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Assembly California Legislature



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March 26, 2015

Mr. Randy Fiorini, Chair
Delta Stewardship Council
980-9th Street, Suite 1500
Sacramento, CA 95814

RE: Delta Levee Investment Criteria – Determination of State Interests

Dear Chairman Fiorini:

As the elected representative of an Assembly District that includes the western Delta, I am proud to serve on the Delta Protection Commission (DPC) as the Ex-Officio Member for the Assembly. In addition, I am chairman of the Assembly Transportation Committee with primary jurisdiction over CA Highway Patrol, vehicles, aircraft, and vessels, chair of the Assembly Outdoor Caucus, and former Mayor of the City of Oakley. In my capacity representing these interests, I encourage the Delta Stewardship Council (DSC) to expand the scope and descriptions of the “State interests” recommended by DSC staff (Item 10, Attachment 2) before adopting as part of the Delta Levee Investment Strategy.

First and foremost, in light of the State’s dwindling sources of bond and federal funding to cover their portion of levee maintenance and improvement costs, the State’s future investments in Delta levees should prioritize maximizing the level of flood risk reduction each project can provide. Achieving the coequal goal of water supply reliability certainly includes investing in levees protecting State and federal water supply project infrastructure and ensuring these projects are able to maintain their obligations to meet the Delta water quality objectives established by the State Water Resources Control Board. However, paying for habitat restoration activities necessary to comply with endangered species permit obligations of the pumping facilities exporting water to beneficiaries outside the Delta is not a flood protection measure, and therefore should not use limited levee funds or be included in Attachment 2. To achieve this coequal goal, the Council should identify alternative funding from direct beneficiaries of water supply habitat projects contained in biological opinions unrelated to flood protection.

Secondly, the State Legislature has already identified flood protection priorities and “State Interests” in the Delta when it approved legislation mandating the development of a Central Valley Flood Protection Plan and creation of the Delta Protection Commission. To implement the Legislative priority for a 200-year level of flood protection in urban and urbanizing

communities protected by the State Plan of Flood Control system, the State's levee investments should fund flood protection projects contributing towards achieving this standard by the 2025 statutory deadline.

When the Legislature created the DPC, the Act also established the boundaries of the legal Delta with an additional internal boundary defining the Primary Zone as the Delta land and water area of primary State concern and statewide significance. The Commission is charged with assuring the resource values of the Primary Zone are not compromised through our implementation of the legislatively mandated Land Use and Resource Management Plan. The State's interests therefore include supporting the Plan's levee policies and the DPC's statutory obligation to preserve and enhance the agricultural, habitat, and recreational values of the Delta for the appreciation of future generations as intended by the Legislature in 1992 when they approved Senator Patrick Johnston's SB 1866.

Additional State interests include existing contractual obligations of the CA Department of Water Resources to maintain water supply and quality in accordance with binding agreements with the East Contra Costa Irrigation District serving the City of Brentwood, Knightson, and portions of the Cities of Oakley and Antioch and the North Delta Water Agency which includes a large portion of the City of West Sacramento and the legacy communities of Clarskburg, Courtland, Walnut Grove, Ryde, Locke, and Isleton. Failure of certain Delta levees would affect the State's ability to comply with these contractual obligations, therefore funding their maintenance and improvement is a State interest. State investment in Delta levees will also be necessary to assure the region can accomplish water quality and supply objectives contained in the multiple local Integrated Regional Water Management Plans (IRWMP) which support goals identified in the State's Water Action Plan (2013), such as the IRWMP developed by water agencies in East Contra Costa County.

Finally, I encourage the Council to not only recognize the importance of highways as State interests, but also the county roads and waterways which provide important transportation routes for emergency response and rescue including: emergency vehicles (fire, police, ambulances, rescue boats), barges to repair levees, evacuation exits in the event of floods, and access for floodfighting crews.

Thank you for considering the inclusion of these expanded definitions of what constitutes a "State interest" in terms of levee investments necessary to reduce the risk of flooding in the Delta.

Sincerely,

A handwritten signature in black ink, appearing to be "Jim Frazier", written over a small circular stamp.

Assemblyman Jim Frazier,
11th Assembly District