

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



January 28, 2011

Mr. Tom Howard, Executive Director  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, California 95812-0100

Subject: San Joaquin River Restoration Settlement and Permitting

Dear Mr. Howard:

The Central Valley Flood Protection Board (Board) appreciates your recognition of our flood safety concerns regarding the U. S. Bureau of Reclamation's (Bureau) program to restore the San Joaquin River. The Bureau met with representatives of the Lower San Joaquin Levee District (LSJLD), the U. S. Army Corps of Engineers, the Department of Water Resources, and our Board on October 26, 2010 for consultation as required by Condition 15 of the Bureau's Water Year 2011 Interim Flows Project Water Rights permit issued by your board. A separate meeting was also held on November 2, 2010 with Board Member John Brown, the Board's Executive Officer Jay Punia and me to again discuss our flood concerns.

While we agree with the Bureau's November 26, 2010 letter to your board reporting that no specific compromises to the flood safety features were identified during the two consultation meetings, we are not completely satisfied that in the long term, the restoration project will have no adverse effects to the San Joaquin River and the Eastside and Mariposa Bypasses flood control system. For example, the 2010 and 2011 interim flows projects have already restricted LSJLD's ability to remove vegetation and sediment accumulation in the Eastside Bypass. The financial agreement between the LSJLD and the Bureau to fund the increased maintenance costs is still unexecuted due to the still unresolved indemnification issue. If the long term plan is to continue to use the Eastside Bypass for restoration flows, vegetation growth and sediment accumulation will potentially reduce its channel capacity compromising the flood safety features of our flood system. Maintenance procedures will need to be modified at a higher cost to maintain the proper functioning of the flood control system. In addition, it is imperative that

Mr. Tom Howard  
January 28, 2011  
Page 2

continued or increased restoration flows not interfere with the timing for channel maintenance necessary in preparation for flood flows.

Other issues that continue to be of concern to the Board include the use of the Board's Eastside Bypass easement to convey restoration flows, introduction of endangered species in the flood control system as a result of the restoration flows, water ponding in the Eastside Bypass, and potential impacts to the structural integrity of the levee system due to erosion and seepage caused by the additional flows in the channels.

In summary, the system impacts resulting from the implementation of the long term restoration flows are still unknown since the conveyance of the flows has not yet been completely defined.

Again thank you for your assistance in this very important matter. If you have any questions regarding this letter, please contact me or Jay Punia, the Board's Executive Officer at (916) 574-0609.

Respectfully submitted,

Benjamin F. Carter  
President

cc: Ms. Ali Forsythe  
U. S. Bureau of Reclamation  
2800 Cottage Way, MP 170  
Sacramento, California 95825

Mr. Tom Howard  
January 28, 2011  
Page 3

Mr. Howard Brown, Sacramento Basin Chief  
Sacramento Area Office  
National Marine Fisheries Service  
650 Capitol Mall – Suite 8-300  
Sacramento, California 95814-4706

Ms. Kathy Wood, Assistant Field Supervisor  
U. S. Fish and Wildlife Service  
2800 Cottage Way – W2605  
Sacramento, California 95825-1846

Mr. Stein Buer, Deputy Director  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Mr. John McCamman, Interim Director  
California Department of Fish and Game  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Mr. Reggie Hill, Secretary and Manager  
Lower San Joaquin Levee District  
11704 West Henry Miller Avenue  
Dos Palos, California 93620

**From:** [Butch](#)  
**To:** [Marino, Len;](#)  
**cc:**  
**Subject:** RE: Please review and comment on attached Letter from CVFPB to State Water Resources Board  
**Date:** Tuesday, January 04, 2011 5:28:49 PM  
**Attachments:** [SWRCBHowardSJRRP w FIH Comments.docx](#)

---

Len,

With one minor mod shown in the attached markup, this is ok with me.

Thanks

*Butch Hodgkins*



## DRAFT

Mr. Tom Howard, Executive Director  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, California 95812-0100

Subject: San Joaquin River Restoration Settlement and Permitting

Dear Mr. Howard:

The Central Valley Flood Protection Board appreciates your recognition of our flood safety concerns regarding the U. S. Bureau of Reclamation's (Bureau) program to restore the San Joaquin River. The Bureau met with representatives of the Lower San Joaquin Levee District, the U. S. Army Corps of Engineers, the Department of Water Resources, and our Board on October 26, 2010 for consultation as required by Condition 15 of the Bureau's Water Year 2011 Interim Flows Project Water Rights permit issued by your Board. A separate meeting with Board Member John Brown, Mr. Jay Punia, and me was also held on November 2, 2010 to again discuss our flood concerns.

While we agree with the Bureau's November 26, 2010 letter to your Board reporting that no specific compromises to the flood safety features were identified during the two consultation meetings, we are not completely satisfied that in the long term, the restoration project will have no adverse effects to the San Joaquin River and the Eastside and Mariposa Bypasses flood control system. For example, the 2010 and 2011 interim flows projects have already restricted ~~our~~ Lower San Joaquin Levee District's (LSJLD) ability to remove vegetation and sediment accumulation in the Eastside Bypass. The financial agreement between the LSJLD and the Bureau to fund the increased maintenance costs is still unexecuted due to still unresolved indemnification issue. If the long term plan is to continue to use the Eastside Bypass for restoration flows, vegetation growth and sediment accumulation will potentially reduce its channel capacity

compromising the flood safety features of our flood system. Maintenance procedures will need to be modified at a higher cost to maintain the proper functioning of the flood control system.

Other issues that continue to be of concern to the Board but need not be addressed during the 2011 interim flow include the use of the Board's Eastside Bypass easement to convey restoration flows, water ponding in the Eastside Bypass, and potential impacts to the structural integrity of the levee system due to erosion and seepage caused by the additional flows in the channels.

We are encouraged by the Bureau's cooperation and its willingness to be flexible with its implementation of the interim flow projects to protect the safety features of our flood control system. However, the system impacts resulting from the implementation of the long term restoration flows are still unknown since the conveyance of the flows has not yet been completely defined.

Again thank you for your assistance in this very important matter. If you have any questions regarding this letter, please contact me or Jay Punia, the Board's Executive Officer at (916) 574-0609.

Respectfully submitted,

Benjamin F. Carter  
President

dsf:12/30/2010

cc: Ms. Ali Forsythe  
U. S. Bureau of Reclamation  
2800 Cottage Way, MP 170  
Sacramento, California 95825

Mr. Reggie Hill, Secretary and Manager  
Lower San Joaquin Levee District  
11704 West Henry Miller Avenue  
Dos Palos, California 93620

Mr. John McCamman, Director  
California Department of Fish and Game  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Mr. Howard Brown, Sacramento Basin Chief  
Sacramento Area Office  
National Marine Fisheries Service  
650 Capitol Mall – Suite 8-300  
Sacramento, California 95814-4706

Mr. Stein Buer, Deputy Director  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Ms. Kathy Wood, Assistant Field Supervisor  
U. S. Fish and Wildlife Service  
2800 Cottage Way – W2605

Sacramento, California 95825-1846

DRAFT



**From:** [Butch; Marino, Len;](#)  
**To:** [Butch; Marino, Len;](#)  
**cc:** [Ben Carter \(E-mail\);](#)  
[John Brown;](#)  
**Subject:** Re: Please review and comment on attached Letter from CVFPB to State Water Resources Board  
**Date:** Tuesday, January 04, 2011 11:29:38 PM  
**Attachments:** [SWRCB Tom Howard Letter \(JWB\) 1-4-11.wps](#)

---

Len, Butch, attached are my recommendations show in red....  
John

----- Original Message -----

**From:** [Butch](#)  
**To:** ['Marino, Len'](#) ; [Ben Carter \(E-mail\);](#)  
**Cc:** [John Brown;](#)  
**Sent:** Tuesday, January 04, 2011 5:29 PM  
**Subject:** RE: Please review and comment on attached Letter from CVFPB to State Water Resources Board

Len,

With one minor mod shown in the attached markup, this is ok with me.

Thanks

*Butch Hodgkins*

#

##

#DRAFT

Mr. Tom Howard, Executive Director  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, California 95812-0100

Subject: San Joaquin River Restoration Settlement and Permitting

Dear Mr. Howard:

The Central Valley Flood Protection Board appreciates your recognition of our flood safety concerns regarding the U. S. Bureau of Reclamation's (Bureau) program to restore the San Joaquin River. The Bureau met with representatives of the Lower San Joaquin Levee District, the U. S. Army Corps of Engineers, the Department of Water Resources, and our Board on October 26, 2010 for consultation as required by Condition 15 of the Bureau's Water Year 2011 Interim Flows Project Water Rights permit issued by your Board. A separate meeting with Board Member John Brown, Mr. Jay Punia, and me was also held on November 2, 2010 to again discuss our flood concerns.

While we agree with the Bureau's November 26, 2010 letter to your Board reporting that no specific compromises to the flood safety features were identified during the two consultation meetings, we are not completely satisfied that in the long term, the restoration project will have no adverse effects to the San Joaquin River and the Eastside and Mariposa Bypasses flood control system. For example, the 2010 and 2011 interim flows projects have already restricted Lower San Joaquin Levee District's (LSJLD) ability to remove vegetation and sediment accumulation in the Eastside Bypass. The financial agreement between the LSJLD and the Bureau to fund the increased maintenance costs is still unexecuted due to still unresolved indemnification issue. If the long term plan is

to continue to use the Eastside Bypass for restoration flows, vegetation growth and sediment accumulation will potentially reduce its channel capacity compromising the flood safety features of our flood system. Maintenance procedures will need to be modified at a higher cost to maintain the proper functioning of the flood control system. *In addition, it is imperative that continued or increased restoration flows not interfere with the timing for channel maintenance necessary in preparation for flood flows*

Other issues that continue to be of concern to the Board but need not be addressed during the 2011 interim flow include the use of the Board's Eastside Bypass easement to convey restoration flows, water ponding in the Eastside Bypass, and potential impacts to the structural integrity of the levee system due to erosion and seepage caused by the additional flows in the channels.

~~We are encouraged by the Bureau's cooperation and its willingness to be flexible with its implementation of the interim flow projects to protect the safety features of our flood control system. However,~~ In summary, the system impacts resulting from the implementation of the long term restoration flows are still unknown since the conveyance of the flows has not yet been completely defined.

Again thank you for your assistance in this very important matter. If you have any questions regarding this letter, please contact me or Jay Punia, the Board's Executive Officer at (916) 574-0609.

Respectfully submitted,

Benjamin F. Carter  
President

dsf:12/30/2010

cc: Ms. Ali Forsythe  
U. S. Bureau of Reclamation  
2800 Cottage Way, MP 170  
Sacramento, California 95825

Mr. Reggie Hill, Secretary and Manager  
Lower San Joaquin Levee District  
11704 West Henry Miller Avenue  
Dos Palos, California 93620

Mr. John McCamman, Director  
California Department of Fish and Game  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Mr. Howard Brown, Sacramento Basin Chief  
Sacramento Area Office  
National Marine Fisheries Service  
650 Capitol Mall – Suite 8-300  
Sacramento, California 95814-4706

Mr. Stein Buer, Deputy Director  
Department of Water Resources  
1416 9<sup>th</sup> Street  
Sacramento, California 95814

Ms. Kathy Wood, Assistant Field Supervisor  
U. S. Fish and Wildlife Service  
2800 Cottage Way – W2605  
Sacramento, California 95825-1846



**From:** [Emma Suarez](#)  
**To:** [Marino, Len](#);  
**cc:** [\(E-mail\)](#); [John Brown](#);  
**Subject:** Re: Please review and comment on attached Letter from CVFPB to State Water Resources Board  
**Date:** Wednesday, January 05, 2011 6:59:44 AM

---

Thanks for sharing, and for helping clarify for the record the exact nature of discussions. Just one small suggestion - John M. at F&G is now the Interim Director .... E

---

**From:** <>  
**To:** Butch <>; "Marino, Len" <lmarino@water.ca.gov>  
**Cc:** <>; Ben Carter (E-mail) <>

**Sent:** Tue, January 4, 2011 11:30:02 PM

**Subject:** Re: Please review and comment on attached Letter from CVFPB to State Water Resources Board

Len, Butch, attached are my recommendations show in red....  
John

----- Original Message -----

**From:** [Butch](#)

**To:** ['Marino, Len'](#)

**Cc:** <>

**Sent:** Tuesday, January 04, 2011 5:29 PM

**Subject:** RE: Please review and comment on attached Letter from CVFPB to State Water Resources Board

Len,

With one minor mod shown in the attached markup, this is ok with me.

Thanks

*Butch Hodgkins*

---