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DELTA STEWARDSHIP COUNCIL

A California State Agency

May 4, 2015

U.S. Army Corps of Engineers, Sacramento District
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RE: Draft American River Watershed Common Features General Reevaluation Report

Dear Ms. Baker:

Thank you for the opportunity to comment on Draft American River Watershed Common Features General Reevaluation Report (GRR). As you may be aware, the Delta Stewardship Council (Council) is an independent state agency and the Council's primary mission is to further the achievement of the coequal goals of water supply reliability for California and protecting and restoring the Delta ecosystem while protecting and enhancing the Delta as an evolving place (Water Code section 85054).

The Council has a legally enforceable management framework for the Delta and Suisun Marsh called the Delta Plan. The Delta Plan applies a common sense approach based on the best available science to restore habitat, increase the diversity and efficiency of California's water supplies, enhance floodplains, improve the Delta's levee system, and preserve the Delta's agricultural values. In many cases, the Delta Plan calls for balancing competing needs in the Delta, e.g., protecting habitat while reducing flood risk. In addition, the Delta Reform Act requires the Council to develop an investment strategy for project and non-project levees in the Delta to protect people, property and the State's interests (Water Code sections 85305(a) and 85306).

The Delta Plan contains an interim set of priorities for levee investments in the Delta. These priorities, in combination with the Council's authority to assure that State agencies act consistently with the Delta Plan, ensure that levee spending by the California Department of Water Resources and the Central Valley Flood Protection Board reflects the Delta Plan's priorities. The Council is currently updating this investment strategy to better define the State's interests. The updated strategy will incorporate information on proposed projects based on system-wide risk evaluations such as the one described in this draft document. Since some of the proposed GRR project activities lie within the Delta and play an important role in

"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."

– CA Water Code §85054

maintaining the integrity of the Delta levee system, it is essential that our agencies continue to coordinate closely on these types of efforts.

Comments on the Draft General Reevaluation Report

Comments in this letter are focused primarily on our concerns with the overly narrow definition of federal interest in the project area, uncertainty regarding achieving the urban level of flood protection for the Sacramento Metropolitan area, and mitigation of impacts to biological resources. In a separate letter to the California Central Valley Flood Protection Board (CVFPB) on the companion draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for this draft document, we provide comments specifically on the consistency of this project with the Delta Plan's 14 regulatory policies. A copy of this letter will be provided to your agency as well.

Overly Narrow Definition of Federal Interest

We are concerned about policy constraints and planning processes that have resulted in the definition of an overly narrow federal interest in the Delta. As stated in the draft GRR, the U.S. Army Corps of Engineers (USACE) is working on the Central Valley Integrated Flood Management Study (CVFIMS), which is a federal companion document to the Central Valley Flood Protection Plan of 2012 (CVFPP), Regional Flood Management Plans, and Integrated Regional Watershed Management Plans. The CVFIMS shares the CVFPP's vision of a multi-objective watershed study focused on integrated water resource management for flood risk management, ecosystem restoration, and other water resource purposes. In addition, the federal Energy and Water Development Appropriations Act of 2012 (Title II of the Consolidated Appropriations Act of 2012 [PL 112-074]) contains, in pertinent part, the following:

The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the coequal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem....(Section 205).

The multi-objective approach of these planning activities are also aligned with the State's two coequal goals as part of the Delta Reform Act of 2009 – providing a more reliable water supply for the Delta and protecting, restoring and enhancing the Delta ecosystem (Public Resources Code section 29702). The objectives inherent in these goals include restoring the Delta ecosystem and reducing risks to people, property and state interests in the Delta (Water Code section 85020).

The Tentatively Selected Plan (TSP), however, was developed based on the USACE's single objective of regional flood risk reduction while the GRR evaluates the flood risk management system for the American River, Sacramento River and additional five (5) adjacent small channels. We believe this is also inconsistent with USACE's *Civil Works Strategic Plan 2014-*

2018, which calls for the use of Integrated Water Resources Management, a holistic approach that considers economic benefits, ecosystem quality, and health and public safety in project formulation. Failure to include multiple objectives in the planning process results in a lost opportunity to implement projects that provide multiple benefits.

We understand that the conclusions of the GRR, along with other recently completed feasibility studies such as the West Sacramento General Reevaluation Study, Sacramento River Bank Protection Project, and the Delta Islands and Levees Feasibility Study, will support the development of the CVFIMS. Therefore, for this GRR, USACE should include a system-wide evaluation with a multi-benefit approach for the alternatives screening process to support a broader definition of the federal interest.

Clarification of Urban Level of Flood Protection

The objective of the non-federal sponsors, the State of California and Sacramento Area Flood Control Agency (SAFCA), is to meet the requirements of California Senate Bill (SB) 5 and the Central Valley Flood Protection Act to achieve an urban level of 200-year flood protection, including the Urban Levee Design Criteria (ULDC). One purpose of the ULDC requirement is to increase the likelihood that the levee will hold water until it overtops without a catastrophic breach, providing additional levee reliability and time for evacuation. It is unclear in the draft GRR whether this urban level of protection will be achieved by the TSP. According to the risk analyses from the GRR, with the TSP in place, the flood protection assurance (i.e. non-exceedance probability) for the Pocket Area of Sacramento, given a 200-year flood event, is 94%. In addition, given the project conditions, the risk analyses also show that a levee segment along the America River South Reach (index point A) around River Mile (RM) 8.9 can only provide 65% assurance, given a 200-year flood event. The results of the risk analyses from the GRR for the America River South Reach concluded that the Annual Exceedance Probability (AEP) for the America River South Reach as a whole is 1 in 147. Even with a 94% flood protection assurance, given the elevations of the natural terrain and the indicated weak link of the levee system at the RM 8.9 along the America River, we are concerned that the Pocket Area in the Delta may not attain the state-required 200-year level of flood protection. However, the GRR states that the TSP meets the goal of attaining FEMA level accreditation and meets the SB 5 criteria for urban level of protection. In the final GRR, please clarify the current annual chance of flooding, the resulting annual chance of flooding under each alternative, and whether the TSP can provide 200-year protection according to the USACE risk evaluation guidelines and state requirements. This analysis should be agreed upon by USACE and local communities.

Sacramento Weir and Bypass Widening

As the draft GRR states, widening the Sacramento Weir and Bypass as a part of the TSP will reduce the regional flood risk by lowering the flood stage during a flood event greater than a 1/100 Annual Chance Exceedance (ACE) event. It is unclear whether there is coordination

between the GRR work and the Department of Water Resources (DWR) Sacramento River Basin-Wide Feasibility Study effort (including the scales and configurations for the Sacramento Weir and Bypass improvements and the analyses of potential impacts and benefits on a system-wide scale), and the draft 2017 Central Valley Flood Protection Plan Conservation Strategy. In the final GRR, please address this concern by providing additional information on current coordination between these efforts. Coordination among the USACE, CVFPB, and DWR is critical in evaluating possible measures to protect existing developed areas along the Sacramento and the American River.

Biological Resources

Our primary concerns related to this section of the draft GRR are the impacts to riparian vegetation and associated impacts on special status species as a result of the TSP and the USACE's levee vegetation policy. Dynamic complexes of riparian woody and scrub habitat along river channels and associated floodplains, particularly in areas where there is connectivity between such habitats, provide a suite of ecosystem benefits to on-site and downstream environments. Riparian vegetation provides habitat for terrestrial species, such as Swainson's hawk, white-tailed kite, yellow breasted chat, yellow-billed cuckoo, and valley elderberry longhorn beetle. For aquatic species, including various life stages of Chinook salmon, Central Valley steelhead, splittail, and sturgeon, established woody riparian vegetation provides refuge from currents and predators, and serves as a source of organic carbon in support of the aquatic food web. Riparian areas can reduce non-point source pollution from pesticides, herbicides, and nutrients from fertilizers by serving as transition zones between upland urban/agricultural areas and adjacent waterways. Additional water quality benefits include improved levels of dissolved oxygen and moderation of water temperature. Riparian areas also provide the public with opportunities for active and passive recreation, such as hiking, boating and bird watching. According to the draft GRR, the proposed project would need to remove levee vegetation in consideration of the criteria of the SAFCA Vegetation Management Decision Key, the variance for the USACE Engineer Technical Letter (ETL) 1110-2-583 Vegetation Free Zone requirements, and the USACE System-Wide Improvement Framework (SWIF) agreement. Along the main stem of the Sacramento River, the proposed vegetation removal under the TSP could result in the loss of 750 riparian trees, as well as extensive removal of shaded riverine aquatic habitat associated with placement of rock fill along nine miles of river channel. The impacts to these habitats are expected to adversely affect the special status species that depend upon them, including Chinook salmon and Swainson's hawk. If a USACE vegetation variance is approved, it would allow vegetation to remain on the lower waterside levee slope and prevent additional impacts on riparian trees and shaded riverine aquatic habitat. In the final GRR, USACE should provide assurance of granting the vegetation variance or include the status of the USACE vegetation variance application process.

Given the tremendous investment by state, federal, and local agencies, as well as nonprofit organizations and individuals, to promote recovery of salmonids and other threatened and

endangered species that use the Sacramento and American Rivers as migratory corridors, it is essential to make every effort to avoid or minimize these impacts. The benefits to special status species provided by the proposed mitigation measures in the draft GRR are unclear. We recommend that, to the maximum feasible extent, any impacts to the channel margin habitat along important salmonid migratory corridors should be mitigated on-site. In the event that off-site mitigation is necessary, we also suggest that any off-site mitigation occurs in close proximity and along the same waterway as where the impacts would occur to demonstrate that the mitigation is restoring equivalent, in-kind habitat. In the final GRR or the associated EIS/EIR, please identify and include the details of the mitigation measures with or without the USACE vegetation variance and/or the SWIF in place, and describe how they would address impacts to special status species, such as salmonids and Swainson's hawk.

Other recent USACE flood-risk reduction feasibility studies/plan, including the Sacramento River Bank Protection Project and the Lower San Joaquin River Project Integrated Interim Feasibility Report, also involve substantial removal or degradation of riparian and shaded riverine aquatic habitat within the Delta. We recommend that, as the USACE develops the CVIFMS, the cumulative impacts of levee improvement and maintenance projects on riparian and shaded riverine aquatic habitat be assessed. The study should analyze whether the collective loss of those habitat types will adversely affect the achievement of the coequal goal of ecosystem restoration of the Delta. Additionally, we recommend that the CVIFMS assess the cumulative impacts that proposed placement of miles of rock revetment along salmonid migration corridors for levee bank erosion control measures will have on juvenile salmonid rearing and outmigration success.

According to the draft GRR, the Benefit-Cost (B/C) ratio of the TSP is 4.3 and the TSP is also the Local Preferred Plan (LPP). If additional funding is available, the project team should reconsider including additional alternatives or objectives with lower but acceptable B/C ratios, given the planning constraints. These alternatives could include additional project features that may restore and improve shaded riverine aquatic habitat for the study area, since the riparian habitat along the Sacramento River and the American River is important for native terrestrial and aquatic wildlife. For example, the project can evaluate the use of setback levees as a part of the alternatives, where feasible, to increase floodplains and riparian habitats. The Delta Plan recommends areas of the Delta for evaluating the feasibility of using setback levees for levee projects within the Sacramento River watershed, including urban levee improvement projects in Sacramento.

Next Steps

We look forward to continuing to work with your agency on this project. I encourage you to contact You Chen (Tim) Chao (916-445-0143) at YouChen.Chao@deltacouncil.ca.gov or Daniel Huang at Daniel.Huang@deltacouncil.ca.gov with your questions, comments, or concerns. We look forward to working with you to ensure consistency of the American River Watershed Common Features General Reevaluation Report Project with the Delta Plan while

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also avoiding, minimizing, or mitigating potential environmental impacts. We also look forward to continued discussions with the USACE and the CVFPB regarding this proposed project as well as the development of the CVFIMS and how these activities can be incorporated into the updated Delta levees investment strategy.

Sincerely,

Cindy Messer
Deputy Executive Officer
Delta Stewardship Council

cc: Ms. Erin Brehmer, California Department of Water Resources