



**Sutter Butte Flood Control Agency**

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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  
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Cc: SBFCA Board of Directors