



980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

A California State Agency

August 29, 2014

Chair
Randy Fiorini

Ms. Anne Baker
U.S. Army Corps of Engineers Sacramento District
1325 J Street
Sacramento, CA 95814

Members
Aja Brown
Frank C. Damrell, Jr.
Phil Isenberg
Patrick Johnston
Larry Ruhstaller
Susan Tatayon

RE: Draft General Reevaluation Report for the West Sacramento Project

Executive Officer
Jessica R. Pearson

Dear Ms. Baker:

Thank you for the opportunity to comment on the U.S. Army Corps of Engineers (USACE) West Sacramento Project Draft General Reevaluation Report (GRR). Council staff commends the USACE's efforts in identifying additional federal interest in plans that reduce risk to the City of West Sacramento by proposing 50 miles of levee improvements to existing levees around the city and extending works down along the Sacramento Deep Water Ship Channel.

The Delta Stewardship Council (Council) is a state agency that was created by the California Legislature in 2009 to develop and implement a legally enforceable long-term management plan for the Delta. The Delta Plan, adopted on May 16, 2013, coordinates state and local actions to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California. The coequal goals are to be achieved in a manner that protects and enhances the Delta as an evolving place by reducing flood risk and promoting a healthy economy that includes a mix of agriculture, tourism, recreation, and vital components of state and regional infrastructure. Federal agencies are not subject to the Council's jurisdiction. However, state law specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). Therefore, any state or local agency serving as USACE's local sponsor that determines that a proposed activity done in partnership with USACE is a covered action under the Delta Plan would need to certify consistency with the Delta Plan's regulatory policies. In addition, we encourage the USACE and other federal agencies to use the Delta Plan as a guide for actions in the Delta.

Comments

Based on our review of the Draft GRR for the West Sacramento Project, we recommend the following matters be discussed or included in the Final GRR. The comments provided in this letter are based on the Delta Reform Act and the Delta Plan.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

- **Delta Stewardship Council and Delta Plan.** The Council is the successor of the CALFED Bay-Delta Program. On page 1-22 of the Draft GRR, Subsection 1.5.1.7, we suggest replacing “Delta CALFED Program” with “Delta Stewardship Council and Delta Plan.” Please consider including the following language: “The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council ‘to develop, adopt, and commence implementation of the Delta Plan.’ The Delta Plan is a comprehensive, long-term management plan for the Delta. It creates legally enforceable regulatory policies as well as nonbinding recommendations to further the state’s coequal goals for the Delta: improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta. The Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013. The Plan can be found on the Council’s web site at <http://deltacouncil.ca.gov/>.”
- **Vegetation Policy.** On page 4-3 and page 4-4, the Draft GRR states:
 - The removal of landside trees to comply with the USACE Engineering Technical Letter (ETL) is inconsistent with the approach the State of California has taken in the Central Valley Flood Protection Plan and corresponding Programmatic Environmental Impact Report (PEIR). The USACE is currently working on a process to address the vegetation management strategy adopted by the State for feasibility studies.
 - The USACE intends to have a policy in place prior to the publication of the final West Sacramento Project EIS/EIR.
 - A vegetation variance will be requested for the Sacramento River portion of the project and a Vegetation Variance Request will be sought by the USACE Sacramento District.

We encourage the USACE to consider **Delta Plan Recommendation ER R4**, Exempt Delta Levees from the U.S. Army Corps of Engineers’ Vegetation Policy. This recommendation suggests that the USACE should consider the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees and agree with the California Department of Fish and Wildlife and the California Department of Water Resources on a variance that exempts Delta levees from the USACE’s levee vegetation policy where appropriate.

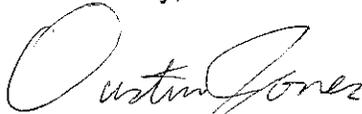
- **Multiple Benefits.** The Draft GRR identifies flood risk management as the only project purpose for both the authorized project and the general reevaluation study. Council staff acknowledges that USACE can play an important role in helping achieve the Delta Plan’s coequal goals of water supply reliability and ecosystem restoration while protecting and enhancing an evolving Delta. However, we are concerned that USACE only identified risk reduction as the single purpose of this project, which has prevented the USACE from simultaneously achieving risk reduction and habitat restoration goals. We encourage

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USACE to adopt a multiple benefits approach to explore and identify additional state-federal joint interests and to carry out projects that will provide significant contribution toward public safety, water supply reliability, ecosystem enhancement and restoration, and economic stability, all of which are vital components to California.

In general, we appreciate USACE's interest to invest in flood safety improvements in the City of West Sacramento and welcome future opportunities to collaborate with your agency to identify, plan, and execute projects in the Delta. Thank you again for the opportunity to provide comments. We look forward to continuing to work with the USACE on this project as well as others. If you have any questions or would like additional information, please feel free to contact me or my staff, You Chen (Tim) Chao at YouChen.Chao@deltacouncil.ca.gov or (916) 445-0143.

Sincerely,

 FOR
CINDY MESSER

Cindy Messer
Deputy Executive Officer
Delta Stewardship Council

cc: Mr. John Powderly, West Sacramento Area Flood Control Agency