN will have all weather roads for better maintenance
20. Programs for are being developed for small communities at risk for flooding.
21. This is a High Level PLAN not intended to list specific projects.
22. The PLAN will be developed with local groups.

At this point Paul Marshall addressed the standing room only crowd. His comments were as follows:

1. PLAN doesn't have specifics in it. DWR tried to come up with an overarching plan.
2. PLAN looks at preliminary models with major modifications.
3. Have never done this before in California.
4. We have been talking to local agencies and communities for the past three (3) years.

At this point there were many hands raised in the audience.

The first comment was from Loren Ward. He stated the PLAN seemed on track with very limited public participation. The comment back from Paul Marshall stated that PLAN was not going forward without analysis or public buyin and currently there is no funding for the program. Bond funding may or may not be required. This is a thirty (30) year project. If we don't approve this plan there will be businesses losses in the state which were calculated as part of the plan. But losses to agriculture numbers were not included in the PLAN.

A question was asked about future storage in the plan and current storage changes. Marshall responded with the following. Raising one dam only handles one watershed. Have to control damage in the Valley. We want to work with integrated water management to use the current facilities. We want to reoperate reservoirs during floods.

Ryan Schohr asked Marshal about what the agriculture losses would be. Marshall's response was – No idea. We don't want ag ground we want to give fair market value for flood agreements. Concept is to make whole.

Noel Lerner then talked about the Cherokee Canal issues with tremendous sediment build up due to hydraulic mining.
Ryan Schohr asked about restoration of the canal. Lerner's response was we can't do restoration because we want the channel to meet design capacity. We need to do environmental restoration. Only 4% of the riparian habitat that used to exist in the valley exists now. Habitat has a need. We don't want fifty acres here and fifty acres there of habitat.

Susan Schohr asked what local communities and agencies had been contacted about the PLAN. Lerner answered after a long pause that we worked with Live Oak. Marshall interjected that they had worked with local flood control areas.

Marshall commented that there is nothing in the PLAN to raise levees because of the under seepage issues. It would be cost prohibitive to raise the levees.

Brad Mattson asked about later draft EIR's at the state, regional and local level where we would be allowed to comment later on the PLAN. Marshall answered that the DPEIR is set up to analyze the whole plan and will have to do others at the regional planning level.

Steven Schohr asked what has been studied and what is missing in the PLAN. Marshall answered that there is no ag addressed in the PLAN. The local input is missing and the feasibility level needs to be analyzed.

Lerner commented that the Army Corp used to pay 65% to 75% of projects but that will no longer happen.

Marshall commented that the 2017 PLAN update will be much more specific and he would like the communities to be involved before 2017.

There was some further discussion after the meeting ended

At this point I (Susan) will comment on our family concerns:

The current Cherokee Canal was developed in put into place in the early 1960's. It is one of the newer levee systems in the state. I have lived next to the levee for over thirty-seven (37) years. Not once have I been concerned enough to leave my home. Carl Schohr has lived in the same complex his entire life except for 3 months away at school. He

watched the levees be built. Douglas Schohr has lived here since 1935 at the age of five after having lived in the Grimes area next to the Sacramento River. He too has been involved in the Cherokee levee area all of his life (yes there was a preexisting levee prior to the project of which remnants can still be seen).

We are all appalled at the total lack of maintenance on the Canal. No sediment has ever been removed in the area that we own. The trees are overgrown which has made it difficult to farm this area anymore. It just isn't cost effective. We currently farm a portion inside the levees and run cattle on the remainder during non flood periods. Number 12 of Noel Lerner's comments greatly bothers us all. The area planned for the Cherokee expansion is ALL prime farmland of economic value to our families, communities and counties.

As for Maintenance on these levees on April 12, 2012 I contacted Mary at the Butte County Tax Auditors office who told sent me the following information on what landowners already pay for flood control in Butte county.

April 12, 2012 from Butte County Tax Auditor - Mary

		Amount assessed	# of parcels	
Maintenance area 13				
Zone	1	$ 126,092.00	165	$ 764.19
Zone	2	$ 30,551.34	53	$ 576.44
Zone	3	$ 12,760.16	43	$ 296.75
Total		$ 169,403.50	261	$ 649.06
Reclamation District #833				
Ag		$ 98,587.00	899	$ 109.66
Urban		$ 36,450.00	3045	$ 11.97
Total		$ 135,037.00	3944	$ 34.24
Sutter Butte Flood		$ 410,987.58	5547	$ 74.09

Drain District #1	$	53,233.00	810	$ 65.72
Drain # 100	$	119,431.66	271	$ 440.71
TOTALS	$	888,092.74		

There are many more in the form of irrigation districts and other flood taxes paid by others in Butte County. This is for one year only. It is interesting that ALL of Maintenance Area 13's budget is exactly what we as LANDOWNERS pay to protect our farm land from flooding which is what the Cherokee levee was supposed to do. The state pays none of the maintenance.

We specifically Objected to the whole of 4.1 and 4.2 of the PLAN on pages 4-1 through 4-13. These pages outline costs and areas in the Cherokee to be taken for a guise of flood protection and we really believe it is for habitat restoration.

I have attended many meetings of the past few years. Specifically one meeting in Colusa in July of 2002 where the DWR presented the following plan – "Sacramento and San Joaquin River Basins California Comprehensive Study Draft Interim Report" This new PLAN is an exact copy of the 2002 plan with another name with more concerns to locals.

I have also attended Butte Creek Watershed Conservancy meetings where I listened to DWR speakers. Specifically at the July 21, 2004 meeting where Michelle Ng informed us that none of the levees below were under DWR control and that area was a "non-Maintenance area for DWR. (It is also a non maintenance area for Reclamation District 833). The plan "Butte Creek Watershed Flood Plain Management Plan from May 2005 contains the comments that in 1997 a five hundred year flood occurred on Butte Creek putting over 32,000 cfs down Butte Creek into the Butte Sink. That is the same projection to be brought with the new Cherokee levees.

In closing we can't make intelligent informed decisions based on the little information give in the PLAN. Or what is buried in the plan. We also reserve the right to further litigation on this plan if necessary.

Sincerely

Susan Schohr
Carl Schohr
Douglas B. Schohr
Alma Jean Schohr
Steven Schohr
Tracy Schohr

SOLANO COUNTY
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533
www.solanocounty.com

Telephone No: (707) 784-6765
Fax: (707) 784-4805

Bill Emlen, Director
Clifford K. Covey, Assistant Director

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: Comments on the Draft Central Valley Flood Protection Plan (CVFPP) and Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

Solano County is pleased to offer initial comments on the CVFPP and associated Environmental Impact Report (EIR). The County recognized the importance of this project and the need to provide meaningful input as the process moves forward. It is notable that these documents and associated appendices total over 1000 pages rendering it difficult for smaller jurisdictions to get through the material. The standard 45-day comment period required under the California Environmental Quality Act is very short when commentating on documents of this magnitude and importance. An extension of the comment period would be in order to not only enable Solano County to provide additional comments, but also to allow for smaller communities and others affected by this Plan to understand the Plan and Programmatic document to provide meaningful comments as well. The County also believes the extreme programmatic nature of the EIR does not befit the analysis needed given the far reaching effects this plan will have. The Plan clearly sets in motion potential impacts that should not be glossed over under the guise of a programmatic level EIR. Ultimately, a re-circulation might still be required but additional time for comment at the front end of the process might reduce the potential for such a sequence.

As the CVFPP moves toward project implementation, we strongly urge the Board to incorporate more local agency and stakeholder involvement throughout the process. The local community will bring a great deal of information and practical knowledge to the process, including much-needed historical background, expertise and innovation to the tasks at hand. This local expertise is crucial to a successful process as projects are identified, planned and implemented. Local and regional agencies should be fully utilized as projects are designed and constructed.

While the importance of protecting large communities cannot be minimized, the Plan and EIR must not underestimate the impacts to smaller rural and agricultural areas. The Plan/EIR must make a stronger effort to address and mitigate impacts to such areas; rather than the caveated language currently in the

Plan. Many small communities spend scarce resources upgrading facilities that benefit the larger system in heretofore unrecognized ways, often without compensation. Higher priorities for these areas should be considered, as small communities contribute to the larger system. In addition, Plan policy should explicitly support and expedite continued efforts by small communities in repair/improvement activities.

The CVFPP should be fully integrated with water supply operations; the document refers to multi-purpose reservoir operations but does not appear to endorse a fully integrated approach. Since the water supply system and the flood control system are both undergoing significant reconstruction at essentially the same time, opportunities exist for real innovation and significant improvement to both. Some thought should be given to further expediting the burdensome federal Corps' process, given the importance of time action on this plan.

The increased flood plan footprint is significantly larger than anticipated (noted in Plan Appendix 8J Section 4.0 Flood Management Elements) requiring additional acreage for facilities, identifying environmental conservation acreage, and allowing that some accommodation for continuance of agriculture via conservation easements (p 4-5) may occur. The conservation acreage being incorporated as part of this project is significant. Implications to agriculture in Solano County, the Delta and the Central Valley need to be explicitly identified and analyzed in the Plan and draft EIR, mitigated appropriately and cumulative impacts of the aforementioned projects addressed. We are particularly concerned that potential impacts to northeast Solano County and the Cache slough area in particular have not been adequately addressed. Any environmental conservation contemplated as part of this plan needs to be closely coordinated with a number of other agencies/organizations, including the Delta Conservancy, the Farm Bureaus, and BDCP, to name a few. The Plan (and others) run the risk of cumulatively, negatively affecting the viability of agriculture in Solano County, the Delta and perhaps the larger Central Valley. The EIR broad brushes this issue by acknowledging that this is a potentially significant unavoidable impact and provides a seemingly generic laundry list of mitigations. Solano County believes preservation of agricultural areas deserves more than a menu of mitigations that may or may not be effective. The County strongly urges that the EIR take a more detailed look at impacts to agriculture, and provide a more comprehensive mitigation strategy to preserve Delta agriculture.

For any levee management strategy to ultimately become effective, the state must ultimately prevail over the broad based, ill-conceived federal levee vegetation guidance pushed by the Army Corps of Engineers. Strategies should be devised as part of this plan, and might include a request for full waiver of the region from these requirements, due to inappropriate, overriding negative consequence in the geographic area.

Where the Plan mentions specific areas, concern arises as to ultimate, perhaps unintended effects that broad based planning brings to a specific area. Where we will look to project-related environmental documentation to address many of these concerns, the following examples of issues described more generally above are included for your consideration, and which need to be factored into the broader-based Plan.

1) Removal/addition of physical structures to State Flood facilities may significantly impact local communities. The County is particularly concerned about potential impacts to Rio Vista. Full and early vetting of potential change is recommended.
2) Project levees in the Bypass above Liberty Island are maintained by Solano landowners to protect themselves from the hydraulic effects of the Sacramento River Flood Control Project design, rather than from a naturally occurring flood event. Solano landowners, particularly those in RD 2068, pay for levees that benefit the flood system upstream in the Sacramento Valley and in the West Sacramento/Clarksburg areas (system wide benefits) that were not

required before the project construction. These are redirected impacts that are not recognized nor mitigated by the State or Federal Government.

1) The lower Yolo Bypass adjacent to Solano County during a design flood (approx. 1986 or 1997) passes the design flow but at a level approximately 2 feet higher than design. This means lower freeboard on levees and therefore a correspondingly higher risk level than design. In 1986 the bypass flowed around the northern end of the project levee (it did not go over the levee) due to the higher than design water surface elevations. Also, in the areas where there is no levee, (the lands surface elevation was determined to be higher than the design water surface elevation) the bypass flows encroach into areas where no flood easements were purchased. In 1986 homes were flooded (this didn't happen in 1997 because the home owners constructed, at their own expense, ring levees around their structures).
2) Bypass widening is proposed for Solano lands in the area north of Rio Vista up to Hastings Tract (RD 536 and RD 2060); loss of agricultural production and economic activity needs to be addressed. The potential for economic blight must be considered. The County believes impacts to this area could be significant and should be avoided either through plan modification or more substantive mitigation than currently contained in the EIR. More detailed modeling of flood flows is also needed even at the programmatic level given that these impacts can be reasonably foreseen even at current plan detail levels.
3) Potential changes in the timing and duration of flooding in the bypass changes the risk profile of the adjacent levees. These must be further addressed in the Plan and EIR.
4) Modifications for fish passage in the bypass increases the potential for conflict with ESA listed species. The full range of impacts from this change needs to be further evaluated.
5) Potential issues with Ryer Island (RD 501): hydraulics of the Cache Slough region are modified by the plan; consequently, impacts will occur and should be identified as part of the Plan. Hydraulic and other modeling may be necessary to describe changing conditions.

Thank you for your consideration of our comments and look forward to working with you on this important Plan process. Please do not hesitate to contact me for additional information or further follow-up.

Sincerely:

Bill Emlen

Bill Emlen
Director of Resource Management
County of Solano

City of Woodland

CITY COUNCIL 300 FIRST STREET WOODLAND, CALIFORNIA 95695 (530) 661-5800
FAX: (530) 661-5813

Artemio Pimentel, Mayor
Marlin H. "Skip" Davies, Vice Mayor
Martie L. Dote, Council Member
William L. Marble, Council Member
Tom Stallard, Council Member

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic Environmental Impact Report.

Dear Ms. Moricz:

The City of Woodland (City) has reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and ***not*** a list of projects to be approved now for implementation.

We support the CVFPP's prioritization for improving the urban levees. We are especially appreciative that the CVFPP states that DWR will continue its participation in the Cache Creek Feasibility Study, and will evaluate programs for managing sediment and mercury in the Cache Creek Settling Basin. We also believe that the State should prioritize the actions included in Attachment 7A to the CVFPP, including the "Cache Creek Settling Basin Floodway Bypass" and "Stabilize Cache Creek through grade control structures and other measures." We look forward to working with the CVFPB and DWR to determine the appropriate local cost-share for these projects in light of the increased flooding created for Woodland for the design storm as a result of the construction of State facilities such as the Settling Basin and Interstate-5.

We also support the concept of system improvements, such as modifications to the Yolo Bypass. However, modifications to the flood control system of this scale can have significant adverse effects to Yolo County, agriculture and property owners that need to be carefully considered and mitigated. Keep in mind that any action that affects agriculture in the region may adversely affect the local economy and potentially reduce employment opportunities for our citizens. We therefore encourage the CVFPB and DWR to partner with local agencies such as the City in

implementation of the CVFPP to ensure local concerns are addressed. We believe giving local agencies an option of leading the system improvements process (planning, design, construction) will significantly increase the chances that we will be successful in carrying out the vision contained in the plan.

We appreciate both DWR and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to continued cooperation as we implement the Plan.

Thank you for the opportunity to provide these comments.

Sincerely,

Artemio Pimentel
Mayor

K-4 Farms
1437 Furneaux Road
Olivehurst, CA 95961

April 20, 2012 **Via Email: cvfpcom@water.ca.gov**

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: Central Valley Flood Protection Plan

Dear Ms. Moricz:

The purpose of this letter is to provide comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). K-4 Farms owns significant land within and adjacent to the Sutter Bypass which could be adversely affected by this Plan. I have many concerns with the Plan and DPEIR, many of which are set forth below. I also join in the comments submitted by the California Farm Bureau Federation.

The Plan calls for expansion of the Sutter Bypass. Specifically, the Plan provides, starting at page 3-13:

> Future studies to refine specific project elements related to bypass expansion should consider increasing the capacity of the Sutter Bypass to convey large flood events. Expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. Although the required width of the bypass has not been determined, DWR used a 1,000-foot increase in the bypass width for planning purposes. The evaluations for planning purposes were initially based on 75 percent of the new width allocated to agricultural use and 25 percent allocated to habitat restoration."

While the text recognizes that “future studies” will be needed to “refine project specific elements related to bypass expansion,” the Plan does not clearly identify what “specific project elements” have already been developed (and will be refined). Moreover, the DPEIR completely fails to identify and analyze the many impacts that are likely to occur with bypass expansion, including the loss of valuable and important agricultural lands and existing habitat.

Changes in operation of the bypass, including changes in operation of various weirs, may result in flooding in late Spring, early Summer, including the months of May and June. Changes in operation could result in flooding in areas where crops are planted and present during these months. The potential impacts that could result from these changes must be disclosed and fully analyzed in the DPEIR, with all impacts identified.

Not only does the Plan and DPEIR fail to identify impacts associated with the actual widening of the bypass and possible changes in operation of weirs, but the Plan also suggests significant impacts to

agricultural operations that will result from the creation of new habitat within the widened bypass. For example, the Plan, at page 1-18, provides:

"[W]here wildlife habitat is proposed in proximity to existing agricultural lands, the impacts of plowing, spraying, and harvesting of agricultural lands on nearby wildlife habitat and, conversely, the impacts of protected species on agricultural lands, must both be carefully addressed to successfully implement long-term environmental enhancement projects."

As the Plan proposes to widen the Sutter Bypass and provide 25% of the expanded area for environmental restoration, and recommends "addressing" the impacts of plowing, spraying, and harvesting on wildlife, the Plan and the DPEIR must disclose the impacts to agriculture so the public can be adequately informed of the impacts of the Plan.

In addition to the concerns identified above, on April 11, 2012, the Sutter Butte Flood Control Agency (SBFCA) held a public workshop on the Plan. There, representatives from DWR attended to provide the SBFCA board with a presentation and answer questions the board had on the draft plan. After the presentation, a SBFCA board member asked whether the 25% restoration component in the Plan was to mitigate for the impacts of the flood control project or whether there were other projects, outside the Plan, that were driving the 25% figure. DWR's representative, at this meeting, candidly informed the public that the restoration component was not only for the Plan itself, but also for other ongoing DWR efforts like the Bay Delta Conservation Plan (BDCP). DWR's representative acknowledged that the Plan and DPEIR could have done a better job identifying the purposes of the restoration. I am, therefore, additionally concerned that the State has now proposed to take private lands adjacent to the Sutter Bypass, through the guise of a Statewide flood plan, to provide restoration lands for the BDCP.[1] Not only does the Plan completely omit this critical information, by the DPEIR wholly fails to inform the public of the need for these restoration lands (e.g. the BDCP) and fails to disclose the impacts through the direct loss of important agricultural lands and indirect loss through the creation of adjacent habitat.

Indeed, I am concerned that the Plan appears to place habitat restoration on an equal footing with the primary purpose of the flood control project – namely flood protection. Any flood protection plan developed by DWR and adopted by the Central Valley Flood Protection Board must recognize flood protection and flood damage reduction as the primary goal. Any ecosystem uses must be incidental to the primary purpose of flood control facilities. At a minimum, the Plan must not be used as an attempt to obtain private agricultural lands, in the name of flood protection, to create habitat in support of the BDCP.

Respectfully,

Ronald G. Erny
Authorized Representative, K-4 Farms

---

1 The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

Moricz, Nancy

From: aggiejeff@frontiernet.net
Sent: Saturday, April 21, 2012 8:37 AM
To: Cvfpp_Comments
Subject: Flood Protection Plan Comments

Jeff Moresco
Farming
P.o. Box 292
COLUSA, CA 95932-0292

April 21, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Jeff Moresco
530-624-6820
Farming

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer

R. Mitch Avalon,
Deputy Chief Engineer

April 20, 2012

California Department of Water Resources
Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Attn: Mary Ann Hadden, Staff Environmental Scientist
Via email: DPEIRcomments@water.ca.gov

RE: Central Valley Flood Protection Plan (CVFPP)
Draft Program Environmental Impact Report

Files: 4001-36-12, 4011-12 & 97-36

Dear Ms. Hadden:

Thank you for the opportunity to submit comments on the public draft of the 2012 Central Valley Flood Protection Plan dated December 2011, and the Draft Program Environmental Impact Report (Draft PEIR) dated March 2012. Below are our comments for your consideration:

A. Draft Program Environmental Impact Report

1. General Comment: The Central Valley Flood Protection Plan proposes flood control bypass modifications, levee modifications, and levee setbacks projects upstream on the San Joaquin and Sacramento River systems that have the potential to create downstream hydraulic impacts on rural levees in Contra Costa County. The Sacramento and San Joaquin Rivers converge at the Sacramento and Contra Costa County line in the Delta. Increased levels of flood protection in the urban areas should not be achieved by redirecting higher peak flows to the rural levees in Contra Costa County. A full hydraulic analysis should be completed prior to adoption of the Draft PEIR to determine impacts to Contra Costa County Delta shorelines and islands for both the 100-year and 200-year floods for no project and for project conditions. Additional mitigation measures should be identified for island flooding and levee overtopping where the implementation of this project has hydraulic impacts in Contra Costa County.

2. The implementation of the CVFPP projects could adversely impact the communities, flood control facilities and levees in the eastern part of Contra Costa County. Please include a discussion in the Draft PEIR that focuses on the impacts of the implementation of the CVFPP and SSIA to the communities, flood control facilities, levees and properties in Contra Costa County. We request that the proposed mitigation measures for the adverse impacts identify the funding sources to implement and maintain the proposed mitigation measures.

3. We request that the hydraulic impacts of the implementation of the elements of the State System-wide Investment Approach (SSIA) to the Sacramento-San Joaquin River Delta (Delta), as well as the proposed mitigation measures, be included in the Draft PEIR.

4. Mitigation Measures BIO-A-2b and BIO-A-3: The Draft PEIR stated that any mitigation planting in the floodway will not be permitted if flood stage elevations are increased. We recommend that this mitigation measure include a requirement for hydraulic analysis that evaluates downstream hydraulic impacts. The baseline of the hydraulic analysis should be based on the original design capacity if the floodway has sediment deposits or other impediments which have lowered existing hydraulic capacity.

5. Mitigation Measure HYD-1: Vegetation, riprap placement and dredging are proposed to mitigate for increased erosion and siltation caused by modifying the flood conveyance system. In addition to these measures, we also recommend levee widening, levee raising, and rock installation on the land side of Delta levees to prevent erosion caused by overtopping during 200-year flood events, especially in the Delta areas where rural levees do not currently have 100-year flood protection.

6. Impact HYD-2: The Draft PEIR is not currently proposing mitigation measures to address increased flooding due to the modification of the flood conveyance system. We request that the Draft PEIR include mitigation measures to address the flooding of agricultural lands and the Delta islands as a result of this project.

7. Impact HYD-3 and Impact HYD-4: The Draft PEIR does not include mitigation measures for the placement of housing within the 100-flood hazard area, or the redirection of flood flows that could potentially put people and structures at risk. Please include a discussion of the hydraulic impacts to the existing housing on the Delta islands, where the structures are currently constructed above the 100-year floodplain, but could end up below the 100-year floodplain due to the modification of the flood conveyance system upstream of the Delta as part of this comprehensive project.

B. <u>Public Draft of the 2012 Central Valley Flood Protection Plan (CVFPP)</u>

1. The maps provided in this document do not clearly show whether any portion of Contra Costa County is included in the CVFPP legal boundary. Please include a precise map in the public draft document that shows the limits of the planning area in the vicinity of the county limit lines for Contra Costa County.

2. Section 3.9, page 3-24: The implementation of the elements of the State System wide Investment Approach (SSIA) could have hydraulic impacts to the

Sacramento-San Joaquin River Delta (Delta). The Contra Costa County Flood Control and Water Conservation District has at least three (3) regional flood control facilities that discharge storm runoff into or near the Delta. We request that the hydraulic impacts to the Delta for the implementation of the SSIA be determined. The results of the hydraulic analysis should be circulated for review. We would like to have the chance to review those impacts and submit comments.

3. Section 3.9, page 3-24: The SSIA includes management actions and budgets to lessen or mitigate the impacts of the implementation of the SSIA elements to the Sacramento-San Joaquin River Delta. Table 3-5 on page 3-31 shows the estimated high and low costs of the SSIA implementation. If these costs include the allowance to mitigate the impacts of the SSIA implementation to the Delta, we request that the estimated amount of that allowance be shown in a separate column in Table 3-5.

4. Section 3.10.1, page 3-25: The impacts of the Corps of Engineers' Levee Vegetation Policy on the SSIA and its ability to maintain eligibility for the Federal Public Law 84-99 rehabilitation assistance in the event of flooding is discussed in this section. The Corps recently circulated a second solicitation for comments on the revised Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls as well as a Draft Environmental Assessment document. We recommend that the discussion of the impacts of the Corps' Levee Vegetation Policy include the February 2012 updates of the revised variance process.

Please contact me at (925) 313-2283 if you have any questions.

Sincerely,

Mario A. Consolacion
Senior Engineering Technician
Flood Control Engineering

MC:MC
G:\fldctl\CurDev\CITIES\Oakley\Central Valley Flood Protection Plan\cover letter.doc

c: R. Avalon, Flood Control
M. Carlson, Flood Control
T. Jensen, Flood Control
Pat Roche, DCD
John Greitzer, DCD

Reclamation District No 1500
P.O. Box 96
Robbins, California 95676
530.738.4423

April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

sent by electronic file to: nmoricz@water.ca.gov

RE: Comments on the Draft Central Valley Flood Protection Plan of January 2012

The comments expressed below are respectfully submitted by Reclamation District No. 1500 (RD 1500). RD 1500 is a large rural agricultural District in southern Sutter County, protecting approximately 70,000 acres of rural agricultural lands and infrastructure and the local small community of Robbins, by operating and maintaining 55 miles of project levees.

The comments are general in nature at this point in the Plan development, and further comments and input are expected to be provided as the Plan review and continuing development process proceeds to 2017. We commend the Department of Water Resources and the Central Valley Flood Protection Board for undertaking this very important and needed effort and task. Our hope is that all interested parties and stakeholder affected by the Plan can eventually come together in support of a practical and workable Plan that fairly apportions contributions and shared benefits regarding the safety and economies of agricultural, urbanizing, and urban areas. Additionally, if reasonably implementable environmental improvements can be identified in the goals of the Plan, RD 1500 supports the Boards efforts.

Our view is that the DRAFT Central Valley Flood Protection Plan as presented is a concept or framework of a priority based Plan emphasizing 200 year flood protection for populated urban areas, followed by a lower level of protection for small urbanizing communities, and providing minimal change in the flood protection for the rural agricultural areas. The implementation of levee improvements and repairs for flood protection in the Plan is limited by federal and state funding constraints as well as the local agencies ability to cost share. This in RD 1500's view needs to be addressed and somehow revisited.

In the Plan, rural agricultural areas will receive the lowest level of protection and funding and have the least ability to cost share. However, the rural agricultural areas provide valuable system-wide flood control benefit to the urban and urbanizing areas in the Plan by serving as de-facto transitory storage for the system in very large flood events. Therefore, rural agricultural

areas should receive serious recognition for its considerable contribution to the system in adding to the flood protection for primarily the urban areas.

Some of the more significant contributions of and effects on the rural agricultural areas being considered in the Plan include the following:

1. productive lands are proposed to be either taken out of production or have reduced productivity due to expansion of the existing bypasses or creation of new bypasses
2. productive agricultural lands are proposed to be converted to environmental habitat areas
3. productive lands are proposed for flood control easements
4. productive lands are proposed for conservation areas (non-development for urban uses)
5. receiving a lower priority and level of flood protection than urban, thereby adding to the protection of such areas and the flood control system as a whole
6. receiving a lower priority and the least funding for levee improvement and repair projects
7. subjected to costly modifications to wet or dry flood proof agricultural operation buildings and facilities, including support businesses structures and facilities
8. subjected to higher flood insurance costs than urban areas
9. higher operational costs and potential reduction in cropping production marketability and value
10. likely shrinking or loss of rural communities
11. potential significant loss of the land value of rural real estate
12 possible elimination of investment in agricultural infrastructure and needed support businesses and community for farming

The following is what is included in the DRAFT CVFPP for the rural agricultural areas:

1. All weather levee inspection and access roads.
2. Improved emergency response during high water.
3 State support for seeking changes to the NFIP for rural and agricultural operation structures and service facilities in the floodplain.
4 Levee improvements to small rural agricultural communities "where feasible and if funding is available."
5. A rural levee program to fund levee repairs "where feasible and if funding is available."
6. A recognition of the importance of the agricultural economy to the State.

What do the rural agricultural areas need and want in the CVFPP?

1. A subvention type levee repair program to repair areas of known deficiency or are justified for other reasons such as protecting critical infrastructure or where flooding would result in rapid deep flooding of prominent and populated rural agricultural areas.
2. An engineering based rural levee standard on which appropriate repairs and/or improvements can be designed and made while leading to more cost effective levee projects for better protecting rural agricultural areas.

3. A defined and certain (committed) funding allocation from existing bond funds for improvements to the levees and repairing the levees protecting small rural agricultural communities and areas.
4. A reasonable cost share that is based on the value that the rural areas are providing to the larger flood control and protection system and the limited financial resources of these areas.
5. Affordable flood insurance rates.
6. Modifications to the NFIP that allow for the construction and existence of nonresidential agricultural buildings, storage and support structures in a practical and affordable manner.
7. A defined and developed emergency flood response program that is locally driven in partnership with the appropriate State and Federal agencies.
8. An environmental enhancement program based on property owner and local agency input that addresses the flood control and adjacent property owner concerns.
9. A flood recovery plan that includes fair compensation for losses.
10. A coordinated and workable levee maintenance standard regulated cooperatively and consistently by the USACE and DWR.
11. State compensation to rural landowners whose lands and/or assets are reduced or devalued due to the Plan.
12. DWR assistance on environmental permitting and mitigation associated with rural agricultural levee repairs.
13. A clearly defined and committed bypass maintenance program funded on an annual basis.
14. Local input in identifying, developing, and implementing the details of chosen local levee and flood control system projects.
15. Extensive local and regional outreach as the Plan develops over time.

Thank you for the opportunity to provide our comments, and we will continue to be engaged in the Plan development process.

Sincerely,

Scott Tucker by MSS

Scott Tucker
President of the Board of Trustees

Max Sakato

Max Sakato
General Manager

VIA EMAIL: PEIRcomments@water.ca.gov

Mary Ann Holden
Staff Environmental Scientist
DWR Division of Flood Management c/o MWH
3321 Power Inn Road Suite 300
Sacramento, CA 95826

Re: Comments on DPEIR
Date Submitted: April 19, 2012

Our comments below are directed to the element of the Plan that addresses the "Cherokee Bypass" provision.

The Cherokee Bypass element of the Plan is *devoid of meaningful information.* Notwithstanding that fact, we will comment on the impact of what we have been told will be the substantial water flow rate down this proposed bypass.

1. When will we receive specific information about the size, location, configuration, and engineering details of the bypass?
2. What impact will this have on the hunting clubs of the Butte Sink and their substantial improvements upon their properties?
3. Will Western Canal Water District be impacted in its ability to provide contractual water flows to the Butte Sink?
4. Could the bypass adversely affect the Spring Run Chinook away from Butte Creek?
5. How are farmers, to be effected by levee setbacks? Will they be properly compensated and what will be the process for acquiring their lands?
6. How do you protect rice production facilities that may exist within the new levees from this bypass?
7. What will be the negative impacts on migratory birds and other wetland dependent wildlife species?
8. How will Wild Goose Gas Storage deal with the impact of such a bypass?
9. Will increased flood flows cause damage to infrastructures in the wetlands in the Butte Sink? Who will pay for any such damage?
10. When the Butte Sink fills above normal levels, Cherokee Canal flows backward to the north threatening the town of Gridley. Who will be responsible for flood damage to the town of Gridley if it occurs?
11. Do you plan to include the Stakeholders in future discussions and meetings as this Cherokee Bypass evolves from an "idea" to engineered plans?

Comments submitted by:

Wild Goose Club
Roger Swanson, VP & Grounds Chairman

Duplicate Comment Removed

(Same as Index No. 226)

Jared Gross
1604 Hwy 45
Grimes, CA 95950
April 19, 2012

Nancy Moricz
Project Section
Central Valley Flood Protection Board
3310 El Camino Ave.
Rm 151
Sacramento, CA 95821

Dear Ms. Moricz:

I am writing to express my concern over the proposed 'Set-back levee' in Colusa County. My opinion is that the burden placed on local communities more than offsets the public safety benefit of the project by several orders of magnitude. I would like to know what is the benefit for rural residents put out of work by the loss in ag production. Additionally, it appears that DWR has not clearly demonstrated the public safety benefit of such a destructive undertaking.

On a personal note, my family has lived in our house for three generations. My grandfather was a first generation American and along with my grandmother raised four children here. My aunt and uncle raised a family here, and, for as long as I can remember it has been my dream to raise a family here.

I genuinely hope the board can find an alternative to the project that doesn't place such a large burden on such a small community.

Sincerely,

Jared Gross
Crop Advisor, Grower and 3rd generation resident at 1604 Hwy 45

Reclamation District No. 1004

April 20th, 2012

Central Valley flood Protection Board
3310 El Camino Ave., Room 151
Sacramento, CA 95821

Dear Board Members;

We write to you at this time of public comment with our concerns about the proposed CVFP Plan. We commend your efforts to address flood protection in the Sacramento Valley. However, adding 30,000 cfs to Butte Basin (the CVFP proposal) would create a catastrophic flooding event in the Colusa area. This would occur because when the basin fills completely the Sacramento River levees no longer get relief from their two weirs.

Reclamation District 1004, located near Colusa, encompasses 23,000 acres. It was formed as a county agency in 1912 and became a state agency in 1921. The east side of the district starts at Wards Landing on the Sacramento River and runs six miles north along Butte Creek. The district's boundary then turns northwest ending at Princeton.

Two major waterways, the Sacramento River and Butte Creek, flow through the district. The Sacramento River is mother to two large weirs that flow from it into RD1004 i.e. the Moulton Weir and the Colusa Bypass. Butte Creek is an open waterway that can run at 40,000 cubic feet of unrestricted flow per second into the Butte Basin. The Sacramento River, at the Colusa Bypass, flows regularly at an elevation of 61 ft. The Moulton Weir runs considerably higher, at 64 feet. The levee system on the Sacramento River at Colusa is engineered to secure public safety against flooding to a river surface level of 73 feet.

The Sacramento River in 1942 crested at Colusa at 69.2 feet, the highest on record at the Colusa Bridge without breaching any levee point or flooding. The second highest level on record was in 1997 at 68.65. High water flows at Colusa are not unusual; please see the enclosed graph.

There exists no control over the Sacramento River water below Shasta Dam. It is known to reach flood stage periodically. This is true for Butte Creek as well. The combination of these two free and open water systems, in high water years, leads to flood level warnings and possible overtopping of levees. This scenario comes in a pattern of approximately every 10 to 15 years.

317 Fourth Street, Colusa, California 95932 • (530) 458-7459 • Fax: (530) 458-4276

This is data you have undoubtedly already studied. We do not presume to tell you of data available to you from your own staff. Our goal is to participate in the discussion of what the data means to us, our neighbors and the town of Colusa.

When the high water breaches our district levees we repair them – always an expensive task. But this is life-as-we-know-it in RD1004. And we do know it well! We, as landholders, farmers, and naturalists have intimate knowledge of and history with water on this 23,000 acres of California's Northern Sacramento Valley. And here is the Key Point we wish to place on the record with you today- -viewing the Butte Basin as having available holding capacity for more water from Cherokee Canal would be an error. Using it in that manner would be disastrous not only for RD1004, but for the surrounding area and the town of Colusa as well.

Again, we commend your efforts. Please find another means to provide flood protection without adding water to the Butte Basin.

Sincerely,

Jack W. Baber
Chairman of the Board
Reclamation District No. 1004

Moricz, Nancy

From: Jan Curtin [asstrd1001@syix.com]
Sent: Monday, April 23, 2012 2:38 PM
To: Cvfpp_Comments
Cc: Diane Fales
Subject: Comments on Draft Plan
Attachments: Comments Nancy Moricz - RD 1001 CVFPP Comments April 5 2012.doc

To Ms. Nancy Moricz:

Attached is a letter mailed to CVFPP; also submitting via this email.

Trustee Rolufs, Reclamation District 1001, has the following comment to submit:

If setback levees are to be included in this plan then local Reclamation Districts must be consulted as to their location. This will give Reclamation Districts the opportunity to put emphasis on replacing problem levees while leaving sound levees in place.

I tried last week to use the spreadsheet on your website but wasn't sure how to use it or what went in the columns. There were no instructions nor telephone number listed for assistance that I could find.

Thank you,

Jan Curtin, Administrative Assistant
Reclamation District 1001
1969 Cornelius Ave
Rio Oso, CA 95674
530.656.2318

TRUSTEES
ROBERT SCHEIBER
ROY C. OSTERLI II
JAMES HUDSON
ERIC ROLUFS
JOHN TARESH

OFFICERS
ROBERT SCHEIBER, PRESIDENT
ROY C. OSTERLI II, VICE PRESIDENT
DIANE FALES, SECRETARY/ MANAGER

OFFICE OF

BOARD OF TRUSTEES
RECLAMATION DISTRICT 1001
1959 CORNELIUS AVENUE
RIO OSO, CALIFORNIA 95674
530 656-2318 or 530 633-2586
FAX 530 656-2165
EMAIL: rd1001@syix.com

March 28, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

Reclamation District 1001 has reviewed the draft Central Valley Flood Protection Plan (CVFPP). Our District maintains approximately 45 miles of SRFCP levees and an additional 15 miles of non-project levees protecting over 30,000 acres of rural agricultural land in south Sutter County. Please accept the following as our comments on the draft CVFPP.

1. We are appreciative that the draft CVFPP provides a framework for protecting small communities and rural areas. We look forward to the development of guidelines and grant programs for improving flood protection to these areas and ask that it be elevated in priority to be an early action in implementation of the plan.
2. We encourage the CVFPB to prioritize development of a rural levee repair standard to ensure that levee improvements provide cost effective protection for the rural areas.
3. We also ask that you advocate to FEMA the need for changes to the NFIP that ease the financial burden of flood insurance to rural areas and ease building restrictions on non-residential agricultural buildings and infrastructure.
4. We support the concept of making system improvements. However, we are vehemently opposed to the inclusion of specific projects as outlined in the appendices as they do not appear to have been developed with consideration of the impacts on the rural areas and property owners and could have severe negative impacts to our District. We were disappointed that these projects were included in the plan without coordination with the local agencies responsible for operation and maintenance of these areas. We do not support adoption of the appendices that include specific projects as we think this will best be developed in the regional planning efforts.

5. Volume 3 attachment 8j, appendix E, page E-15 shows a proposed setback levee on the left banks of the Bear and Feather Rivers in RD 1001. The hydraulic benefits of this proposed setback levee are not included in the plan and we question the benefits of this levee given the RD 784 Bear River setback levee that has already been constructed. Further, this "conceptual project" would remove prime agricultural land and residential structures representing over 6 percent of our District's assessment revenue without any apparent reduction in operation and maintenance costs. Projects like this should not be proposed without local stakeholder input.

Thank you for your consideration of these comments. These comments will also be submitted electronically through the CVFMP website. Please contact us at (530) 656-2318 if you would like to discuss any of these concerns.

Sincerely,

_____

Mr. Robert Scheiber, President
Reclamation District 1001

April 16, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for

growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Daniel Desmond
Butte County Rice Growers Association
Research Manager/PCA

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS
1455 Market Street
San Francisco, California 94103-1399

Bill Edgar
President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

4 JUN '12

Dear Mr. Edgar,

This letter transmits the US Army Corps of Engineers (USACE) technical comments on the draft Central Valley Flood Protection Plan (CVFPP) (these comments have also been submitted electronically to the CVFPB). I commend California's leadership and thoughtful stakeholder involvement to develop the CVFPP.

We have a long history of collaboration between the Central Valley Flood Protection Board (CVFPB), the California Department of Water Resources (DWR), USACE and others to create and manage the flood management system in the Central Valley of California. A recent example is the California Levees Roundtable that focused on levee vegetation management, which developed California's Central Valley Flood System Improvement Framework, but it expires in July 2012.

Looking past the Framework, we understand the CVFPP is the State of California's comprehensive plan for reducing Central Valley flood risk. The CVFPP was an opportunity to explain California's strategy for eventual transition of levees into compliance with USACE levee standards. DWR's position in the CVFPP is that vegetation is not a levee deficiency meriting correction. However, this does not reflect national standards. In this case, USACE recommends the CVFPP provide a long-term vegetation management plan in accordance with USACE's System Wide Improvement Framework (SWIF) to ensure continued PL 84-99 eligibility for CVFPB levee systems.

I look forward to our continued work together to reduce the flood risk for the Central Valley of California through the use of the SWIF and/or request for vegetation variances.

Very Respectfully,

Michael C. Wehr
Brigadier General, US Army
Commanding

Building Strong From New Mexico All The Way To The Pacific!

Commentor	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
USACE	2012 CVFPP Public Draft	General	N/A	When compared to existing conditions, improvements to upstream levees and/or increased upstream system capacity will likely increase the probability of flood flows being conveyed downstream. The CVFPP does not describe how increased downstream flood probability (relative to existing conditions), will be addressed on a system-wide basis.	
USACE	2012 CVFPP Public Draft	General	N/A	The term "attenuation" is misused in many locations to describe peak flow reduction from several different processes. Attenuation should refer to flood wave attenuation.	
USACE	2012 CVFPP Public Draft	General	N/A	Recommend describing what Early Implementation Project (EIPs) are included in the without-project, with-project, conditions used for analysis. Without additional information, it is not clear what assumptions are being incorporated into the document.	
USACE	2012 CVFPP Public Draft	General	N/A	Many places throughout the document describe USACE policy as requiring removal of all woody vegetation from levee slopes and toe areas. The document does not point out that a vegetation variance may be sought that may allow some woody vegetation to remain.	
USACE	2012 CVFPP Public Draft	General	N/A	The term “vegetation variance” is used when referring to the August 3, 1949 HQ approval to modify the O&M manual to allow brush and small trees to be retained on the waterward slope… Recommend using the term deviation so it’s not confused with the vegetation variance policy currently being used	
USACE	2012 CVFPP Public Draft	General	N/A	Document should discuss potential growth inducement associated with the State Systemwide Investment Approach.	Add text addressing potential growth inducement associated with the State Systemwide Investment Approach
USACE	2012 CVFPP Public Draft	General	N/A	Document should discuss how levee superiority could be incorporated into the State Systemwide Investment Approach.	Add text discussing how levee superiority could be incorporated into the State Systemwide Investment Approach
USACE	2012 CVFPP Public Draft	General	N/A	Document should address how information from the National Levee Database, developed by the U.S. Army Corps of Engineers is being utilized in the CVFPP.	Add text discussing National Levee Database.
USACE	2012 CVFPP Public Draft	General	N/A	The CVFPP does not include consideration of endangered and threatened species. Recommend including language acknowledging that site-specific coordination with resource agencies may be required to address impacts to listed species.	
USACE	2012 CVFPP Public Draft	General	N/A	The CVFPP does not include any processes to analyze the cumulative impacts of permitted and unpermitted encroachments on levees. Encroachments, whether unpermitted or permitted, may present some of the most significant flood risk impacts to public safety within the flood protection system. There are currently over 18,000 permitted encroachments in the system with requests for future permits coming to the CVFPB daily. The State's Plan should address the issue of encroachments in some detail.	

USACE	2012 CVFPP Public Draft	General	N/A	The CVFPP states that assistance under PL 84-99 has not been cost effective as compared to the dollars spent on rehabilitation assistance in recent years. This analysis does not take into account the losses that could occur if the rehabilitation is not completed in a timely manner after flood events. The cost analysis should be revisited with consideration given to potential losses that may occur if rehabilitation work is not undertaken.	
USACE	2012 CVFPP Public Draft	General	N/A	To address water resources challenges in California, including flood risk management, an examination of the system from above the rim reservoirs to the headwaters and downstream into the San Francisco Estuary will be required.	
USACE	2012 CVFPP Public Draft	General	N/A	Instead of proposing to continue the interim standards for vegetation management, the CVFPP should address the proposed long-term approach to vegetation management as contemplated in the February 2009 Framework agreement. The Corps expected for the Central Valley Flood Protection Plan to update or provide the basis for creating a new Framework document to address continued extensions of eligibility under the RIP and Pub. L. No. 84-99 for California.	
USACE	2012 CVFPP Public Draft	General	N/A	The CVFPP frequently refers to "USACE Feasibility Studies." All US Army Corps of Engineers feasibility studies are conducted with a non-Federal cost-sharing partner. The California Department of Water Resources and/or the Central Valley Flood Protection Board often, but not always, fill that role.	
USACE	2012 CVFPP Public Draft	General	N/A	There is no discussion within the CVFPP regarding the approach for encroachment enforcement. There have been widespread identification of unauthorized encroachments that are negatively impacting levee stability and a plan for moving forward is appropriate.	Recommend adding an encraochment section
USACE	2012 CVFPP Public Draft	General	N/A	There are many stream gages listed in the O&M manuals. For example, I street gage is required for operation of Sacramento Weir. Are these also part of the SPFC? If so, what is their status relative to standard operating procedures, data quality, completeness, etc?	
USACE	2012 CVFPP Public Draft	General	N/A	The comparison of performance should describe the overall performance throughout the system, for a range of flood events. From a flood risk management perspective, the critical performance is the flood frequency at which flood damages are likely to occur and this varies throughout the system. Suggest describing the performance of each alternative by reach. For example, describe performance by the frequency of the flood that would exceed a reaches capacity. Reach capacity could be defined for, overtopping, freeboard encroachment, or 90% Conditional Non-Exceedance Probability.	
USACE	2012 CVFPP Public Draft	General	N/A	Suggest differentiating flood risk between geotechnical performance and hydraulic/hydrologic capacity. The focus of Hydraulic/hydrologic capacity is the size of features (width of conveyance, height, etc) and overtopping related flood risk. The focus of geotechnical performance (fragility curves) is reliability.	

USACE	2012 CVFPP Public Draft	General	N/A	Operations and maintenance cost are repeatedly described as "high" throughout the document. Recommend that specific thresholds or general ranges are defined for the use of general terms such as "low", "medium", and "high."	
USACE	2012 CVFPP Public Draft	General	N/A	The term "chronic erosion" is used throughout the document without definition. The USACE does not understand how this term is being used as applied. Please include a definition.	
USACE	2012 CVFPP Public Draft	General	N/A	In several locations the document uses the term 100-yr storm when it should be 100-yr flood. The term storm event refers to the precipitation event. A flood event is the result of precipitation in combination with antecedent conditions (snow pack, infiltration, etc). In most cases used in this document, the term 100-yr storm should actually be 100-yr flood. See http://ga.water.usgs.gov/edu/gafloods.html for description.	
				Comment Removed per request of Commentor	
USACE	2012 CVFPP Public Draft	General	N/A	Because the CVFPP's goals are different for urban and non-urban areas, recommend providing maps describing urban and non-urban areas.	
USACE	2012 CVFPP Public Draft	General	N/A	Recommend providing maps describing residual floodplain risk for each approach within the CVFPP. Also include a description of the residual risk of each approach compared to FRM objectives for urban and non-urban areas.	
USACE	2012 CVFPP Public Draft	General	N/A	In order to relate inadequate conveyance capacity to other potential system hazards, it would be helpful to highlight the history of geotechnical instability and seepage induced (i.e. non-overtopping) failures in the system. This would provide a very meaningful context for understanding the relative risk of the overtopping hazard.	
USACE	2012 CVFPP Public Draft	General	N/A	The state has also started a Climate Change pilot study that will examine the sensitivity of climate change variables and reservoir inflow in the Feather-Yuba river system and in the Merced River system. The results of this study will not be available until the fall of 2013. The remaining reservoir locations in the Central Valley will be examined in FY 13 and Fy14 resulting in a sense of the sensitivity of climate change to reservoir inflow and a possible shift in flow frequency at downstream locations. The threshold study and the preliminary pilot study correctly discern the possible effects that climate change will have on the Central Valley flood protection system. The Corps has no additional comment on the Climate Change attachment.	
USACE	2012 CVFPP Public Draft	1	Page 1-1	Potential for failure is described as "high" in the document. Recommend that specific thresholds and criteria are defined for the use of general terms such as "low", "medium", and "high."	

USACE	2012 CVFPP Public Draft	1/1.1	1-1	There is reason to question the Hydrology appendix, section 1.1, page 1-1, 3rd paragraph, "Hydrology from the Comprehensive Study is applicable for use in the 2012 CVFPP because no major flood has occurred in the Sacramento and San Joaquin river basins to modify the hydrology since development of the Comprehensive Study". The hydrologic flow frequency estimates can also change because of new methods of analysis. For instance the USGS "Regional Skew for California, and Flood Frequency for Selected Sites in the Sacramento-San Joaquin River Basin, Based on Data through Water Year 2006", Scientific Investigations Report 2010-5260, will influence the skew coefficients used in development of new flow frequency curves. The state has begun a study of the Central Valley to refine flow frequency curves which is not yet ready for the 2012 CVFPP report, however new methods of analysis and an additional 10+ years of record will certainly result in some changes to the hydrology of the Central Valley.	
USACE	2012 CVFPP Public Draft	1/	Page 1-3	Second sentence is incomplete. The sentence refers to five locations but describes the latitude of Chico.	
USACE	2012 CVFPP Public Draft	1/	Figure 1-3	Figure should note if these are regulated or unregulated flows (or both). Assuming it is both, the historical records shown in figure 1-3 can be misleading because they are based on non-uniform hydrologic conditions. The document notes that 3-day values are used, presumably to approximate a uniform record with reservoirs. Suggest noting on figure when upstream reservoirs were completed.	
USACE	2012 CVFPP Public Draft	1/	Page 1-6	Recommend the term "regulate flood flows" rather than "moderate flows"	
USACE	2012 CVFPP Public Draft	1/	Page 1-16	Recommend revising the following sentence. "In addition, as the moderating effects of snowpack on runoff decrease..." The word "moderating" does not seem to apply and the description of the issue is unclear. It is more clear in chapter 4, attachment 7 because of the information in the supporting paragraph.	
USACE	2012 CVFPP Public Draft	1/	Page 1-18	Another impact of concern is the potential transfer or increase in flood risk to other locations within the system. For example, increasing upstream capacity to convey a larger flood would reduce upstream overtopping and allow larger floods to be conveyed downstream.	
USACE	2012 CVFPP Public Draft	1/1.4.1	page 1-19	FEMA's ongoing flood risk mappping program is an effort to consolidate better information and knowledge of increasing flood risk. The notable current trendis the increased flood risk, not the mapping program.	
USACE	2012 CVFPP Public Draft	1/1.4.1	Page 1-19-20	The USACE project delivery process, including project formulation, design, and funding, are largely defined by Federal law and regulation. Those constraints affect the scope of responsibilities that the State, or any non-Federal sponsor, is able to assume.	
USACE	2012 CVFPP Public Draft	1/1.4.1	Page 1-19-20	Multipurpose projects have an evaluation process that does take into account the values of ecosystem restoration. The reason for the disparity between urban and rural projects is the difference in the economic value of urban residences and structures vs. agricultural crops - not environmental restoration.	Recommend revising text to accurately reflect Federal regulatations with regard to integrating ecosystem restoration projects.

USACE	2012 CVFPP Public Draft	1/1.6	page 1-21	The CVFPP was not prepared in coordination with the USACE. The USACE did not participate in the composition of the draft CVFPP or the analysis of the supporting data. The USACE is therefore not in a position to determine whether the CVFPP is a defensible document from the perspective of the federal government. Ultimatley, in order to make that determination, the various elements of the CVFPP will need to be evaluated through the USACE project planning process. The USACE has provided comments on the CVFPP through the public commenting procedures. USACE comments provided are not exhaustive and should not be read to be an endorsement or support of the CVFPP as a whole.	
USACE	2012 CVFPP Public Draft	1/Box Inset: Coordination with other programs and projects	page 1-29	It is USACE's understanding that the California Water Plan is California's umbrella strategic document for water resource management in California. Coordination efforts specific to coordination between the CVFPP and The California Water Plan Updates should be addressed.	
USACE	2012 CVFPP Public Draft	2/	page 2-1	EAD as related to NED should not include local business losses. Business losses are usually accounted for in the Regional Economic Development (RED) account as most times these losses are viewed as transfers on a national level. Business Losses should not be added on to NED losses to establish the No Project condition damages.	
USACE	2012 CVFPP Public Draft	2/2.3.1	Page 2-4	Suggest including levee height increases as possible method to restore or enhance system capacity. Given the physical constraints, there may be locations where this is the only feasible method. In addition, there may be locations where this would promote higher geomorphic stability than other methods. Levee height increases are described in the technical documentation.	
USACE	2012 CVFPP Public Draft	2/2.4.1	Page 2-7	The USACE does not determine federal interest based on achieving protection from any particular flood event. Pursuing projects based on achieving a targeted level of protection may not be a viable approach for projects where California is expecting federal participation through the USACE.	
USACE	2012 CVFPP Public Draft	2	Page 2-7 and 2-29	There is no federal standard of flood protection defined for developed vs: undeveloped areas. FEMA uses a 100-yr base floodplain to define the Flood Insurance and floodplain management requirements necessary for a community to be included in the NFIP; however, NFIP does not distinguish between developed and undeveloped areas.	
USACE	2012 CVFPP Public Draft	2/;2.5.1	Page 2-12	Given the physical constraints, at what event(s) would 32,000cfs be diverted through the bypass identified in the first bullet point on the page? Please elaborate.	
USACE	2012 CVFPP Public Draft	2/2.6.1	Pages 2-14-15	USACE projects are generally required to incorporate non-structural methods of achieving flood risk reduction. To the extent that USACE participation is expected in projects included in the CVFPP, the consideration of non-structural approaches to flood risk reduction should be incorporated.	Add non-structural elements to at least one of the three preliminary approaches.
USACE	2012 CVFPP Public Draft	2/	Table 2-2	Recommend that similar levels of forecasting and notification be included in all three approaches.	

USACE	2012 CVFPP Public Draft	2/2.6.1	Page 2-17	Note: The draft CVFPP uses the terms "ecosystem mitigation" and "ecosystem restoration" interchangeably. In order for the CVFPP to be integrated with the Corps' planning process, the CVFPP text should be revised for clarity and consistency. Mitigation is generally meant to compensate for loss of habitat due to the implementation of the project. Restoration is when habitat is restored above and beyond the compensation required for project impacts.	The CVFPP text should be revised for clarity and consistency with USACE terminology.
USACE	2012 CVFPP Public Draft	2/2.6.1	Page 2-18	Text notes that modeling considers levee condition and the probability of levee failure. These assumptions are critical to assessing flood risk and potential methods to reduce risk. Recommend describing these assumptions.	
USACE	2012 CVFPP Public Draft	2/	Figures 2-3 and 2-4	Stage sensitivity for a 1% Annual Chance Exceedance Flood are provided. The values are highly dependent on the hydraulic assumptions. However, the assumptions are not described. Suggest describing the assumptions in the document. In addition, comparison of stage for a single event does not reflect the residual flood risk for each approach.	Figure 2-6. This graphic would be helped by the addition of a no project column for comparision purposes. Comment valid for Figure 3-6 and 4-1
USACE	2012 CVFPP Public Draft	2/2.7	pages 2-25 thru 2-28	The preferred approach- Enhanced Flood System Capacity – may be achievable over a long term approach, due to extremely high cost. Until then the State, Levee Maintenance Agencies, and USACE may spend a large amount of funding enhancing the existing system by improving structurally the existing flood control projects to provide a certain level of protection considering the existing system capacity. Some funding may be without any regrets but some of the expense may be not justified on long run, such as deep seepage cut-off walls for levees that may be later relocated, expensive seepage and stability berms designed for a water elevation that may be much higher than the design water elevation after the enhancement of the flood capacity, and other improvements like that.	
USACE	2012 CVFPP Public Draft	2/2.7	pages 2-25 thru 2-28	Achieving SPFC Design Flow capacity may provide protection for the agriculture area as long as the levees are functioning normally. However, these levees were not properly designed and constructed and may breach before the basin will reach its new design capacity. Some structural improvements of these levees may be still required.	
USACE	2012 CVFPP Public Draft	2/	Page 2-26	It is likely that the Protect High Risk Communities Approach would also provide ancillary benefits to rural agricultural flood risk reduction. In many cases there is no hydraulic boundary between urban and non-urban areas.	
USACE	2012 CVFPP Public Draft	2/	Page 2-27	Notes significant increases to stage but figures show max 1.2 feet increase. In comparison to the total flood depth along the levee, 1.2 feet does not as significant. Recommend also providing the depth of water to use as a relative comparison.	
USACE	2012 CVFPP Public Draft	2/	Page 2-29	There is no minimum level of flood protection (100-yr flood) required for participation in the NFIP.	
USACE				Comment Removed per request of Commentor	
USACE	2012 CVFPP Public Draft	3/	Figure 3-1	Figure shows Feather River Bypass diverting out of Thermalito Afterbay. Flows would be limited to 17,000cfs by the Thermailito power canal. How would 32,000cfs be diverted?	
USACE	2012 CVFPP Public Draft	3/	page 3-4	Versions 1.2.4 and 1.2.5 of HEC-FDA are the Corps certified Flood Risk Management Planning Center of Expertise models.	Specify which version of HEC-FDA was used.

USACE	2012 CVFPP Public Draft	3/	page 3-4	Explain how levee fragility was accounted for in HEC-FDA analysis.	Revise text per comment.
USACE	2012 CVFPP Public Draft	3/		The CVFPP lacks clarity as to real estate requirements for purposes of implementation. There are cases where there is no title or any easement for the flood protection structure and operation and maintenance or any improvement of these existing structures is impossible due to lack of a minimum easement. The plan should include achievement of an easement for the footprint of the levee plus some additional area along the levee toes for proper inspection, operation	
USACE	2012 CVFPP Public Draft	3/3.2		Interior drainage is not addressed in the CVFPP. However, interior drainage is required to be addressed for FEMA certification. Also interior drainage structures may have a negative impact on the flood control structure	
USACE	2012 CVFPP Public Draft	3/		One of the major issues and weaknesses of the existing flood protection is the encroachments and control of the existing encroachments. Some encroachments are not authorized and some of them are reducing the levee integrity. The plan does not indicate how will be this issue addressed.	
USACE	2012 CVFPP Public Draft	3/3.3	pages 3-9 thru 3-10	It is not clear how small communities and rural areas will receive increase flood protection through improvements focused on adjacent urban areas. As an example, it is not clear how the RD1001, on the north side of the Natomas Cross Canal and the 3 rural levees on the west side of the Sacramento River will benefit from the improvement made on Natomas levees (on the south side of the Natomas Cross Canal and east side of the Sacramento River) which include raising the levees to 200 year of protection. These rural levees will remain weaker than before the Natomas Basin and susceptible to overtopping due to increase in elevation of the Natomas Basin levees.	
USACE	2012 CVFPP Public Draft	3/	page 3-15	Specify what tool/program was used to estimate building costs per square foot by structure type.	Revise text per comment.
USACE	2012 CVFPP Public Draft	3/	page 3-16	It is standard USACE practice to use guidance specified in IWR Report 95-R-9 (April 1995) for the purposes of estimating depreciation.n The CVFPP should include a rationale for utilizing the M&S method.	Provide rationale for utilizing M&S method for the CVFPP analysis.
USACE	2012 CVFPP Public Draft	3/3.5	pages 3-12 thru 3-18	The system wide improvement consisting of widening the existing bypasses and construction of new bypasses does not solve the biggest issues of the Central Valley Flood Control System which are the weakness of the existing flood control features either due to inadequate construction methods and materials; to foundation issues; to existing encroachments and penetrations; and due to woody vegetation on levee slopes.	
USACE	2012 CVFPP Public Draft	3/3.5.7	page 3-18	Suggest including levee height increases as potential method to mitigate for flood stage increases. Given the physical constraints, there may be locations where this is the only feasible method. In addition, there may be locations where this would promote higher geomorphic stability than other methods.	
USACE	2012 CVFPP Public Draft	3/3.7	page 3-21	Thirty samples may not be adequate to provide a statistically significant result, especially when you are using sample sizes greater than 30 for structure characteristics.	Step 6-7: Suggest conducting sensitivity using greater than 30 sampled parcels for empty parcels.

USACE	2012 CVFPP Public Draft	3/3.10	pages 3-25 thru 3-29	The leading paragraph of section 3.10 states "The following provides context for the USACE policy and the State's resultant levee vegetation management strategy described in Section 4." USACE does not agree that sections 3.10/3.10.1 accurately provide context for the USACE policy.	Section 3.10 should be completely rewritten to summarize ETL 1110-2-571, the draft policy guidance letter for vegetation variances which outlines proposed policy for regional variances as required by WRDA 1996, Section 202(g), and the 1949 deviation to the Sacramento River Flood Control Project Standard O&M manual.
USACE	2012 CVFPP Public Draft	3/3.10.2	page 3-29	The intent of paragraph 3.10.2 is unclear.	The section should be completely rewritten to summarize the State's intent for vegetation compliance within rural-agricultural areas. To provide a complete picture, the revised section should not only address whether the State intends to comply with PL 84-99 inspection standards, but also if the State intends to comply with the requirements of the O&M manuals for these areas. If the State's intent is not to comply with the O&M manuals, the State should be clear what options may be pursued to meet the commitments of the original assurances provided for the authorized project (eg. Deauthorization, regional vegetation variance, etc.)
USACE	2012 CVFPP Public Draft	3/3.11	page 3-30	It is not clear whether the cost estimates for the three approaches discussed in Section 4 include costs for residual risk management. The last sentence of Section 3.11 of the draft CVFPP states: "investments in residual risk management must continue." That implies that costs for residual risk management have been included. Revisions for clarity are needed.	

USACE	2012 CVFPP Public Draft	3/3.13.2	page 3-36	Section 3.13.3 states, "Table 3-7 summarizes contributions of the SSIA to the five CVFPP Goals, compared with No Project." It is not clear where the five goals fit in the referenced table, which includes three major headings and eight subheadings, none of which are clearly identified as the five goals in question. Further, there are contradictions between the text and table, for example, the text states that SSIA woudl reduce economic damages by 75%, while the table identifies a 67% reduction.	
USACE	2012 CVFPP Public Draft	3/3.14	page 3-38	For the Federal government to share in the cost of a project, the Corps would typically identify the National Economic Development Plan (NED). The NED Plan is the basis for Federal cost share. Business production losses are not included in the computation of NED. Modeling should include a scenario that excludes business production losses.	
USACE	2012 CVFPP Public Draft	3/3.14.1	page 3-39	Provide specific project information for the “Final Economic Reevaluation Report (2008)” that is referenced in text.	Revise text per comment.
USACE	2012 CVFPP Public Draft	3/3.14.4	page 3-41	First Bullet, Text specifies that Expanded floodways would create space for river meandering, sediment erosion and deposition. River meandering does not appear to be applicable to setbacks along the bypsss reaches. During development of the improvement approaches, were levee setbacks evaluated along the Sacramento river where river meandering is applicable?	
USACE	2012 CVFPP Public Draft	3/	page 3-42	Need to clarify that not all crops would sustain losses based on the 5 day trigger point. Generally, field crops, alfalfa and other legumes, truck crops, and other basic crops can be evaluated using the 5 day trigger point. Orchards and vineyards, due to their deep root zones have a larger tolerance for flooding on average.	Consider an adjustment to the mortality rates on orchards and vines
USACE	2012 CVFPP Public Draft	4/4.1.1	Page 4-2	Section 4.1.1. does not thoroughly address the need to and strategy for informing the public during floods. Successful emergency response programs hinge on communication with the public. Please consider adding additional details to this section.	
USACE	2012 CVFPP Public Draft	4/4.1	page 4-2 to 4-10	The "Three Amigos" project is a non-structural alteration to the existing project. While a portion of the levees would be removed through breaching, the area behind the levees will become part of the Federal flood control project as a floodway. So there is still a Federal flood control feature at that location and the State of California will have to maintain this feature (i.e., floodway) in accordance with the revised O&M Manual that will be provided following completion of the project. The Three Amigos project is not a deauthorization of any portion of the flood control project, it is simply a change to it. The last sentence of the first paragraph is factually incorrect. The USACE has procedures in place for breaching the levees at Three Amigos but before this can occur, compliance with NEPA must be updated due to the lapse in time since the project started. Additionally, USACE and the USFWS will conduct outreach to landowners who will be affected again due to the amount of time that has passed since outreach was originally conducted. Once these steps are accomplished, the levee can be breached and the project completed.	

USACE	2012 CVFPP Public Draft	4/4.1	page 4-2	The FY11 Federal Discount rate was 4.125% and the FY12 Federal Discount rate is 4%.	Explain why discount rate of 7.625% was used.
USACE	2012 CVFPP Public Draft	4/4.1	Page 4-2	Suggest that the state also coordinate and maintain archive of post processed quality controlled flow and hydrologic data for use in engineering studies. Current CDEC real-time data are not quality controlled, have missing data when communication links are broken, etc. This limits the usefulness for engineering studies.	
USACE	2012 CVFPP Public Draft	4/4.1.2		The Operation and Maintenance program should address flood protection structures within a basin which are not part of the program such as non-program non-urban or urban levees, highways and railroad embankment. These levees and embankment are part of the flood protection system but are not maintained or operated by the CVFPB. Some of these structures are not designed and constructed for flood reduction purposes (i.e. highway and railroad embankments), there is no access for inspection or flood fighting and their poor maintenance may lead to flooding of the entire basin.	
USACE	2012 CVFPP Public Draft	4/4.1.4	Page 4-7	The USACE now identifies our projects as flood risk management projects. Although modification of a Federal flood risk management project does require approval by the USACE, the USACE will not necessarily participate in any projects that receive that approval. With regard to feasibility studies that the Corps is conducting in the Central Valley, the USACE cannot anticipate or guarantee that any particular study will lead to either Congressional authorization or appropriation.	
USACE	2012 CVFPP Public Draft	4/4.1.5	Page 4-12	Recommend refining approach based on potential for system impacts. This may not be related to the size of project. For example, modification of flood control diagrams may impact water supply storage and would need to be evaluated as a system.	
USACE	2012 CVFPP Public Draft	4/4.2	page 4-14	The first two bullets appear to be the same. Please clarify or consolidate	
USACE	2012 CVFPP Public Draft	4/4.2	page 4-14	3rd bullet: How is this final bullet going to be achieved given the real estate challenges DWR has revealed regarding planting. A discussion should be included regarding updating easements to reflect current language if this is a goal	
USACE	2012 CVFPP Public Draft	4/4.2	page 4-15	2nd bullet: Recommend deleting the second sentence of this bullet because it doesn't relate to the issue raised in the first sentence of this bullet. Furthermore, USACE is not in agreement with the second sentence. Finally, the second sentence seems to conflict with the life cycle management approach as described elsewhere in the CVFPP.	
USACE	2012 CVFPP Public Draft	4/4.2	page 4-15	3rd bullet: The first sentence is unclear. What is the accepted engineering practice or how will it be developed?	
USACE	2012 CVFPP Public Draft	4/4.2		Through inspections, both DWR and USACE have identified many areas where landscaping does not meet the visibility and accessibility standard. A discussion on how this will be handled should be included	A discussion on how this will be handled should be included
USACE	2012 CVFPP Public Draft	4/4.2	4-13 thru 4-16	There is no reference to the updating of California Code of Regulations, Title 23, Waters technical sections to be consistent with the CVFPP	Add a section suggestion that CCR Title 23, Waters technical sections be update to reflect the CVFPP, as adopted

USACE	2012 CVFPP Public Draft	4/4.2	Section Wide	Note: The last sentence of this comment isn't very clear. It suggests addressing vegetation under the Framework, but my understanding of the Framework is that is sets out interim actions pending completion of the CVFPP which would address more long term solutions. This comment seems to suggest continuing the interim actions...which is at odds with the comment at line 9 above.	
USACE	2012 CVFPP Public Draft	4/4.2.1	page 4-16	Change the word “indefinitely” to “while working on higher priority risks” as that seems to better reflect DWR’s described intent	
USACE	2012 CVFPP Public Draft	4/4.4	page 4-18	“These feasibility studies will be prepared in coordination with the USACE and in conjunction with its CVIFMS.” CVIFMS is a cost-shared study being led by USACE, DWR, and the Central Valley Flood Protection Board.	
USACE	2012 CVFPP Public Draft	4/4.5	Section Wide	Note: Adding a specific reference to the relevant section of the Framework Agreement would help to clarify this comment.	
USACE	2012 CVFPP Public Draft	4/4.6		The cost of implementation of the Framework requirements should be included.	
USACE	2012 CVFPP Public Draft	4/4.7.1	Page 4-38	Figure 4-7 appears to assume a Federal contribution of 46% to the total CVFPP costs. It is premature to assume any Federal contribution that has not already been appropriated. Because federal interest has not yet been established in many elements of the CVFPP, the USACE is not in a position to determine whether this conjecture, or any other assumption regarding future federal participation, is reasonable. Further, because Operation and Maintenance costs are always 100% the responsibility of the local sponsors of federal projects, no federal participation in the long-term cost of the project should be assumed.	
USACE	2012 CVFPP Public Draft	4/4.7.1	page 4-38	The description of financing in the draft CVFPP appears to rely on several assumptions regarding Federal participation and cost-sharing. Those assumptions should be identified and explained. Because federal interest has not yet been established in many elements of the CVFPP, the USACE is not in a position to determine whether this conjecture, or any other assumption regarding future federal participation, is reasonable.	Add text regarding assumptions for Federal cost share.
USACE	2012 CVFPP Public Draft	4/4.9	page 4-42	With regard to the list of federal program policies and permitting identified on Page 4-42: This is clearly not an exhaustive list of the federal programs, policies, and permit requirements. Recommend removing this entire sub-section. Rather, recommend summarizing in one bullet that there are many federal, state and local programs, policies and permits that will be required to achieve the goals of the CVFPP. In some instances these programs may be in conflict and a lot of collaboration will be necessary to achieve the goals.	
USACE	Attachment 7 Plan Formulation	General	N/A	Suggest noting the date or version of any design criteria utilized (for example levee design criteria). The various criteria are evolving and reference needs to be clear.	
USACE	Attachment 7 Plan Formulation	General	N/A	Suggest describing the no project conditions in the no project conditions section (section 7.2) Most of the technical detail describing the no-project condition is distributed throughout each project approach (sections 7.3 and 7.4). Terms and metrics used in earlier sections are not explained until later sections.	

USACE	Attachment 7 Plan Formulation	General	N/A	Each table or figure should describe the condition (no project, or the project approach).	
USACE	Attachment 7 Plan Formulation	General	N/A	Comparisons of stage are presented for a 1% Annual Chance Exceedance Flood. However, stage may show more sensitivity at other frequencies. A flood stage comparison for a 5% ACE flood might be contained by the levee and increase by 5 feet. However, the 1% flood might exceed the levee capacity and only increase 0.5 feet.	
USACE	Attachment 7 Plan Formulation	General	N/A	Recommend providing maps that describe the improvements for each approach.	
USACE	Attachment 7 Plan Formulation	2/	Page 2-13	Frazier Creek/Strathmore Creek and White River/Deer Creek are located in the Tulare Basin, which is outside the CVFPP study area.	
USACE	Attachment 7 Plan Formulation	3/	Page 3-8	Recommend including description of Butte Basin Overflow area. Similar to reservoirs, the approximately 1 million acre feet of transitory storage within this area is extremely important to the operation of SPFC facilities.	
USACE	Attachment 7 Plan Formulation	3/	Page 3-17	Recommend describing how current flood protection requirements specified in the California Code of Regulations would affect population growth and development.	
USACE	Attachment 7 Plan Formulation	5/	Page 5-9	Description of section 9616 of the California water code includes the wording "eliminating" the levee threat factors. The term "Elimination" does not convey the concept of residual risk.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-2	Suggest changing the word "room" to "capacity" in the sentence - "This approach combines most of the features of the above two approaches and provides more room within flood conveyance channels…"	
USACE	Attachment 7 Plan Formulation	7/	Page 7-6	Generally, business losses should not be added to Structure/Content/Agriculture losses as they are in different categories (Regional vs. National).	Revise text per comment.
USACE	Attachment 7 Plan Formulation	7/	Page 7-7	3rd bullet. Suggest clarifying this sentence. These fragility curves are for existing levees. Not new levees.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-10	Was the Feather River Star Bend setback levee included?	
USACE	Attachment 7 Plan Formulation	7/	Page 7-12	Last Paragraph, If applicable, suggest noting that remedial actions would be based on the latest design criteria.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-14	Last sentence No changes in reservoir operations rules or in the way is unclear. Suggest rewording the sentence.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-15	Recommend providing more technical details on the ULE and NULE since this forms basis for each plan approach. For example, how were the ULE and NULE reaches identified? How does Low, Moderate, High relate to the levee design criteria.	
USACE	Attachment 7 Plan Formulation	7/	7-15	USACE does not believe that business losses of $101 million is a correct estimate. That number should be verified and supporting information should be provided in the CVFPP.	Confirm that totals are correct.
USACE	Attachment 7 Plan Formulation	7/	Page 7-30	Figure 7-14 and 7-15 and other similar maps. Are the reduction in damages color coded by basin or is this the amount for all areas of that color? The amount of benefits within the Butte Basin(largely agricultural) is shown to have a similar benefits as the Sacramento urban area. Recommend verifying those numbers.	

USACE	Attachment 7 Plan Formulation	7/	Page 7-34	Suggest moving the discussion of threats earlier in the document where it is first discussed.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-54	Costs associated with F-CO/F-BO are included but description of alternative on page 7-47 specifies that F-CO/F-BO are not included in the alternative.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-55	Would the plan also include increased levee elevations in some areas?	
USACE	Attachment 7 Plan Formulation	7/	Page 7-61	For the proposed Feather River Bypass, recommend describing the flood frequency these flows would be bypassed.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-62	Figure 7-25 shows Feather river bypass from Thermalito afterbay. Is this correct?	
USACE	Attachment 7 Plan Formulation	7/	Page 7-63	Suggest clarifying that transitory storage is not comparable with reservoir storage. Attenuation of flood waves attributable to levee setback transitory storage is likely to be very minor relative to the same storage provided as flood space.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-64	Figures 7-26 and 7-27. Note at top of graphic specifies increased flood storage at Lake Oroville/New Bullards Bar. Is the storage being increased or is this the "equivalent flood storage" mentioned in the text. Recommend not using the term “equivalent flood storage”. Describe the actual component, for example reoperation. Figure uses the term “attenuate flood peak”. Is flood wave attenuation the primary reason for the stage decrease or is it the result of increased conveyance area and/or change in diversions.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-68	Figure 7-30. The project diverts 32,000cfs from the Feather River into the Butte Basin. However, damages are shown to be reduced. Is this correct?	
USACE	Attachment 7 Plan Formulation	7/	Page 7-72	Recommend that similar levels of forecasting and notification be included in all three approaches.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-73	The following sentence "LOP is defined as the amount of flood protection able to withstand flooding for AEP" is not clear. Recommend revising sentence.	
USACE	Attachment 7 Plan Formulation	7/	Page 7-75	Figures 7-32 and 7-33 What are the numbers at the top of each bar chart? It appears they are the total for the bar but there are more numbers than bars.	
USACE	Attachment 7 Plan Formulation	8/	Page 8-28	The 1997 event delta stages would have been greater under a sea level rise scenario. The 1997 flood event stages may serve as a sea level rise surrogate for smaller flood simulations (less than 1997 event), but would be the opposite for large flood events(greater than 1997 flood).	
USACE	Attachment 7A Regional and Local Project Summaries	1/	Page 1-145	David VanRijn is no longer with USACE.	Replace with Brandon Muncy.
USACE	Attachment 7A Regional and Local Project Summaries	1/	Page 1-148	William Edgar is no longer with the Sutter Butte Flood Control Agency.	Insert name of his replacement.
USACE	Attachment 7A Regional and Local Project Summaries	1/	Page 1-154	The USACE understands that the Project proponent of the West Stanislaus, Orestimba Creek project is the City of Newman, not the City of Woodland. The document should be corrected.	Revise text per comment.

USACE	Attachment 7A Regional and Local Project Summaries	1/	Page 1-156	An EA/IS is being developed for the West Stanislaus, Orestimba Creek project; no EIs/EIR is being developed. The proposed segment with adverse effects has been removed from the study. The bullet point regarding Adverse Environmental Effects should be removed from the draft CVFPP.	Revise text per comment.
USACE	Attachment 7A Regional and Local Project Summaries	1/	Page 1-156	Redirected Hydraulic Impact - language should be changed to read: "localized increased in the depth of flooding up to half a foot may occur in areas outside of the chevron levee".	Revise text per comment.
USACE	Attachement 8A Hydrology	1/	Page 1-1	The lack of major flooding in the last 10-yrs is not a reasonable rationale to forego re-evaluation of the hydrologic frequency analysis. A more appropriate rationale would be that extension of the hydrologic record length to include recent data would not substantially increase the record length and computed statistics.	
USACE	Attachement 8A Hydrology	1/	Page 1-2	Text and figure 1-1 indicate that the points shown are the storm centers. These are not the "centers" These locations are the hydrologic index points for which a storm centered upstream produces the critical flow (or stage) at that location.	
USACE	Attachement 8A Hydrology	2/	Page 2-6	Suggest replacing the term "maximum allowable flow" rather than the term "maximum regulated flow."	

Commentor	Commentor Agency	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
USACE	USACE	Attachment 7A	General	General	Water Resource studies and projects conducted by the USACE are always joint Federal-non-Federal efforts. USACE serves as the lead Federal agency. The non-Federal study or project partner is the lead non-Federal agency.	
USACE	USACE	Attachment 7A	General	General	The Delta Islands and Levees Feasibility Study is an active USACE-DWR feasibility study/ The study area is the legal Delta and adjacent floodplains. The authorized study purposes are ecosystem restoration, flood risk management and other related water resources purposes. The USACE POC is the Project Manger, Dennis Clark.	
USACE	USACE	Conservation Framework	1	1-2	"This Conservation Framework…will complement the federal Central Valley Integrated Flood Management Study (CVIFMS)." The CVIFMS is being conducted as part of a Federal-State partnership: USACE is the Federal partner; DWR and CVFPB are the non-Federal partners.	
USACE	USACE	Conservation Framework	General	General	The relationship between the CVFPP and the Conservation Framework and Strategy is not clear. Since the EIR is not yet available, it is also unclear if the Conservation Framework will be addressed in the EIR.	
USACE	USACE	Conservation Framework	5	5-32	Recommend this section include a discussion of how the new lead scientist and the CVFPP science and adaptive management programs would interface/integrate with other existing or planned monitoring, science, and adaptive management programs and their lead scientists . Key examples include: Delta Science Program and Lead Scientist, Interagency Ecological Program and Lead Scientist, State and Federal Water Contractors Lead Scientist, BDCP adaptive management plan and governance structure.	
USACE	USACE	Conservation Framework	5.7 & 7	5-28, 7-2	"Improving environmental scientific and technical basis for informing flood management decisions." How will this effort interface with the Interagency Ecological Program?	
USACE	USACE	Conservation Framework	7	7-2	Bullet 3 - Recommend including "synthesis" in the following sentence: "Improvements are made through inventory, analysis and modeling, monitoring, management oriented-research, and information management and access. Recommend also including "synthesis" in Section 5.7 (page 5-28).	
USACE	USACE	Conservation Framework	7	7-2	Bullet 3 -Consider encouraging timely information transfer through conference presentations, and through publication in credible peer-reviewed publications. Recommend also considering this for inclusion in Section 5.7.	

USACE	USACE	Conservation Framework	General	General	While the Conservation Framework provides support for the CVFPP's goals by identifying environmental guidelines for flood project planning and previewing the long term conservation strategy to be completed in 2017, the strategy for vegetation management on levees does not sufficiently describe the plan for achieving consistency with Corps standards for control of wild growth on levees, including identifying areas where variances may be requested. The Conservation Framework also fails to recognize the State's responsibility for fulfilling the assurance agreements for operation and maintenance of the local flood protection projects that have been legislated into the Federal system or transferred in the traditional manner after a cost shared project has been constructed and conveyed to the State. The term "Levees with Preexisting Legacy Levee Vegetation" and the definition of this term will require further discussion with the Corps before being incorporated in the Conservation Strategy because this term is not used in the Corps' ETL 1110-2-571 or draft variance guidance. The vegetation maintenance strategy should focus on reducing risk to public safety. The life cycle management strategy can be an acceptable approach to reducing risk and complying with environmental values. Continuing to collaborate with the Corps	
USACE	USACE	VOL IV Attachement 8F	3	3-46	It is understood that the period of inundation of flood waters will affect the motality of the crops in question. The mortality is expected to vary depending on the season of the year and the crop type. Annual crops are very vulnerable to flooding and be killed with as little as 3 days of flooding or less. Orchards and vine crops are typically more resilient and can to subjected to floods in excess of 30 days during certain times of the year without noticable effects. The analysis presented makes a sweeping statement to all crops which is too general in nature; especially when one considers that the re-establishment of the orchards and vine constitute a significant part of the damages estimated in the analysis.	
USACE	USACE	VOL IV Attachement 8F	3	3-48	To accommodate the variability in prices received and prices paid, one could use an @Risk software program. This program could provide for uncertainty in the prices as well as the variability in seasonal plantings. This is easiliy accomplished and will handle the uncertainty issues around the prices and seasonal variability.	

USACE	USACE	VOL IV Attachement 8F	3	3-53	The section "Business loss per flood event" addresses the affect of interrupted business to the brick and mortar businesses easily identified in the micro- economic arena. It is my contention that these losses also will also be felt by industries in the area. Specifically, impacts to hydropower generation and gas powered generation facilities could be impacted by floodwaters through restriction of access to manage these industrial plants. Additionally, the pumps that pump water from the Delta may be affected by floods, either from the direct impact of flooding to the facilities or by the necessity of the pumps to re-operate based on the impacts that floods cause to salt water intrusion, to name just one effect. Loss to recreation and tourism is another area that would be impacted. The industrial impacts, either directly or indirectly, can create a significant burden on the economy and should, at a minimum, be noted in the report.	

County of Placer
Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
530/889-4010 • FAX: 530/889-4009
PLACER CO. TOLL FREE # 800-488-4308

JACK DURAN
District 1
ROBERT M. WEYGANDT
District 2
JIM HOLMES
District 3
KIRK UHLER
District 4
JENNIFER MONTGOMERY
District 5

Index No. 273

April 24, 2012

Also sent via e-mail to attention: cvfppcom@water.ca.gov

Ms. Nancy Moricz
The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Subject: Central Valley Flood Protection Plan (CVFPP) and Public Draft Urban Level of Flood Protection Criteria (ULFPC)

Dear Ms. Moricz:

Thank you for the opportunity to review the above referenced documents. Placer County covers a very geographically diverse area that stretches from the Central Valley, over the Sierra Nevada crest, to the Nevada State line, including parts of Lake Tahoe. The Placer County Community Development Resource Agency regulates the private land development projects in the unincorporated areas of Placer County, administers the advance planning work programs, and supervises the County's environmental review process.

In an effort to better understand these documents and how they may affect the citizens and businesses in the County, our development community, the County's capital improvement projects, and staffing needs and budget, we respectfully request a 30-day extension to the current comment periods for the various plans associated with the Central Valley Flood Management Program (CVFPP, and ULFPC).

Our staff recently received notice of these documents and deadlines, however we require more time to conduct a comprehensive review and provide you better feedback of this important program. In the event an extension is not provided, we offer the following general comments:

1. For Placer County to comply with the provisions of SB 5 regarding the 200-Year flood protection requirements, hydrologic and hydraulic information is needed well in advance of the mandated timeframes. Will the CVFPB be providing this information? If local agencies are required to produce this mapping, what source of funding is anticipated to be utilized and will the State offer grant programs to assist with funding? At a minimum, the following 200-Year event data would be necessary:

- Without-project and with-project design hydrographs and water surface profiles along any pertinent levied rivers (Bear River) and streams (both project and non–project systems).
- Without-project and with-project floodplain maps.
- Detailed identification of the Preferred Plan for System-wide Improvements that will provide urban and urbanizing areas 200-Year flood protection by 2025.
- Detailed implementation plan for the Preferred Plan for System-wide Improvements that identifies all funding sources, in particular those available to the County.

2. Portions of the 200-Year flood protection plan depend on the completion of the major "System Improvements" as identified in the CVFPP. However, these improvements are under the control of State and Federal governments and will not likely be completed until after the 2015 mandate of SB 5. In the event this occurs, will Placer County be required to expend public funds to construct "interim" improvements that will ultimately be discarded once the "System Improvements" are completed?

3. Figure 2-2 of the Draft CVFPP entitled "Urban Areas and Small Communities Included in Protect High Risk Communities Approach" does not include Placer County. Does that mean that the new levels of flood protection that apply to urban and urbanizing areas as defined in the Draft CVFPP and ULFPC do not apply to Placer County?

4. Is there any available data of the hydraulic benefits DWR anticipates will be realized downstream within the State's Central Valley Planning Area corresponding with the change from the current 100-year level of flood protection to the new 200-Year urban level of flood protection? The hydraulic benefits would appear to be insignificant but should be verified and provided for our information.

5. Does the new urban level of flood protection standard apply to proposed modifications or alterations to existing development within or associated with FEMA Special Flood Hazard Areas (SFHA), and specifically how these standards may apply. For instance, will a modification of a Use Permit or Subdivision application be a criterion for determining whether the new urban level of flood protection standard may or may not apply to existing entitlements (Vesting Tentative Map) or structures?

Thank you for your consideration of the request for an extension as well as the issues raised in this letter. We are prepared to work with you and your staff to successfully implement this program and provide the citizens of the State a high level of protection from catastrophic flood events.

Sincerely,

COUNTY OF PLACER

Jennifer Montgomery, Chairwoman
Supervisor District 5
Placer County Board of Supervisors

cc: Board of Supervisors
Holly L. Heinzen, Interim County Executive Officer
Ken Grehm, Director of Public Works
Brian Keating, Placer County Flood Control
Carl Walker, Roseville DPW

980 Ninth St., Suite 1500
Sacramento, California 95814
www.DeltaCouncil.ca.gov
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

A California State Agency

CHAIR
Phil Isenberg

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

EXECUTIVE OFFICER
P. Joseph Grindstaff

April 25, 2012

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue
Room 151
Sacramento, CA 95821

Mr. Mark Cowin, Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

RE: COMMENTS ON THE DRAFT CENTRAL VALLEY FLOOD PROTECTION PLAN

Dear Mr. Punia and Mr. Cowin:

The Delta Stewardship Council appreciates the opportunity to comment on the draft Central Valley Flood Protection Plan (CVFPP). As you know, we are also undertaking a planning effort, initiated by the Delta Reform Act (2009) which charged the Council with developing a comprehensive management plan for the Delta (Delta Plan). The Act sets forth as state policy the achievement of the coequal goals of water supply reliability and ecosystem restoration (Water Code Section29702), along with the inherent objective of reducing risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection (Water Code Sec. 85020(g)). The Act directs the Council to consult with the Central Valley Flood Protection Board (Board) and to recommend in the Delta Plan priorities for state investments in levee operations, maintenance, and improvements in the Delta, including both levees that are part of the State Plan of Flood Control (SPFC) and nonproject levees (Water Code Sec. 85306). The Council may also incorporate other completed plans related to the Delta into the Delta Plan to the extent they promote the coequal goals. Our review of the CVFPP emphasized understanding how the CVFPP will support the Council's responsibility to address Delta flood risk reduction, further the coequal goals, and align with the Delta Plan.

Overall, we found the draft CVFPP and its accompanying documentation useful and supportive of the direction of the Central Valley Flood Protection Act. In reviewing the draft CVFPP, we looked with particular interest at the potential benefits and impacts to the Delta that may be envisioned when the CVFPP is adopted by the Board. As drafted, the CVFPP addresses flood protection for those areas of the Sacramento and San Joaquin River systems protected by the facilities of the SPFC, which includes approximately one-third of the Delta. We support the CVFPP's proposals to improve urban levees here, which can

reduce flood risk in Stockton, Sacramento and West Sacramento. The CVFPP's proposal to create a new bypass on the San Joaquin River near Paradise Cut is also consistent with recommendations of the draft Delta Plan. The CVFPP's proposal to expand the Yolo Bypass, if properly designed and operated, can aid the ecosystem restoration project there that the draft Delta Plan recommends.

CVFPP proposals outside the Delta can also aid in attaining Delta Plan objectives. The expanded Sacramento Valley bypasses that the CVFPP proposes could improve water supply reliability by expanding the flexibility of operations for Shasta, Oroville, and other multipurpose reservoirs, with potential benefits for water supplies, hydropower, and the environment as well as flood management. Setting back levees, where feasible, can improve migratory corridors for salmon, songbirds, and other wildlife that migrate through the Delta to areas along the Sacramento and San Joaquin Rivers and their tributaries.

Two thirds of the Delta as well as Suisun Marsh lay outside of the CVFPP planning area but within the area of concern for the Delta Plan. Therefore, the Council takes a keen interest in how the potential implementation of the CVFPP may affect the flood risk for the Delta in its entirety. We look forward to working with you as you evaluate how specific projects may affect Delta areas outside of the CVFPP planning area so that any potential indirect impacts to the Delta can be avoided or mitigated.

The initial portion of the comments attached to this letter are mainly in response to the identified "preferred approach" set forth in the CVFPP, namely the State Systemwide Investment Approach (SSIA). The second portion contains comments prepared by the Delta Science Program specifically directed at the Conservation Framework and the Draft Program Environmental Impact Report (DPEIR).

We look forward to the development of the proposed SSIA in further detail so that we can better understand how its specific actions may impact the Delta, and anticipate working with your staff to ensure our program's goals remain in alignment. We would also be happy to meeting with the Board to discuss our role, interests and objectives in this matter. If you have any questions, please don't hesitate to contact the Delta Stewardship Council's Carl Lischeske at (916) 445-5891.

Sincerely,

P. Joseph Grindstaff
Executive Officer

The following comments are organized as follows: the first portion addresses the SSIA, and the second portion addressing the Conservation Framework and the DPEIR, which were prepared by the Delta Science program.

1. **State Systemwide investment Approach**

- **Urban flood risk reduction**: Consistent with the Central Valley Flood Protection Act of 2008 (SB5), the SSIA proposes urban areas within the SPFC be upgraded to receive protection from the 200-year flood. Within the Delta, there are urban areas not within the SPFC that will require upgrading to the 200-year protection level in the Stockton area. The SSIA indicates approximately 120 miles of urban, non-SPFC levees exist, and their upgrade to the 200-year level of flood protection would require approximately $1.2 billion (2011 dollars). We encourage the Department of Water Resources (DWR) and the Board to include the non-SPFC facilities in the plan to conform to the 200-year standard.

- **Delta Legacy Communities**: The SSIA indicates that the State will evaluate investments to preserve small community development alternatives. Within the Delta, there are a number of Legacy Communities where the draft Delta Plan encourages appropriate growth and sustainability. We encourage DWR and the Board to further define and address the flood risks affecting the Delta's Legacy Communities, which contribute to the unique cultural and recreational values that the Delta Plan seeks to protect and enhance (Water Code Sec. 85020(b)). Recommendations about both levee improvements and non-structural hazard mitigation measures would be welcome.

- **Future floodway designation**: The SSIA calls for the potential expansion of floodways, also called for in Water Code Sec. 9614(a)(12). The Council supports the further investigation and identification of potential floodway locations by the Board, including within the Delta, that both enhance flood risk reduction and improved ecosystem functionality. The Council's draft Delta Plan recommends that DWR and the Board evaluate whether additional areas both within and upstream of the Delta should be designated as floodways.

- **Funding Prioritization:** The scope of the SSIA and its potential estimated costs will likely necessitate a prioritization of State expenditures. The Delta Reform Act also called for the Council to prioritize State investments in Delta levee operation, maintenance, and improvements. We encourage DWR and the Board to further address how a prioritization methodology might be developed and applied in order to ensure that the provision of State funds to Delta levees occurs in a manner consistent with the goals of the Delta Plan. These are summarized below:

    - Urban Flood Risk Reduction: Continue focus on ensuring that the 200-year level of flood protection be the minimum level of flood protection for urban and urbanizing areas in the Delta (Water Code section 9600 et seq.).

- Freshwater Pathway Protection:
  - Improve levees which protect freshwater aqueducts passing through the Delta.
  - Improve levees and flood management facilities that protect the primary freshwater channel pathways through the Delta.
- Achieve HMP: Improve those Delta levees not specifically planned for ecosystem restoration activities to the FEMA Hazard Mitigation Plan (HMP) guidance level.
- Delta Levee Maintenance: Continue to fund and implement DWR's Delta Levees Subventions Program in order to maintain Delta levee conditions.

- **Setback levee criteria**: Within the draft Delta Plan, the Council calls on the Department of Water Resources (DWR) and the Board to recommend criteria for future setback levees. We encourage DWR to develop such criteria in a manner that both addresses flood risk reduction and ecosystem enhancement in the SSIA.

- **Redirected impacts**: As highlighted in the SSIA, there are several proposed bypass expansions that would likely improve flood carrying capacity into the Delta. These include the expansion of the Yolo, Sutter, and Sacramento Bypasses, as well as the development of two new bypasses: (1) from the Feather River to Butte Basin, and (2) in the vicinity of the Lower San Joaquin River/Paradise Cut area. The Council supports a Lower San Joaquin River bypass, and agrees that the Yolo Bypass should not be encroached upon. Another concern of the Council is whether the flood control system within the Delta will be able to withstand the proposed upstream flood system improvements. While initial modeling appears to indicate minimal flood stage changes within the Delta with the proposed SSIA, it is important that upstream improvements to the flood management system also take into account the effects on the downstream Delta facilities that are not part of the SPFC. Such redirected impacts may necessitate additional considerations for the maintenance and upgrades of non-SPFC in-Delta facilities. Although the SSIA only addresses those areas protected by SPFC facilities, DWR and the Board should consider the impacts on a systemwide basis by including non-SPFC facilities in its analysis.

- **Liability**: Of concern to the Council is the risk of expanding the State's flood risk liability. As the risks of levee failure and corresponding damage increase, California's courts have generally exposed public agencies and the State specifically, to significant financial liability for flood damages. Therefore, the Council believes the Legislature should investigate the opportunity to revise the Government Code to limit recovery of damages from the State due to flooding. We encourage DWR and the Board to use the Central Valley Flood Protection Planning process to address issues relating to minimizing the State's liability.

- **Beneficiary assessment**: As stated within the draft CVFPP, "The intent of the CVFPP is to support equitable distribution of project costs among beneficiaries ..."(page 4-37). Within the draft Delta Plan, we also support the beneficiary-pays principle, and propose a Delta regional entity with fee authority to assess those who directly benefit from flood risk reduction projects. We encourage DWR and the Board to work with the Council to determine an equitable method for apportioning costs to all entities that benefit from flood risk reduction facilities within the Delta. These include public agencies and private companies with infrastructure and facilities located in the Delta (e.g. electrical transmission lines; water, oil and gas conveyance facilities, and transportation corridors).

Emergency Preparedness, Response, and Recovery: DWR's Delta Flood Emergency Preparedness, Response, and Recovery Program (EPRRP) is being prepared under the FloodSAFE Initiative, and will provide for a specific plan to guide emergency flood related actions, a multi-agency coordination plan, and implementation of response facilities in the Delta. It would be useful for the CVFPP to identify its relationship to the EPRRP, as well as how it plans to monitor the development of county's flood emergency plans per Water Code Section 9621.The Delta Science Program reviewed the Conservation Framework and the Draft Programmatic Environmental Impact Report (DPEIR) with a focus on the potential impacts of the SSIA implementation actions and potential redirected impacts on the Delta; specifically the CVFPP environmental impacts on Biological Resources, Climate Change and Greenhouse Gas Emissions, Groundwater Resources, Hydrology, and Water Quality.

Conservation Framework

The Delta Science Program reviewed the Conservation Framework in order to understand and highlight its relationship and potential implications to the Delta Plan. Their comments are presented below.

General Comments

- Overall, the CVFPP Conservation Framework presents thorough, relevant and up-to-date background information regarding current conditions within the study area.

- We support the Framework vision for future flood protection and feel that it complements related Delta Plan policies and recommendations. It presents a broad level overview of the flood ecosystem, including identification of stressors and management responses to these stressors, the importance of ecosystem processes to sustaining habitat and species, and the historical, current, and expected future status and trends of this ecosystem

- While the information provided is at the framework level, we recommend including descriptions of future scenarios and desired conditions, and an outline of steps to achieve those.

Comments on the Draft Central Valley Flood Protection Plan
Page Four

- We support the discussion of the importance of bypass system expansions and setback levees and recommend including framework level criteria for site selection for future projects.

- We recommend expanding the integration of climate change and sea level rise effects in the adaptation strategies.

- In general, we support the proposed adaptive management framework and the importance of the integration of science, monitoring, outreach and coordination. We recommend coordination with the Council on development and implementation of the adaptive management program.

- We support the inclusion of indicators of success and the use of the ecological and planning indicators, and recommend coordination with the Council on further development and implementation of administrative, driver and outcome performance measures.

- We recommend including discussions on specific aspects of the SSIA as they relate to the Delta, including relationships and potential redirected impacts of CVFPP and SSIA implementation actions on the Delta.

Draft Programmatic Environmental Impact Report

General Comments:

- Overall the sections present thorough, relevant and up-to-date background information regarding current conditions within the study area.

- In general, discussions of CVFPP related actions and associated impacts of the SSIA on biological resources, water quality, hydrology, etc., and pertinent rules and regulations that would need to be followed are generally clear for a programmatic level review.

- We recommend expanded use of cross references. This would allow for easier identification of interrelated issues across the different sections.

- The 2009 Delta Reform Act is not addressed in the Regulatory Setting sections of the DPEIR. We recommend incorporating a discussion of the 2009 Delta Reform Act and the policy implications associated with the Delta Plan.

- We recommend close coordination with the Council in the SSIA implementation process (coordination with the Council mentioned in the actual CVFPP but not the DPEIR).

- We suggest that prior to finalizing a vegetation management strategy (e.g., gradually clear levees of woody vegetation) that DWR work with the Department of Fish and Game and the Army Corps of Engineers to develop and execute an agreed-upon variance process to exempt Delta levees from the Army Corps of Engineers' levee vegetation policy where appropriate.

- We suggest that when evaluating levee alternatives, options such as setback levees be considered to increase the extent of floodplain and riparian habitats.

Aquatic Resources

- We recommend including a discussion on the potential effects of, and redirected adverse impacts from, upstream bypass and floodplain expansions and other SSIA implementation actions on the resources of the Delta, including hydrology (changed rates and inflow locations), sediment dynamics, water quality (nitrate leaching, mercury methylation), etc.

Geology, Soil and Seismicity

- We recommend that you consider expanding the discussion on increasing stress on Delta levees in light of continued subsidence of organic Delta soils.

Hydrology

- We recommend you consider addressing the relationships between potential changes in reservoir operations and downstream changes in channel morphology including timing, frequency, magnitude and velocity of flows and potential impacts on water supply (beyond referring to groundwater banking).

Water Quality

- We recommend that additional evidence be provided for the statement that reservoir operational changes would be of a "limited nature", which is the basis for determining that "adverse effects would likely be minor".

- We suggest that additional discussion and evidence for statements regarding potential benefits of cold water releases from reservoir operation changes and potential impacts of warmer temperatures unfavorable to fish be provided.

- While floodplain inundation may allow for the settling of sediments and contaminants, which could improve downstream water quality, we are concerned that this would only provide a temporary benefit, as subsequent flooding could re-suspend previously deposited contaminants. Therefore we recommend augmenting this discussion, including the addition of monitoring and adaptive management strategies.

Climate Change and Greenhouse Gas Emissions

- In general, the discussion of climate change and the plans to forecast hydrology are well done. You may also want to consider the information contained in the following references if you have not already done so:

Cloern, J., N. Knowles, L. Brown, D. Cayan, M. Dettinger. 2011. Projected Evolution of California's San Francisco Bay-Delta-River System in a Century of Climate Change. PLoS ONE 6(9): e24465. doi:10.1371/journal.pone.0024465.

Feyrer, F., Newman, K., Nobriga M., and T. Sommer. 2011. Modeling the effects of future outflow on the abiotic habitat of an imperiled estuarine fish. Estuaries and Coasts 34:120-128.

Mount J, Twiss R. 2005. Subsidence, sea level rise, seismicity in the Sacramento-San Joaquin Delta. San Francisco Estuary and Watershed Science. Vol. 3, Issue 1 (March 2005), Article 5. http://repositories.cdlib.org/jmie/sfews/vol3/iss1/art5.

Porter, Keith, Wein, Anne, Alpers, Charles, Baez, Allan, Barnard, Patrick, Carter, James, Corsi, Alessandra, Costner, James, Cox, Dale, Das, Tapash, Dettinger, Michael, Done, James, Eadie, Charles, Eymann, Marcia, Ferris, Justin, Gunturi, Prasad, Hughes, Mimi, Jarrett, Robert, Johnson, Laurie, Dam Le-Griffin, Hanh, Mitchell, David, Morman, Suzette, Neiman, Paul, Olsen, Anna, Perry, Suzanne, Plumlee, Geoffrey, Ralph, Martin, Reynolds, David, Rose, Adam, Schaefer, Kathleen, Serakos, Julie, Siembieda, William, Stock, Jonathan, Strong, David, Sue Wing, Ian, Tang, Alex, Thomas, Pete, Topping, Ken, and Wills, Chris; Jones, Lucile, Chief Scientist, Cox, Dale, Project Manager, 2011, Overview of the ARkStorm scenario: U.S. Geological Survey Open-File Report 2010-1312, 183 p. and appendixes [http://pubs.usgs.gov/of/2010/1312/].

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Jeffery Flynn	NA	jeff@flynnmail.net	NA			The proposed bypass expansion is a huge waste of tax payer money, violation of long standing property owner rights, destructive to legacy communities and completely unwarranted. This appears to be an environmental habitat expansion that is not essential to the core mission of flood protection. A state grab of over 40,000 acres (over sixty square miles) smacks of a gross over reach that adversely impacts state tax revenues as this is some of the most productive farming in the state. Many of the levee's in these areas have been recently renovated and their removal is a huge waste of money. This multi-billion dollar component of this plan should be eliminated.	Eliminate the following bypass expansion proposals: Feather River Bypass Sutter Bypass Yolo Bypass Sacramento Bypass Lower San Joaquin River Bypass

James D. Beck
215 B Street
Biggs, CA 95917

RECEIVED
APR 17 2012

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

James D. Beck

Louis M Anderson Enterprises, Inc
102 Raley Blvd
Chico, Ca 95928
Ken Anderson
530-624-0183

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

Louis M Anderson Enterprises, Inc
102 Raley Blvd
Chico, Ca 95928
Ken Anderson
530-624-0183

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Ken Anderson

Evelyn Lund
213 B Street
Biggs, CA 95917

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Evelyn Lund

Evelyn Lund

Indian Hill Land Co.
215 B Street
Biggs, CA 95917

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Evelyn Lund

Indian Hill Land Co. by Evelyn Lund, Secretary

Index No. 280

State of California | California Natural Resources Agency

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date 4/12/12 Name Butte Creek FARMS - ED Hulbert - CEO.

Phone (optional) (530) 458-2118 E-mail (optional) ehulbert@cipcorp.com

Affiliation

Address (optional) 50 Sunrise Blvd. Colusa, CA 95932

☐ I wish to speak to the Board about agenda item number(s) ☒ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☒

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☒ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☐ Both

We ARE opposed to the CVFPP. Butte Creek FARMS is A 2500 AC. Rice/Row Crop farm AT the South end of the Butte Sink. Any Additional Flood water diverted into the Butte Sink AREA Could cause severe damage to our property. In OUR opinion there IS NOT SOUND engineering to support this plan And there is Little if ANY public support from Landowners in our AREA.

Please continue on back of this card, if needed.

Index No. 280

State of California

California Natural Resources Agency

FOLD HERE

Return address: BCF
50 Sunrise Blvd,
Colusa, CA 95932

PLACE STAMP HERE

UNITED STATES POSTAGE
PITNEY BOWES
$ 000.45⁰
02 1P
00044553 APR 2012
MAILED FROM 95932
Post Office will not deliver without postage.

RECEIVED
APR 17 2012

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

95821+6340

TAPE

State of California | California Natural Resources Agency | COLUSA AREA COMMENTS

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date 4-12-12 Name Jackie & Jack Uleslei

Phone (optional) _____ E-mail (optional) whispeaingeagle@yahoo.com

Affiliation Farmer

Address (optional) 1637 E. Clay st, Colusa, Ca 95932

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☐

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information: http://www.cvfpb.ca.gov/.

Central Valley Flood Protection Plan (CVFPP):
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov

Draft Program Environmental Impact Report (DPEIR):
Department of Water Resources
Attn: Mary Ann Hadden, c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.gov
DPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:
☐ Central Valley Flood Protection Plan ☐ Draft Program Environmental Impact Report (DPEIR) ☒ Both

We Attent to Public Hearing and Want to Say we are not in favor of the plan as it was Stated.
Need to pay more attention To History of Water and How to Maintain What we have Before making other plans.
We could be Spending money Better by Maintaining What We have and Hosa

Please continue on back of this card, if needed.

State of California

California Natural Resources Agency

History of Working Rather than always looking for new ways.
Those of us who live on the land and the problems Water Creates have learned how to make it Work.

Please Count our Votes a 2 mo's agant plan as it is

FOLD HERE

Return address: Unsler
1637 E. Clay St
Colusa, Ca 95932

not deliver without postage.

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

RECEIVED
APR 17

TAPE

Ryan J. Coker
12 Sega Drive
Chico, CA 95928
(530) 682-8199

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

Ryan J. Coker
12 Sega Drive
Chico, CA 95928
(530) 682-8199

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Ryan Coker

Ryan Coker

CP Sheppard Farms
P.O. Box 828
Biggs, CA 95917
(530) 868-1837

April 10, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of

building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Charles K. Sheppard

CD FARMS
Dennis Lindberg
1096 Middlehoff Lane
Oroville, CA 95965

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity. I have been farming rice next to and adjacent to the Cherokee Canal for the past 67 years. I have witnessed the problems that Sutter Maintenance Area 13 personnel have had to deal with in maintaining adequate and unobstructed channel flow capacity. EPA, U. S. Fish and Wildlife. California Department of Fish and Game have placed restrictions on sediment, brush and tree removal that have not allowed it to function for the purpose intended when it was first built.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when

CD FARMS
Dennis Lindberg
1096 Middlehoff Lane
Oroville, CA 95965

the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Dennis Lindberg

BOARD OF SUPERVISORS
COUNTY OF SUTTER

1160 Civic Center Blvd.
Yuba City, CA 95993

(530) 822-7106
FAX: (530) 822-7103

April 16, 2012

Mr. Mark Cowin
Director, California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

SUBJECT: Central Valley Flood Protection Plan Comments

Dear Mr. Cowin,

The County of Sutter has reviewed the Public Draft of the Central Valley Flood Protection Plan (CVFPP), the accompanying attachments and the Draft Environmental Impact Report (DEIR). The County of Sutter desires to work with the Department of Water Resources (DWR) on a plan that includes system-wide benefits and meets the stated objectives of the CVFPP. However, the County has several concerns with the proposed CVFPP and the DEIR. Due to a number of factors, we believe that the CVFPP is infeasible as currently drafted, both practically and financially, and the DEIR does not identify and include major alternative approaches. These concerns are presented in greater detail within the two attached documents. A synopsis of specific concerns is presented here for your convenience:

- The actual flood protection benefits are severely reduced by the intent to use the CVFPP as a platform for statewide habitat restoration and environmental improvement project. The supporting goal for promoting ecosystem functions was not intended to be a co-equal goal with flood protection;

- The CVFPP alternatives do not include consideration for creating additional upstream storage capacity. The supporting goal of promoting multi-benefit projects, including projects that provide a water supply benefit, is not met. This is especially disturbing when climate change impacts are considered;

- The FloodSafe vision specifically includes supporting economic growth, yet the draft CVFPP would eliminate future development behind levees, strip away local land use authority, take tens of thousands of acres of prime agricultural farmland out of production, and would result in the permanent loss of a significant number of jobs;

Members of the Board

Larry Montna	District 1
Stanley Cleveland, Jr.	District 2
Larry Munger	District 3
Jim Whiteaker	District 4
James Gallagher	District 5

County Administrator
Stephanie J. Larsen

Clerk of the Board
Donna M. Johnston

- The project is economically infeasible given that too much of the cost is associated with ecosystem restoration and not enough to the primary purpose of flood control. There is potential that the Federal government may not participate due to the low benefit/cost ratio, the inability of the local governments to fund $1.3 billion in local cost share, and the annual interest cost associated with future bonds compared to the anticipated annual savings in reduced flood damage;

- The draft plan proposes to take up to 40,000 acres of lands to be used for expanding the bypasses, creating new bypasses, and constructing setback levees. The draft plan also proposes to purchase easements on additional acres of land. This unprecedented take of private property would have a devastating effect on agricultural communities and Sutter County as a whole;

- The draft plan, which has no detailed hydraulic, hydrologic, or geologic studies completed, identifies specific lands that are being considered for future setback levees, bypass expansions, or new bypasses. If the CVFPP is approved with these vast, arbitrary setbacks, the State would place a cloud over these lands, such that the property values have been decreased and the ability of the property owners to sell these lands or enter into long-term leases would be drastically affected. Absent actual engineering studies and calculated benefits to the flood protection system, these references to specific levee setback locations must be deleted from the CVFPP prior to adoption; and

- This draft CVFPP, which has no detailed hydraulic, hydrologic, or geologic studies completed, may be used to determine if local repair-in-place projects are no-regrets projects. If the draft CVFPP is used as such, it could delay implementation of local efforts, or even potentially result in local projects not being approved. Specific examples of projects that could be delayed or prohibited may include the Sutter-Butte Flood Control Agency - West Feather River Project or the ongoing Sacramento Area Flood Control Agency – Natomas Levee Improvement Project.

Even though there is very little information provided on the modified SSIA alternative, Sutter County believes this is an intriguing alternative to further evaluate, and may mitigate many of our concerns.

Due to these significant concerns, the County of Sutter would prefer that the Central Valley Flood Control Board not adopt the current draft CVFPP without substantial revisions, and re-evaluate the available flood protection enhancement alternatives including the development of new storage reservoirs. However, given that the Central Valley Flood Control Board is under a legislative mandate to adopt a CVFPP by July 1, 2012, we recommend that the Board should as a minimum action, remove all maps and references to specific levee setback locations to avoid unnecessary and unwarranted damage to property values and property rights and resultant adverse impact on the local communities and our economy.

Sincerely,

Larry Montna

Larry Montna, Sutter County Supervisor, District 1

Stanley Cleveland, Sutter County Supervisor, District 2

Larry Munger, Sutter County Supervisor, District 3

Jim Whiteaker, Sutter County Supervisor, District 4

James Gallagher, Sutter County Supervisor, District 5

Attachments: Comments on the draft Central Valley Flood Protection Plan
Comments on the draft Environmental Impact Report

CF:

Mary Ann Hadden, Staff Environmental Scientist, DWR, Division of Flood Management, Department of Water Resources

Mr. William Edgar, Chairman, Central Valley Flood Protection Board

Comments on Central Valley Flood Protection Plan
Submitted by: County of Sutter

1. Due to the limited flood protection benefits as compared to the estimated project cost, it is doubtful that the Federal government will financially participate in the CVFPP;

2. The modified State Systemwide Improvement Approach (SSIA) should be evaluated within the CVFPP, as opposed to only being mentioned in the Draft Environmental Impact Report (DEIR);

3. The proposal to widen the Sutter Bypass, introduce vegetation, and reduce water velocity would result in increased sedimentation within the bypass. This would increase Operations and Maintenance costs, which would be contrary to the stated goals of the CVFPP;

4. One of the supporting goals of the CVFPP is to promote multi-benefit projects. In apparent conflict with this supporting goal, none of the alternatives considered by the CVFPP include provisions for new storage capacity within the system, nor do any of the alternatives have a positive effect on water supply. The Cherokee, Sutter, and Yolo bypasses are located within the bottom of drainage basins and are generally within areas having shallow groundwater elevations and tight (clayey) soils. Temporary retention of peak flows would result in very limited beneficial effects on groundwater aquifers in these areas;

5. The draft CVFPP proposes to take tens of thousands of prime agricultural lands out of production. Sutter County feels that preserving agricultural land is equally important as other objectives of the Plan;

6. The draft CVFPP, which has no detailed hydraulic, hydrologic, or geologic studies completed, will be used to guide State, Federal, and local actions for improving flood management. Sutter County is concerned that the State may attempt to use the CVFPP to determine if local repair-in-place projects are no-regrets projects. If the draft CVFPP is used as such, it could unnecessarily delay local projects such as the Sutter-Butte Flood Control Agency's - West Feather River Project or the ongoing Sacramento Area Flood Control Agency's – Natomas Levee Improvement Project;

7. Local governments cannot afford a $1.3 billion price tag for projects, nor would local residents be willing to assess themselves as sole beneficiaries for a project that has statewide environmental and water delivery benefits. Many of the small, rural communities are economically challenged communities, and in many areas have already assessed themselves to the capacity of their electorate for existing flood protection projects;

8. The draft plan proposes to create up to 40,000 acres of new "flood system lands" by expanding the bypasses, creating new bypasses, and constructing setback levees. The draft plan also proposes to purchase easements on additional acres of land, and would dedicate 25% of the new lands located between the levees to habitat restoration. Additionally, the CVFPP proposes to widen and lower the weirs diverting flows to the Sutter Bypass, plus divert additional flows via the new Feather River Bypass. This would increase the frequency and duration of inundation within the Bypass and effectively eliminate any agricultural use of

lands within the Sutter Bypass. This unprecedented take of private property would have a devastating effect on agricultural communities and Sutter County as a whole:

- Tens of thousands of acres of prime farmland would be taken out of production;
- A significant number of jobs associated with agricultural activities on those lands taken out of production would be lost;
- A significant portion of the County's tax base would be eliminated;
- The State Drain, three State pumping plants associated with internal drainage, and potentially additional Levee District One pumping plants would have to be relocated to accommodate the proposed Bypass expansion and setback levees.

Instead of using expansion of the bypass system as a starting point, the CVFPP should first focus on maximizing and enhancing the existing bypass system; if further study shows a need for expansion, then that expansion should begin at the downstream portion of the system and should be directed by local input.

9. The proposal to widen and lower the weirs diverting flows to the Sutter Bypass and the diversion of additional flows via the new Feather River Bypass appear to transfer flood risk from the Live Oak/Yuba City areas to the Meridian and Robbins Basins;

10. The CVFPP contains numerous references to future land use and floodplain management, "Conservation Planning", "Corridor Management Plans", "Habitat Conservation Plans", regional flood management plans, a "Flood Corridor Program", and "Regional Advanced Mitigation Planning". These plans would dictate management, restoration, and maintenance activities for flood control facilities, floodplains, and agricultural lands. Sutter County is very concerned that the State is using the CVFPP as a means of usurping local land use authority. The State's ability to dictate agricultural activities may also constitute an inverse condemnation of private agricultural properties. This concern is elevated by language contained within Attachment 2, "Conservation Framework", which identifies access roads, drainage ditches, groundwater pumps, surface water supply canals, and other agricultural infrastructure as potentially useful for improving environmental benefits;

11. Attachment 9A states that the RAMP work group is working on a pilot project that will include preparation of the first Regional Assessment (planned completion Spring 2012) to identify advance mitigation sites. The pilot study area encompasses approximately 70% of Sutter County, yet Sutter County was unaware of this pilot project and

12. The draft plan, which has no detailed hydraulic, hydrologic, or geologic studies completed, identifies specific lands that are being considered for future setback levees, bypass expansions, or new bypasses. By doing so, the State has placed a cloud over these lands, such that the property values have been decreased and the ability of the property owners to sell these lands or enter into long-term leases has been drastically affected. This constitutes a "take", and is tantamount to an inverse condemnation of these lands. Absent the final studies and calculated benefits to the flood protection system, these references to specific levee setback locations should be deleted from the CVFPP.

13. The CVFPP should commit to working with the local stakeholders and implementation of the projects should be locally driven.

14. The CVFPP should include a robust Rural Levee Program that includes adequate funding and specifies a rural levee standard. This Rural Levee Program should encompass the State's commitment to encourage reform of the National Flood Insurance Program's floodplain regulations for agricultural basins. Furthermore, the CVFPP should also include a commitment to provide funding from Proposition 1E for this rural levee program.

15. Attachment 8J, Appendix D identifies specific projects intended to protect small communities. The project to protect the community of Robbins leaves both community wells and the water treatment plant outside the proposed ring levee. Furthermore, neglecting the cost of constructing an internal drainage and pumping system to remove runoff from behind (inside) the ring levees results in the estimated project costs being severely understated.

Comments on Central Valley Flood Protection Plan – Draft Environmental Impact Report Submitted by: County of Sutter

Issue #1:

(AG-1 NTMA & LTMA): Conversion of Substantial amounts of important farmland to nonagricultural uses and conversion of land under Williamson Act Contracts to an inconsistent use.

- The CVFPP proposes to create up to 40,000 acres of new "flood system lands" by expanding the bypasses, creating new bypasses, and constructing setback levees. There would be a significant loss of agricultural lands associated with the new or enlarged levees.
- There would be an even more significant loss of agricultural lands associated with the dedication of 25% of the new lands located between the levees to habitat restoration.
- The widening and lowering of the weirs diverting flow to the Sutter Bypass would result in earlier and longer duration flooding of the bypass lands, making the continued use of those bypass lands for rice production infeasible.
- The widening and lowering of the weirs diverting flow to the Sutter Bypass would result in earlier and longer duration flooding of the bypass lands, resulting in slower water velocities and greater deposition of sediment. This increase in deposition would have a negative impact on agricultural activities within the Bypass.
- The widening and lowering of the weirs diverting flow to the Sutter Bypass would make travel across the Sutter Bypass more difficult and time – consuming, thus creating a discontinuity for farmers accessing land holdings on opposite banks of the Bypass.
- The creation of a new Feather River Bypass would eliminate thousands of acres of agricultural lands for no apparent hydraulic benefit.
- The "adaptive management" associated with Habitat Conservation Plans and Corridor Management Plans are identified as affecting drainage canals, irrigation canals, wells, access roads and other agricultural facilities/operations. The management of these lands for habitat purposes would undoubtedly interfere with agricultural activities, eventually making agriculture infeasible within the plan areas.

Issue #2:

(AG-3 NTMA & LTMA): Effects of other NTMAs & LTMAs on important farmland and Williamson Act contract land.

- The "adaptive management" associated with Habitat Conservation Plans and Corridor Management Plans are identified as affecting drainage canals, irrigation canals, wells, access roads and other agricultural facilities/operations. The management of these lands for habitat purposes would undoubtedly interfere with agricultural activities, eventually making agriculture infeasible within the plan areas.

Issue #3:

(BIO-A-1 NTMA & LTMA): Potential effects on Special Status Fish - During Construction or Operations and Maintenance Activities.

- The CVFPP proposes to create up to 40,000 acres of new "flood system lands" by expanding the bypasses, creating new bypasses, and constructing setback levees. The CVFPP additionally proposes widening and lowering of the weirs diverting flow to the Sutter Bypass, which would result in earlier and longer duration flooding of the bypass lands. Combined, the CVFPP proposals would eliminate thousands of acres of existing rice land, which is prime Giant Garter Snake Habitat. The CVFPP would also result in decreased flows in the Sacramento and Feather Rivers, as a significant amount of flows would be diverted to the new Feather River Bypass and the Sutter Bypass. The impact upon special status fish due to the decreased flows in the Sacramento and Feather Rivers and the corresponding new flows in the Feather and Sutter Bypasses is not addressed in the EIR. There may be an increased potential for fish stranding and/or impacts to fish passage due to the lower flows.
- Expanding the bypasses and constructing setback levees would likely eliminate lands currently under conservation easements, which could have an impact on special status fish or other species of concern.

Issue #4:

(BIO-T-1 NTMA & LTMA): Construction-related effects on Sensitive Natural Communities and Habitats.

- The CVFPP proposes to create up to 40,000 acres of new "flood system lands" by expanding the bypasses, creating new bypasses, and constructing setback levees. The CVFPP also proposes widening and lowering of the weirs diverting flow to the Sutter Bypass, which would result in earlier and longer duration flooding of the bypass lands. Combined, the CVFPP proposals would eliminate thousands of acres of existing rice land, which is prime Giant Garter Snake Habitat.
- Sutter County is several years into preparation of an NCCP/HCP affecting Sutter and Yuba Counties, the Cities of Live Oak, Yuba City, and Wheatland. The plans proposed under the CVFPP appear to conflict with this NCCP/HCP.

Issue #5:

(GRW-5 LTMA): Degradation of water quality or adverse rise in groundwater elevation as a result of groundwater banking.

- Many portions of Sutter County currently experience high groundwater. Widened or new bypasses may exacerbate existing problems with shallow groundwater aquifers invading root zones. This may preclude the raising of many types of crops (especially orchards) and potentially damage existing infrastructure.

Issue #6:

(HYD-1 NTMA & LTMA): Increased erosion and siltation from modifying the flood conveyance system.

- The proposal to widen the Sutter Bypass, widen and lower the weirs diverting flow to the Sutter Bypass, increase vegetation within the Sutter Bypass, and diverting new flows from the Feather River to the Sutter Bypass will cumulatively result in a significantly increased amount of siltation deposited within the Sutter Bypass. This will result in a need for routine dredging/silt removal, with the associated impacts on cost and on habitat.

Issue #7:

(HYD-4 NTMA & LTMA): Modification of the flood conveyance system in a way that would redirect flood flows and increase flood risk or exposure of people or structures to a risk of loss, injury, or death involving flooding.

- The proposal to create a new Feather River Bypass will redirect flows from the Feather River westward to the Butte Sink. These flows will expose the populations of Biggs, Gridley, Live Oak, and Yuba City to an increased risk of loss, injury, or death due to the presence of 15 miles of new levees.
- The proposal to redirect flood flows to the Sutter Bypass will increase flood risk to the communities of Meridian and Robbins by adding additional stresses to the west levee of the Sutter Bypass.

Issue #8:

(LU-5 NTMA & LTMA): Alterations of land uses or patterns of land use as a result of conveyance-related management activities that could cause a substantial adverse physical environmental effect.

- The CVFPP proposes to expand flood system lands by up to 40,000 acres, which would have a devastating effect on local agriculture.
    - More frequent and longer duration flooding of the Sutter Bypass would prohibit continued rice production (or virtually any other form of agriculture) within the Sutter Bypass.
    - Elimination of rice production would have a devastating effect on the Giant Garter Snake.
- What governing body will have land use control authority? The CVFPP appears to usurp local land use authority.

Issue #9:

(LU-7 NTMA & LTMA): Alterations of land uses or patterns of land use as a result of policies related to the required level of flood protection that would cause a substantial adverse physical environmental effect.

- Establishment of "adaptive management" conservation practices on agricultural lands and facilities adjacent to levees would, at a minimum, make agriculture less profitable, and potentially make agriculture infeasible. Reference Attachment 2, Conservation Framework, which discusses how floodway management will include management of agricultural access roads, drainage ditches, groundwater pumps and surface supply canals. This could affect lands well beyond the 40,000 acres of expanded flood system lands.

Issue #10:

(PEH-3 NTMA & LTMA): Changes in employment, either directly or indirectly, through changes in land use or policy changes.

- The elimination of 40,000 acres of farmland, combined with the establishment of "adaptive management" practices on agricultural land, will have the potential to eliminate a significant number of agriculturally-related jobs, including farm workers, mechanics, agricultural supply houses, heavy equipment operators, and other employees who provide support services.
- The "Flood Corridor" program proposes to eliminate structures from flood-prone areas. Flood prone areas are defined by the State as any area subject to inundation from flooding (no set recurrence interval provided). This would eliminate employment associated with new development throughout most of Sutter County.
- The U.S. Supreme Court has ruled that private property shall not be taken for public use without just compensation. What agency is responsible for properly acquiring these affected lands?
- It is questionable whether a sufficient argument can be made justifying the take of private lands for the purpose of promoting ecosystem functions.
    - The entire reach of a bypass system would need to be widened to recognize substantial flood control benefits. It is unreasonable to assume that every affected property owner would be willing to sell the land required to widen a bypass. If the State cannot acquire all lands necessary to widen an entire bypass length from willing sellers, then there would be virtually no flood control benefits resulting from widening a portion of the bypass.

Issue #11:

(TRN-2 NTMA & LTMA): Removal or temporary disruption of current transportation infrastructure.

- The proposed Feather River Bypass would disrupt and require relocation of State Highway 99, State Highway 162 and numerous County roads;
- The proposed Sutter Bypass expansion would disrupt and require relocation of State Highway 20, State Highway 113 and numerous County roads;

- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of State Highway 99.

Issue #12:

(UTL-1 NTMA & LTMA): Potential disruption of utility service and modification or relocation of utility infrastructure from project construction activities.

- The proposed widening of the Sutter Bypass would require removal and relocation of the State Drain and three State pumping plants associated with internal drainage. These pumping plants are all located adjacent to the east levee of the Sutter Bypass.
- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of other internal drainage pumping facilities, such as those owned and operated by Levee District 1.

Issue #13:

(UTL-2 NTMA & LTMA): Potential disruption of utility service and modification or relocation of utility infrastructure from project operation.

- The proposed widening of the Sutter Bypass would require removal and relocation of the State Drain and three State pumping plants associated with internal drainage. These pumping plants are all located adjacent to the east levee of the Sutter Bypass.
- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of other internal drainage pumping facilities, such as those owned and operated by Levee District 1.
- Changing the height and width of the Sutter Bypass levees and/or the Feather River levees could result in a need for increased pump size for the internal drainage pumps at the State pumping plants along the Sutter Bypass and the levee district pumps along the Feather River. This could also result in higher maintenance and operational costs associated with these internal drainage pumps, especially annual power costs.

Issue #14:

(SWQ-3 NTMA & LTMA): Alteration of floodplain Inundation Patterns that could result in substantial erosion and adversely affect water quality.

- The proposed redirecting of up to 35,000 cfs of additional peak flows to the Sutter Bypass, combined with the more frequent flooding and longer inundation duration, would have the potential to substantially increase wave erosion and adversely affect water quality.

Anderson Bragoli Farms
Marco Bragoli
102 Raley Blvd, Suite 100
Chico Ca 95928

RECEIVED
APR 17 2012

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

Anderson Bragoli Farms
Marco Bragoli
102 Raley Blvd, Suite 100
Chico Ca 95928

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Name

Duplicate Comment Removed

(Same as Index No. 213)

Sacramento Valley Landowners
ASSOCIATION
P. O. Box 3014
Sacramento, CA 95812
April 16, 2012
916-708-7030

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan & Draft Programmatic Environmental Impact Report

Dear Ms Moricz:

On behalf of the Sacramento Valley Landowners Association (SVLA), I offer the following comments regarding the recently released draft plan for flood control for the Central Valley. SVLA represents the interest of landowners and allied members related to improving flood control facilities, including river bank protection, adequate water supply, and maintaining the agricultural endeavors in Northern California.

SVLA recognizes the importance of a comprehensive system-wide plan for flood protection. We also recognize that there will be limited resources in the future to accomplish the goals set forth in the proposed draft plan. Excessive regulation has made it very difficult to complete projects in a timely manner, thereby driving up the cost of projects.

Also, consideration should be given to the following concerns:

- Working with local interests to improve transparency and public outreach is essential if this plan is to be successful. Integrating local input and drawing on the knowledge of those being impacted by the plan would be especially helpful. There needs to be a more comprehensive public outreach program

- Proposing to impact over 40,000 acres of productive land throughout the implementation of the Plan through bypass expansion and setback levee proposals is problematic in terms of the impact to the local economies in these areas. How will these impacts be mitigated? What would be the benefits compared to the costs?

- It has been the experience of our members that it is very difficult to continue farming adjacent to habitat once it has been established and there are no guarantees that farming in the floodways would be productive in the long term.

- There is no mention in the plan related to additional upstream storage. The goal of providing multi-benefit projects is not met.

- Flood protection benefits are severely reduced if the intent of this plan is a platform for statewide habitat restoration. Promoting an excess of ecosystem functions that are not used as mitigation for flood projects will increase the cost of actual levee improvements needed to protect local communities.

- The Plan should provide a commitment to the rural areas by developing a rural levee program and provide adequate funding. Consideration should be given to protecting facilities (hard points) along the river. An example of where the state has neglected to meet its responsibility in this regard is the flood relief structures and weirs in the area of the M&T Weir Structure where the Big Chico Creek meets the Sacramento River. Taking responsibility and protecting facilities that deliver design flows to the Butte Basin has been ignored by the state. If this Plan is to be successful, there must be confidence from the local communities and affected landowners that the State will in fact meet its obligations.

- Allowing for the continued viability of agriculture is essential. SVLA is a member of the Agricultural Floodplain Management Alliance which was recently established to influence Federal floodplain laws and regulations. The State's commitment to this proposal would be helpful in furthering this issue for the rural areas. The Plan must include a State commitment to also develop a rural levee standard and fund critically deficient rural levee segments, many of which would flood portions of the urban areas.

- Rural areas provide system-wide flood control benefit to the urban areas by serving as de-facto transitory storage for the system in very large flood events. Therefore, rural agricultural areas should receive recognition for its contributions to the system through funding assurances.

If we are to have an adequate level of flood protection in the Sacramento/San Joaquin Valleys, there needs to be a local commitment and local confidence in the State actually providing increased flood protection as a primary focus and not habitat restoration. There is a reason this plan has been endorsed by the environmental groups and not by local jurisdictions, affected landowners and taxpayers.

Thank you for the opportunity to comment on the Draft Central Valley Flood Protection Plan.

Sincerely,

Brendon Flynn
President

SOLANO COUNTY WATER AGENCY

April 11, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

The Solano County Water Agency (SCWA) provides the following comments on the Draft Central Valley Flood Protection Plan (CVFPP) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB).

We understand that the draft CVFPP is a framework for future actions and will require much more discussion with stakeholders as a more detailed implementation and financing plan is developed.

- The draft relies on the traditional USACE Civil Works Program to provide Federal funds implementing the CVFPP. We have concerns this Federal process will not provide adequate funding in a timely manner. We suggest that the CVFPP include a series of tools which could be used to implement the plan, even if the Federal government does not participate in the traditional manner.

- We recommend that the draft CVFPP be amended to explicitly consider local and regional agencies as the primary option for studies and construction of all improvements, including system improvements, unless there isn't a motivated or capable local partner agency/agencies.

- The draft CVFPP includes a recommendation to widen the Yolo Bypass in eastern Solano County. The widening will require additional lands to be incorporated into the Bypass system and additional lands for new levees. This would impact existing agricultural lands. Please note that BDCP and other habitat restoration efforts have targeted lands in the same Cache Slough area in the vicinity of the Yolo Bypass widening. We, along with Solano County, are concerned about the potential significant impacts to agriculture in Solano County. While the plan identifies the potential impacts and discusses programs to mitigate impacts, the plan does not make adequate commitments to these programs and appears to underestimate some of the costs that

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com

SOLANO WATER
WASTE NOT - WANT NOT

would be necessary to meet the objectives of the plan and does not address the broader implications to the local agricultural economy. The lack of specific commitment for rural levees must be addressed in the plan.

- The plan needs to specifically address flood protection for the city of Rio Vista in the context of flood management improvements in the Yolo Bypass and the Sacramento River system. Rio Vista sits at the bottom of the Sacramento Valley system and could be adversely impacted by changes in the flood management system. SCWA previously submitted comments that the Mellin Levee (a Project levee) is not identified on the CVFPP maps. This levee, maintained by SCWA, protects the lands near Rio Vista from high Yolo Bypass flows.

SCWA supports the comments of the California Central Valley Flood Control Association on the draft CVFPP and the draft Programmatic Environmental Impact Report.

If you have any questions, please feel free to contact me at 707 455-1103.

Sincerely,

David Okita
General Manager

File: F-90

City of Biggs

465 C Street
P.O. Box 307
Biggs, California 95917
Telephone (530) 868-5493

April 17, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Re: Comments on the Draft Central Valley Flood Protection Plan & Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

I am writing on behalf of the City Council of Biggs, which at its public meeting April 16th considered the local and regional impacts of the draft Central Valley Flood Protection Plan. We are in agreement with Sutter Butte Flood Control Agency's comment letter to your office dated 4/13/12, and wish to add an additional important comment from our perspective:

State regulatory agencies must begin to acknowledge and address the issue of piling on of regulations and plans on local communities, apparently without coordination or communication amongst themselves in Sacramento.

- To allow multiple State agencies to continue to attempt to enforce the Clean Water Act and FEMA flood control objectives is duplicative, cost inefficient, and counter-productive.
- The effect on local governments and economies is unnecessarily burdensome at best, more often outright onerous and untenable.
- In this case, one State agency is assisting us in strengthening our levees while another is planning to divert water away from the waterways that the levees contain – both efforts paid for by overburdened taxpayers.
- State plans would be better received by rural communities, and more effective in the accomplishment of their goals, if they were vetted between State agencies before being independently pushed upon and piled upon the rural communities.

Please contact me with any questions about this comment letter.

Sincerely,

Roger L. Frith
Mayor

cc: SBFCA Board of Directors, Assemblyman Dan Logue

Fritz Durst
1769 Woodside Drive
Woodland, CA 95695

April 16, 2012

Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

To the members of the Board of the Central Valley Flood Protection Board:

I would like to thank you for the opportunity to express my concerns regarding the Central Valley Flood Protection Plan (CVFPP).

My first issue is that of the Flood Protection Plan and the EIR documents. I would be interested to know if any of the Board members have read both of the documents entirely. Or even one of the documents in its entirety? There is an inherent distrust of over 7500 pages that affect the well being and livelihoods of those of us in Yolo, Colusa and Sutter counties. This is the Health Care Bill on Steroids.

I believe that the planners have been deaf to issues concerning Agriculture. The plan is specific to increased flood control and funding for urban areas, but lacks any detail or suggestions for funding for rural improvements. It also has specific actions to mitigate negative impacts of wildlife improvements on urban areas, such as mosquitoes and wild life near to the airports. However, there are NO mechanisms for the mitigation of wildlife impacts on Agriculture.

I very much oppose the establishment of habitat within flood channels and corridors. Habitat impedes the flows of flood waters and should be established OUTSIDE of our bypasses. Farming of our bypasses is an effective method of keeping our channels open.

I currently oppose the enlargement of the Cherokee Canal. The Sutter Bypass above the confluence of the Feather River has no extra capacity to handle the additional flows from the Feather River. 1997 was a disastrous year for the Meridian Area and those of us along the Sacramento River, south of Colusa saw the River reach the "Danger" stage.

I suggest that the Central Valley Flood Protection Board goes back to the Legislature and ask for a one year extension on the date to submit a plan.

Sincerely,

FRITZ DURST

Fritz Durst

PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Ken Grehm, Executive Director
Brian Keating, District Manager
Andrew Darrow, Development Coordinator

April 20, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
Attention: Ms. Nancy Moricz

Also sent via e-mail to attention:
DPEIRcomments@water.ca.gov

Subject: Comments to DWR's Draft Central Valley Flood Protection Plan (CVFPP), Draft Program Environmental Impact Report (DPEIR) (SCH # 2010102044) and Public Draft Urban level of Flood Protection Criteria (ULFPC)

Dear Ms. Moricz:

The Placer County Flood Control and Water Conservation District (District) appreciates the opportunity to review and provide comment on the Department of Water Resources, CVFPP, DPEIR, and ULFPC documents. Collectively, our District's member agencies consist of six cities and townships (the Cities of Roseville, Rocklin, Lincoln, Auburn, Colfax and the Township of Loomis) as well as the County of Placer. Please consider the following set of comments:

1. The District, and its member agencies, respectfully request a 30 day extension to the current comment periods for the various plans associated with the Central Valley Flood Management Program (i.e., the Draft CVFPP, the associated DPEIR and the ULFPC). In most cases, appropriate staff within our member agencies have not received adequate notice of the availability and review of these plans and it is suggested that improved outreach to affected local agencies occur.

2. Please note that there are no urban or urbanizing areas within Placer County protected by State Plan of Flood Control (SPFC) facilities. Additionally, within Figure 2-2 of the Draft CVFPP entitled "Urban Areas and Small Communities Included in Protect High Risk Communities Approach", no portions of Placer County are included. Page 2-7 of the Draft CVFPP states that urban areas would achieve protection from a 200-year flood event "accomplished via structural repairs, reconstruction, or improvements to about 160 miles of urban SPFC levees". The District requests that DWR confirm that new urban levels of flood protection are intended to apply to urban and urbanizing areas of Placer County and if so, please provide the State's rationale for doing so.

3. Please provide any available data of the hydraulic benefits DWR anticipates will be realized downstream within the State's Central Valley Planning Area corresponding with the change from the current 100-year level of flood protection to the new urban level of flood protection, if implemented within western portions of Placer County. The hydraulic benefits would appear to be insignificant but should be verified and provided to local agencies. This is particularly true within the Placer County watersheds that drain to the Natomas Cross Canal since known backwater effects from high stages on the Sacramento River travel far upstream through Sutter County to within close proximity of the Placer County line. These backwater effects will continue to exist even with full implementation of the recommended actions in the CVFPP and would not appear to be affected by future implementation of the new urban level of flood protection within Placer County.

4. Please clarify whether DWR assumes the 200-year floodplain mapping limit and accompanying hydrologic studies are to be produced by local agencies or private developers, or whether DWR intends to produce this mapping itself prior to required adoption of the CVFPP standards by local agencies. If local agencies are required to produce this mapping, what source of funding is anticipated to be utilized and does DWR consider this a feasible requirement? This is a potentially significant impact to local agencies that should be analyzed.

5. The District requests clarification on whether the new urban level of flood protection standard will apply to proposed modifications or alterations to existing development within or associated with FEMA Special Flood Hazard Areas (SFHA), and specifically how these standards may apply. For instance, will a percentage increase in existing structural square footage or impervious surface area be identified as possible criteria for determining whether the new urban level of flood protection standard may or may not apply to existing structures? Retrofitting existing communities to the urban level of flood protection may not be feasible in Placer County. This is a potentially significant impact that should be analyzed.

6. Please clarify whether future public works or public improvement projects proposed within SFHA's (i.e., bridges, utility facilities, open space improvements, etc.) will be subject to the new urban level of flood protection standards. If so, this is a potentially significant impact that should be analyzed.

7. The District has developed specific watershed wide flood control plans within Placer County that contain recommendations for mitigating the impacts of increasing runoff from new development. The mitigation recommendations within our plans are specific to the particular types of foothill watersheds and hydrologic concerns that exist in Placer County and have been implemented to fully address our impacts downstream through Sacramento and Sutter Counties. The District is concerned that our local mitigation recommendations and regulations for specific detention, retention and low impact development standards have not been recognized within the CVFPP. Our local standards have the potential to conflict with proposed urban levels of flood protection that are more appropriately suited to downstream communities within and protected by SPFC facilities. Since this conflict represents a potentially significant impact to our member agencies, we ask that it be appropriately analyzed and a mitigation measure included to ensure that

these communities are not held to infeasible regulations nor regulation intended for urban and urbanizing areas in lower watershed areas.

8. It appears that the CVFPB and its staff will be reviewing applications for future permit requests and findings made by local agencies for conformance with new flood protection standards resulting from the adopted Plan. This will place an additional burden on the Board and its staff and we are concerned it could result in lengthy review and approval periods.

9. The District supports proposed actions within the Plan (such as the recommended State Systemwide Investment Approach) which would have the benefit of lowering water surface elevations on the Sacramento River and reducing backwater pressures through the Natomas Cross Canal and further upstream into Sutter County. We feel these actions, if implemented, must consider and appropriately mitigate for impacts to the local agricultural community within the affected areas.

Thank you for the opportunity to review and comment on these important plans and should you have any questions please contact Mr. Brian Keating, District Manager, at 530-745-7592.

Sincerely,

Ken Grehm

Ken Grehm
Executive Director

Cc: File
Member Agency Contacts

3091 County Center Drive, Suite 220 / Auburn, CA 95603 / Tel: 530/745-7510 / Fax: 530/745-3531

Fred A. Freitas
PCA-Butte County Rice Growers Association

April 5, 2012

Central Valley Flood Protection Board
3310 El Camino Ave
Room 151
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for

Fred A. Freitas
PCA-Butte County Rice Growers Association

growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Fred Freitas

Federal Court: Sacramento
Judge: Lawrence KARLTON
case: Yuba River Citizens League
subject: Fish

Index No. 294

Herman Von Borstel
5527 Alicia Ave Apt. E
Olivehurst, CA
95961-7087

RECEIVED
APR 30 2012

25 April 2012

Reclamation Board
1416 9th St
Sacramento CA 95814

Dear Reclamation Board

Please read the attached column from the Sacramento Bee of March 02, 2012 to gain a sense of why I am writing to you.

The Yuba River case at present involves two facilities which were works of the California Debris Commission. The Reclamation Board was created with the same jurisdictional area as the C.D.C. but to maintain levees and drainage channels as designed (and built?) by the C.D.C.

The Reclamation Board could inform Judge KARLTON, that while it has no present jurisdiction over DeGuerra Point and Engelbright Dams, its archives might contain relevant information.

H W Von Borstel

Sacto Bee MAR 02 2012

ENVIRONMENT

Corps told to help fish bypass dams

ORDER WOULD AID SALMON'S RETURN TO YUBA RIVER HABITAT

By Matt Weiser
mweiser@sacbee.com

Federal wildlife officials have ordered the U.S. Army Corps of Engineers to ensure that salmon, steelhead and green sturgeon are able to surmount its two dams on the Yuba River.

The National Marine Fisheries Service, in a biological opinion released late Wednesday, concludes that Daguerre Point and Englebright dams threaten the survival of the fish species. The order does not require dam removal, but that is one potential outcome.

"This is a big step forward for Yuba salmon recovery," said Steve Rothert, California director of American Rivers, a group that has been involved in salmon restoration efforts on the river. "The idea of getting fish past Englebright Dam opens up many possibilities."

The two dams provide no water supply or flood control benefits. Their primary purpose is a historical one: to store erosion and other debris washed downstream by long-ceased gold mining practices.

Englebright Dam, the larger of the two, was built in 1941. It is a sheer wall of concrete, 270 feet high, without fish ladders. It blocks fish access to all three forks of the Yuba River, including hundreds of miles of salmon and steelhead

YUBA | Page B3

Howard BROWN
Nat Marine Fisheries Serv
Sacto River Basin Br.
Sacto

Amer Rivers
Private group

Steve ROTHERT
CA dir

Lawrence KARLTON
Fed Judge
Sacto
South Yuba River citizens League

Index No. 294

Yuba: Water agency expresses concerns over dam removal

FROM PAGE B1

habitat.

Daguerre Point Dam has an old, outdated fish ladder that is inadequate for passing salmon and steelhead, and unable to pass sturgeon.

The new biological opinion comes in response to a lawsuit filed by the South Yuba River Citizens League. The lawsuit challenged an earlier version of the biological opinion that did not order new fish passage improvements.

In a 2010 ruling, Sacramento federal Judge Lawrence Karlton ordered the document revised.

The new version requires the Corps, by March 1, 2014, to start an interim program to move fish around the dams using a "trap and transport" system, likely involving water trucks. A permanent fix is required by Jan. 31, 2020.

Though the fisheries service states in the document that dam removal is the "most preferred approach," it is not required. The final fix would involve permanent trucking of fish, new fish ladders or complete removal of the dams, depending on results of additional research.

"Historically, these fish would have moved up beyond these dams to the cold habitat they prefer," said Howard Brown, Sacramento River basin branch chief at the fisheries service. "Where they are right now, below the dams, it's just a tremendous risk factor and one of the reasons these populations are very low."

The Corps on Thursday asserted that the biological opinion goes too far in questioning the very existence of the dams. It had sought the biological opinion, as required by endangered species law, merely for ongoing operation and maintenance work.

Randy Olsen, chief of operations and readiness in the Corps' Sacramento District office, said his agency's legal mandate at Englebright Dam is limited to operations and maintenance. Getting fish past the dams, he said, will require congressional approval and funding.

"Fish passage is not in our authorization at Englebright. It's not part of the project purposes," Olsen said.

Brown disputed that. He said proper fish passage at the dams is required by numerous federal laws. He asserted that the Corps has made a choice in its operation of the dams not to solve the fish passage problem.

"We think this is within the scope of their mission and what they are able to accomplish," Brown said. "They haven't taken those steps to do it."

The Yuba County Water Agency is concerned that removing Daguerre Point Dam could affect agricultural water diversions that occur behind the dam. If these diversions are eliminated, the agency estimates a $60 million annual hit to the county's economy.

SK

It is also concerned about flooding problems if Englebright Dam is removed. The dam stores about 22 million cubic yards of mining sediment. If not managed carefully, releasing the sediment could fill channels downstream, reducing flood-control capacity.

"Our community deserves to know how much these actions would cost, what social and environmental impacts they would have, and whether California would benefit from them," said Mary Jane Griego, chair of the water agency's board of directors.

Call The Bee's Matt Weiser, (916) 321-1264. Follow him on Twitter @matt_weiser.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
1114 Yuba Street, Suite 218
Marysville, CA 95901
(530) 749-7841
(530) 749-6990 Fax

YUBA COUNTY WATER AGENCY
1220 F Street
Marysville, CA 95901
(530) 741-6278
(530) 741-6541 Fax

April 17, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

The Yuba County Water Agency (YCWA) and the Three Rivers Levee Improvement Authority (TRLIA) have reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and is not a list of projects to be approved now for later implementation.

YCWA and TRLIA greatly appreciate our partnership with DWR as part of the FloodSAFE Program to reduce the risk of flooding in Yuba County. Our collective accomplishments are many and include the following:

- The TRLIA Levee Improvement Program, which will result in RD 784 being the first community in the Central Valley to achieve a 200-year level of protection, and led to the construction of two setback levees that provide regional flood stage reductions stages and the creation of over 2,000 acres of new riparian habitat.

- The Marysville Ring Levee Project, which is a USACE led project to improve the levee system that protects the City of Marysville.

- The Bear River Levee Improvement Project to protect the City of Wheatland.

- Forecasted Coordinated Operations of Oroville and New Bullard's Bar Dams.

Our partnership has led to unprecedented efforts to minimize the risk of flooding that has devastated our region in each of the past major flood events.

The CVFPP builds on our successes, and specifically includes the following elements that are high priorities for our community:

- A rural levee program and proposal to create a rural levee repair standard, which will benefit both RD 10 and RD 817.
- A program to improve the levee systems that protect small communities, such as Wheatland.
- The New Bullard's Bar Outlet Modifications Project.
- Changes to Oroville to increase the ability to manage the releases for extreme flood events.
- Acknowledgment that the National Flood Insurance Program is challenging our agricultural areas and that changes are needed to ensure that our rural economy thrives into the future.
- Forecasted based operations of New Bullards Bar and Oroville Reservoirs.

We are supportive of these elements of the Plan and look forward to working with the CVFPB and DWR, as well as Sutter and Butte Counties during the regional planning process to identify and prioritize those actions that are important to our region.

We are also supportive of the concept of system improvements, such as modifications to the bypass system. However, modifications to the Flood Control System of this scale will have significant adverse effects to the counties, agricultural economies, and property owners that need to be carefully considered and mitigated. We encourage the CVFPB and DWR to partner with local agencies in implementation of the CVFPP to carefully consider these impacts and ensure that the benefits of these actions justify the costs, not only in monetary terms, but also the sacrifice this will require from property owners and potential harm to the agricultural economy.

We appreciate both DWR's and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to actively partnering with you on implementation of the Plan.

Thank you for the opportunity to provide these comments.

THREE RIVERS LEVEE IMPORVEMENT AUTHORITY

Mary Jane Griego, Chair

YUBA COUNTY WATER AGENCY

Mary Jane Griego, Chair

RECLAMATION DISTRICT 2035
45332 County Road 25
Woodland, CA 95776

April 25, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, room 151
Sacramento, California 95821

Dear Ms. Moricz:

Subject: RD 2035, Public Draft Central Valley Flood Protection Plan – Comments

Reclamation District No. 2035 (RD 2035) has reviewed the public draft Central Valley Flood Protection Plan (Plan), which was developed by the California Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB) before July 1, 2012. We understand the transmittal is after the comment closing date but respectfully request your consideration of them as you move forward.

Based upon the explanations provided by representatives of DWR and the CVFPB during the Draft Plan review period, we understand that the system modifications identified in the Plan are not "fixed" by adoption of the Plan. The Plan represents a framework by which DWR will work with local interests to develop regional plans that would provide the basis for identifying projects for implementation.

The Plan highlights significant activities that have a direct impact on RD 2035 including: (1) increasing the capacity of the Yolo Bypass; (2) implementing the Lower Cache Creek Feasibility Study of which the City of Woodland, DWR, and the U. S. Army Corps of Engineers are partners; and (3) addressing the management of sediment and mercury associated with the Cache Creek Settling Basin. Accordingly, we appreciate and support the Plan giving attention to these important resource management issues.

RD 2035 supports the concept of DWR working with local agencies to develop the regional plans. This is critical to the success of the Plan, and we encourage DWR to be thoughtful in how the plan formulation activities are implemented.

We appreciate the efforts of DWR and the CVFPB to engage local agencies and use this opportunity to express RD 2035's interest to be an active participant in implementing the Plan.

Thank you for the opportunity to comment on the draft Plan.

Sincerely,

Robert Thomas
President RD2035

RE
APR 03 2012

State of California, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

*The potential farmland conversion impacts;
*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
*Private property rights;
*Impacts on particular parcels, farming operations, reclamation district areas, etc.
*Impacts on livelihoods and businesses;
*Impacts of property values;
*The potential for eminent domain abuses;
*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
*Assurances associated with potential liabilities under the federal and state endangered species acts;
*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Marianne Fitzgerald

Marianne Fitzgerald
1175 Sagebrush Drive
Corrales, NM 87048
505-897-7108

CITY OF ROSEVILLE CALIFORNIA

Public Works
Administration
311 Vernon Street
Roseville, California 95678-2649

April 20, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
Attention: Ms. Nancy Moricz

Also sent via e-mail to attention:
DPEIRcomments@water.ca.gov

Subject: Comments to DWR's Draft Central Valley Flood Protection Plan (CVFPP) and Draft Program Environmental Impact Report (DPEIR) (SCH # 2010102044)

Dear Ms. Moricz:

On behalf of the City of Roseville, please consider the following comments to the Department of Water Resources, Draft Central Valley Flood Protection Plan (CVFPP) and Draft Program Environmental Impact Report (DPEIR):

1. The City of Roseville concurs with the comments prepared on the CVFPP by the California State Association of Counties (CSAC), Regional Council of Rural Counties (RCRC), and League of California Cities (LCC) and submitted to the Central Valley Flood Protection Board (CVFPB) in their letter dated February 24, 2012. A copy of the CSAC, RCRC, and LCC letter is attached to this letter for reference.

2. The City of Roseville also concurs with the comments prepared on the CVFPP, DPEIR, and the Public Draft Urban Level of Flood Protection Criteria (ULFPC) by the Placer County Flood Control and Water Conservation District (PCFCWCD) and submitted to the CVFPB in their letter dated April 20, 2012. A copy of the PCFCWCD letter is also attached to this letter for reference.

3. While the CVFPP requires an urban level of flood protection for new development within the Sacramento-San Joaquin Valley, including the City of Roseville, the Department of Water Resources has not produced 200-year event hydrographs, water surface profiles, or floodplain mapping for review and comment. In addition, we are unaware of any documentation from DWR that provides a methodology for developing 200-year event hydrographs water surface profiles, and floodplain mapping that would be viewed as acceptable to DWR.

   Without clearly identifying the areas within our community subject to the CVFPP's regulation before they are mapped, it is impossible to provide accurate comments regarding the CVFPP's impacts to our community. Please consider development and adoption of an acceptable methodology, subject to input from communities within the Sacramento-San Joaquin Valley, for developing 200-year event hydrographs water surface profiles, and floodplain mapping before moving forward with implementing the regulations described within the CVFPP.

4. The CVFPP has not provided any direction regarding the timeline for implementation of the Plan, except for the time limits on local agencies to amend our local general plan and zoning ordinances. The CVFPP should also contain provisions for implementing the Plan and conducting CEQA review on an interim basis, before the City's general plan and zoning ordinances are required to be amended.

5. The City is also concerned with the implementation of the urban level of flood protection within areas that are not protected by levees, and whether the requirements to provide a 200-year level of flood protection of SB5 applies to areas not protected by levees.

6. To assist with the implementation of the urban level of flood protection and the requirements for our community to comply with the CVFPP, the Plan should address grant funding opportunities made available to the cities located within the Sacramento-San Joaquin Valley for these efforts.

Thank you for the opportunity to review and provide comments for the CVFPP and DPEIR. If you should have any questions, please contact me at (916) 746-1300.

Sincerely,

Rhon Herndon
Acting Public Works Director/City Engineer

cc: Placer County Flood Control and Water Conservation District and member agencies
California State Association of Counties
Regional Council of Rural Counties
League of California Cities

CALIFORNIA STATE ASSOCIATION OF COUNTIES
1100 K Street, Suite 101
Sacramento, CA 95814
916/327-7500

REGIONAL COUNCIL OF RURAL COUNTIES
1215 K Street, Suite 1650
Sacramento, CA 95814
916/447-4806

LEAGUE OF CALIFORNIA CITIES
1400 K Street
Sacramento, CA 95814
916/658-8200

February 24, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
ATTN: Ms. Nancy Moricz
Transmitted via email to: cvfppcom@water.ca.gov

RE: Comments on the Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC) and the League of California Cities (LCC), we appreciate the opportunity to comment on the Central Valley Flood Protection Plan (CVFPP). Collectively, our organizations represent all of California's 483 cities and 58 counties. As representatives of local governments, our organizations are committed to creating healthy, safe and sustainable communities. We request that the following comments be taken under consideration when considering any changes to the CVFPP.

Compliance with SB5 by Central Valley Cities and Counties

Preparation of the CVFPP was a requirement of the SB5 suite of legislation, but the CVFPP lacks an articulate discussion/explanation on how it will facilitate compliance by cities and counties within its mandated time frames. The CVFPP indicates that implementation of the State System-wide Investment Approach (SSIA) will extend well beyond the 2015 deadline required by SB5 for cities and counties to begin implementation of the Plan. However, it does not discuss how cities and counties are to comply with the Plan in the interim, nor the ramifications and impacts on Central Valley communities if they are unable to do so.

For cities and counties to comply with the SB5 provisions regarding 200-Year flood protection findings for new development, they must have access to 200-Year hydrologic, hydraulic and floodplain data well in advance of the mandated timelines. Local agencies expected the CVFPP to provide much if not all of that data. However, the CVFPP does not provide this data. We had expected that CVFPP would have contained, as a minimum, the elements listed below:

- 200-yr. without-project and with-project design hydrographs and water surface profiles along all leveed rivers and streams (both "project" and "non-project" systems);
- 200-yr. without-project and with-project floodplain maps;
- Detailed identification of the Preferred Plan for System-wide Improvements to include major flood protection facilities such as reservoirs, bypasses, and main stem levees which will provide urban and urbanizing areas 200-Year flood protection by 2025.
- A detailed implementation Plan for the System-wide Improvements and local flood protection improvements, including a funding plan which identifies federal, state and local funding allocations, and any "gaps" between estimated costs and available funding sources.

The Board should require that the CVFPP be amended to address these issues.

Reliance on Completion of Major "System Improvements"
Providing 200-year protection for many of the central valley communities will depend on the completion of major "System Improvements" (as identified in the CVFPP) that are under control of the State and/or Federal governments and will likely not be completed for several years following the 2015 mandate of SB 5. These improvements include dam modifications, bypasses, and main stem levees. Cities and counties should not be penalized, nor should they be required to expend limited public funds to construct potential "throw away" improvements to provide 200-year protection in the interim. The Plan should address how cities and counties can comply with the Plan given that many of these major system improvements will not be completed by 2015.

Availability of Funding for Cities and Counties to Comply with SB5
To facilitate local agencies' ability to move forward with the planning efforts to comply with SB 5, grant programs should be created for cities and counties to develop 200-year floodplain maps and improvements. The Plan should specifically address what, if any, grant funding will be made available for these efforts. It should also address how cities and counties are to fund these efforts in the absence of such funding, and the ramifications if they are unable to do so.

Implementation of New Levee Design Standards and Findings Procedures
As required by SB5, the Department of Water Resources has been developing new levee design standards and findings procedures for implementation of the law by cities and counties. City and county officials have been involved in the development of these documents through participation in work groups, workshops and teleconferences. Although these documents are still being developed, several of our members have expressed concerns that many of the requirements contained in these may not be implementable given time and funding constraints. One issue of particular concern is the requirement that the 200-year protection requirement of SB5 apply to interior drainage areas (i.e. areas not protected by levees). The Board should evaluate whether the requirements contained in these documents are, from a practical perspective, implementable by cities and counties. And, in cases where it is a matter of an interpretation of the statute as to whether these requirements should even apply, the Board should evaluate these specific issues as well.

Thank you for your consideration. Should you have any questions regarding our comments please contact Karen Keene at 916-327-7500 ext. 511, Kathy Mannion at 916 447-4806, or Kyra Ross at 916-658-8200.

Sincerely,

Karen Keene

Karen Keene
CSAC Senior Legislative Representative

Kathy Mannion

Kathy Mannion
RCRC Legislative Advocate

Kyra Emanuels Ross

Kyra Ross
LCC Legislative Representative

PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Ken Grehm, Executive Director
Brian Keating, District Manager
Andrew Darrow, Development Coordinator

April 20, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
Attention: Ms. Nancy Moricz

Also sent via e-mail to attention:
DPEIRcomments@water.ca.gov

Subject: Comments to DWR's Draft Central Valley Flood Protection Plan (CVFPP), Draft Program Environmental Impact Report (DPEIR) (SCH # 2010102044) and Public Draft Urban level of Flood Protection Criteria (ULFPC)

Dear Ms. Moricz:

The Placer County Flood Control and Water Conservation District (District) appreciates the opportunity to review and provide comment on the Department of Water Resources, CVFPP, DPEIR, and ULFPC documents. Collectively, our District's member agencies consist of six cities and townships (the Cities of Roseville, Rocklin, Lincoln, Auburn, Colfax and the Township of Loomis) as well as the County of Placer. Please consider the following set of comments:

1. The District, and its member agencies, respectfully request a 30 day extension to the current comment periods for the various plans associated with the Central Valley Flood Management Program (i.e., the Draft CVFPP, the associated DPEIR and the ULFPC). In most cases, appropriate staff within our member agencies have not received adequate notice of the availability and review of these plans and it is suggested that improved outreach to affected local agencies occur.

2. Please note that there are no urban or urbanizing areas within Placer County protected by State Plan of Flood Control (SPFC) facilities. Additionally, within Figure 2-2 of the Draft CVFPP entitled "Urban Areas and Small Communities Included in Protect High Risk Communities Approach", no portions of Placer County are included. Page 2-7 of the Draft CVFPP states that urban areas would achieve protection from a 200-year flood event "accomplished via structural repairs, reconstruction, or improvements to about 160 miles of urban SPFC levees". The District requests that DWR confirm that new urban levels of flood protection are intended to apply to urban and urbanizing areas of Placer County and if so, please provide the State's rationale for doing so.

3. Please provide any available data of the hydraulic benefits DWR anticipates will be realized downstream within the State's Central Valley Planning Area corresponding with the change from the current 100-year level of flood protection to the new urban level of flood protection, if implemented within western portions of Placer County. The hydraulic benefits would appear to be insignificant but should be verified and provided to local agencies. This is particularly true within the Placer County watersheds that drain to the Natomas Cross Canal since known backwater effects from high stages on the Sacramento River travel far upstream through Sutter County to within close proximity of the Placer County line. These backwater effects will continue to exist even with full implementation of the recommended actions in the CVFPP and would not appear to be affected by future implementation of the new urban level of flood protection within Placer County.

4. Please clarify whether DWR assumes the 200-year floodplain mapping limit and accompanying hydrologic studies are to be produced by local agencies or private developers, or whether DWR intends to produce this mapping itself prior to required adoption of the CVFPP standards by local agencies. If local agencies are required to produce this mapping, what source of funding is anticipated to be utilized and does DWR consider this a feasible requirement? This is a potentially significant impact to local agencies that should be analyzed.

5. The District requests clarification on whether the new urban level of flood protection standard will apply to proposed modifications or alterations to existing development within or associated with FEMA Special Flood Hazard Areas (SFHA), and specifically how these standards may apply. For instance, will a percentage increase in existing structural square footage or impervious surface area be identified as possible criteria for determining whether the new urban level of flood protection standard may or may not apply to existing structures? Retrofitting existing communities to the urban level of flood protection may not be feasible in Placer County. This is a potentially significant impact that should be analyzed.

6. Please clarify whether future public works or public improvement projects proposed within SFHA's (i.e., bridges, utility facilities, open space improvements, etc.) will be subject to the new urban level of flood protection standards. If so, this is a potentially significant impact that should be analyzed.

7. The District has developed specific watershed wide flood control plans within Placer County that contain recommendations for mitigating the impacts of increasing runoff from new development. The mitigation recommendations within our plans are specific to the particular types of foothill watersheds and hydrologic concerns that exist in Placer County and have been implemented to fully address our impacts downstream through Sacramento and Sutter Counties. The District is concerned that our local mitigation recommendations and regulations for specific detention, retention and low impact development standards have not been recognized within the CVFPP. Our local standards have the potential to conflict with proposed urban levels of flood protection that are more appropriately suited to downstream communities within and protected by SPFC facilities. Since this conflict represents a potentially significant impact to our member agencies, we ask that it be appropriately analyzed and a mitigation measure included to ensure that

these communities are not held to infeasible regulations nor regulation intended for urban and urbanizing areas in lower watershed areas.

8. It appears that the CVFPB and its staff will be reviewing applications for future permit requests and findings made by local agencies for conformance with new flood protection standards resulting from the adopted Plan. This will place an additional burden on the Board and its staff and we are concerned it could result in lengthy review and approval periods.

9. The District supports proposed actions within the Plan (such as the recommended State Systemwide Investment Approach) which would have the benefit of lowering water surface elevations on the Sacramento River and reducing backwater pressures through the Natomas Cross Canal and further upstream into Sutter County. We feel these actions, if implemented, must consider and appropriately mitigate for impacts to the local agricultural community within the affected areas.

Thank you for the opportunity to review and comment on these important plans and should you have any questions please contact Mr. Brian Keating, District Manager, at 530-745-7592.

Sincerely,

Ken Grehm

Ken Grehm
Executive Director

Cc: File
Member Agency Contacts

3091 County Center Drive, Suite 220 / Auburn, CA 95603 / Tel: 530/745-7510 / Fax: 530/745-3531

City of Gridley

685 Kentucky Street

Gridley, CA 95948

April 26, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

I cannot imagine the huge undertaking your agency has gone through to get this document to this point. Looking at the list of stakeholders, this task looks overwhelming and you and your staff are to be commended for the level of effort and outreach that clearly has gone into this project at point.

The City Council did meet on April 16, 2012 to discuss this matter and wanted to voice our support for the Sutter Butte Flood Control Agency letter dated April 13, 2012 that was sent to your board (attached).

The City is part of the Sutter Butte Flood Control Agency (SBFCA) and has worked with this agency to ensure the levees in this area are properly evaluated to ensure the needed improvements are identified and repairs are planned for. We have also assisted with the public outreach effort to ensure our citizens were provided with the specifics of the plans as it relates to this area and how important the assessments were to funding these repairs to the levees, and were pleased to see the assessment passed when put to a vote.

We are concerned with the Cherokee Canal Bypass as a potential project. It may be that this project is needed and should be planned for, but we hope it does not slow up or impede the levee projects studied and planned for by SBFCA. We are concerned that it has not gone through the same rigorous process that the current planned improvements have had to go through. We believe the existing projects need to be constructed and that the Cherokee Canal Bypass should continue to be studied and if warranted, be a separate project to be funded and constructed at a later date.

I understand your agency wanted comment to be received by April 20th and would hope this simple letter could still find its way into the record.

Very truly yours,

Jerry Fichter, Mayor
City of Gridley

Sutter Butte Flood Control Agency
1227 Bridge Street, Suite C
Yuba City, CA 95991
(530) 870-4425
sutterbutteflood.org

Counties
Butte County
Sutter County

Cities
City of Biggs
City of Gridley
City of Live Oak
City of Yuba City

Levee Districts
Levee District 1
Levee District 9

April 13, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Re: Comments on the Draft Central Valley Flood Protection Plan & Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

The Sutter Butte Flood Control Agency (Agency) is a joint powers authority of Butte and Sutter Counties, the Cities of Yuba City, Live Oak, Gridley, and Biggs, and Levee Districts 1 and 9. The Agency is participating in three different efforts which interface with the Central Valley Flood Protection Plan (CVFPP or Plan).

First, the Agency is the lead on the Feather River West Levee Project, an aggressive effort to rehabilitate 37 miles of Feather River levee from the Theramalito Afterbay south to Star Bend. This $270 million project will be funded through the Agency's assessment of more than 34,200 properties, and approximately $200 million in funds to be provided by the California Department of Water Resources (DWR).

An interrelated and equally important effort, still in the development stage, is a project in partnership with DWR to protect the rural, southern portions of the basin to the equivalent of 100-year flood protection. This project will also be funded with the Agency's assessment. The Agency has completed preliminary design studies from Star Bend to the confluence of the Feather River and Sutter Bypass. The Agency is looking forward to the development of a rural levee program by DWR under the CVFPP to obtain funding for work on the rural levees.

The final effort is the Agency's participation in the Sutter Basin Feasibility Study as a non-federal sponsor along with the State. This is a Federal study in which the U.S. Army Corps of Engineers (Corps) evaluates and recommends a project to provide greater levels of flood protection for the basin.

The Agency's Board of Directors voted on April 11 to support adoption of the Plan so that the State of California can partner with the Agency on the completion of its critical projects. In adopting and implementing the Plan, the Agency's Board of Directors believes that the Central Valley Flood Protection Board and DWR must respect and advance the following principles:

1. The Plan must make parallel investments in urban, small community, and rural levees, ensuring that all have an opportunity to "get better together."

2. The Plan must continue to promote the use of significant State funds for investments in urban levees, defined as levees which cumulatively protect more than 10,000 people, including the communities of Yuba City, Live Oak, Biggs, and Gridley. In the case of the Sutter Basin, the Feather River West Levee Project includes the design and construction work required for those Feather River urban levees.

3. In order to respect and protect agriculture, and in recognition of the essential role of agriculture in the Valley and the State, the Plan must include a State commitment to develop a rural levee standard. The State must also commit to promptly create a rural levee grant program which can be used to repair the most critically deficient rural levee segments.

4. The Plan must ensure that flood damage reduction remains the preeminent goal of the Plan with ecosystem restoration as only a supporting goal. This means that as to existing facilities, the State must work to maximize and enhance flood flows through these existing channels and bypasses before pursuing additional or expanded bypasses. This also means that funds allocated through the implementation of the Plan must be consistent with this preeminent goal.

5. The Plan must continue the State practice of paying a higher cost-share for economically disadvantaged communities, such as those within the Sutter Basin.

6. The Plan must acknowledge the State's existing legal obligations for the Sutter Bypass levees and channel, as those facilities provide system-wide benefits. The Plan must therefore provide for significant State investment in those facilities.

7. The Plan must include a State commitment to work with the Agricultural Floodplain Management Alliance (of which SBFCA is a member) to influence Federal floodplain laws and regulations to allow for the continued vitality of agriculture in a FEMA floodplain.

8. The Plan should pursue alternatives to the Corps for Federal participation in funding for flood management projects.

9. The Plan should be responsive and respectful of the tremendous financial commitment made by the Agency's assessment district and the commensurate public support for the SBFCA FRWLP as envisioned prior to issuance of the Plan.

10. The Plan must be built on trust. Trust is built by including a prominent role for local agencies, such as SBFCA, to participate in regional workgroups to develop and influence which projects should be pursued for the region; DWR should fund the activities of these workgroups. DWR must also ensure prompt adoption of new guidelines to fund construction (both urban and rural) for projects to be implemented under the Plan, and must respect the bottom-up process for the development and selection of these projects.

11. Agriculture can provide significant habitat value while still remaining an economically productive use of land and as such is a preferred use of setback and bypass areas.

12. While SBFCA understands the State's desire to add capacity to the State's bypass system, SBFCA has significant concerns regarding the proposed Feather River Bypass (via an expanded Cherokee Canal) because of potential hydraulic, economic, agricultural and environmental impacts. Therefore, before any funds are invested in pursuit of such a project, SBFCA believes that extensive study is needed to justify the benefits of a Feather River Bypass in light of what appear to be massive costs. As a related concept, the Plan should direct DWR to evaluate whether comparable benefits can be attained with changes to the spillway and outlet facilities at Oroville Reservoir (including a raise), such as the DWR's and the CVFPB's implemented plan for Folsom Reservoir. Further, any proposed project must ensure that: (1) impacts to agriculture, businesses, and local tax revenues are fully mitigated; (2) hydraulic and associated risk impacts on the Sutter Bypass levees

are fully considered and mitigated, including corresponding rehabilitation or improvements to the east and west levees of the Sutter Bypass; (3) SBFCA is not subject to, or is compensated for, any environmental mitigation that would result; (4) a bypass project does not delay implementation of, or divert funding from, high priority regional projects such as the Feather River West Levee Project and a rural levee program; and (5) the new facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream in a manner which is greatly improved from current practice. SBFCA has also previously presented DWR with an engineering study which demonstrates the necessity and scope of SBFCA's Feather River West Levee Project whether or not a Cherokee Canal Bypass is constructed.

13. SBFCA understands that the Plan promotes expansion of the Sutter and Yolo Bypasses as a way to provide system-wide benefits. While SBFCA supports the idea of system-wide benefits, before construction of new or widened facilities DWR must ensure that the existing facilities are operated in a manner which maximizes the potential flood protection benefits. This is essential in light of the devastating impact that such expansion can have on local farming operations and the greater local economy. Therefore, any such expansion must ensure that: (1) DWR mitigates any impacts to agriculture, business, and local tax revenues; (2) DWR mitigates hydraulic impacts on adjacent and downstream levees; (3) the projects reflect a minimal local cost-share which is in accord with the State's statutory obligations for those levees; (4) the expanded facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream; (5) the expanded bypass is still available for sustainable and financially viable agriculture; and (6) bypass expansions should be prioritized so that downstream work occurs first to maximize benefits and minimize hydraulic impacts.

14. The State should prioritize its limited present and future revenues toward physical improvements to the system, rather than costly studies and planning processes.

If you have any questions regarding the content of this letter, please contact me or General Counsel Scott Shapiro.

Sincerely,

Michael Inamine
Acting Executive Director
Sutter Butte Flood Control Agency
m.inamine@sutterbutteflood.org

Cc: SBFCA Board of Directors