

**Summary of Stakeholder Comments on Principles to Guide
State Flood Management in the Delta Submitted by June 15, 2015**

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	Comments
General comments	<p><u>Bethel Island Municipal Improvement District</u> - The co-equal goals, initially introduced by the Flood Task Force, we believe are mainly focused on water supply and not flood control. Although, however, SBX 7 1 reintroduced it and asked the Delta Stewardship Council to consider it in Delta projects, we still believe PRC 29702 limits it to water supply.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - Suffice to say that Clyde and I agree with your concept of “policy before planning and implementation,” and with most of what is in your policy paper such as: (1)The Delta is inherently flood prone. (2)Managing flooding in the Delta will become more difficult in the future because of subsidence, changing climate patterns, the possibility of earthquakes, and rising sea levels. (3)Investment priorities should be skewed toward urban areas in the future because of the large numbers of people and value of property at risk. (4)The amount of funds remaining for the rural areas and the small communities will be limited because there is simply not enough money to go around. This might mean that non-structural solutions and improved emergency response programs are more cost effective for rural areas and small communities. (5) In any event; as you point out, a rather tight filter should be required for guiding state investments in the Delta.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - We have a number of state agencies that are involved in some aspect of levee operations, design, construction, and/or maintenance. To a significant extent these state agencies tend to operate within their own silos. I think, however, that we need our state agencies to get out of their silos in order to better coordinate with other federal, state, and local agencies. To do this, we must change the way we work. At the beginning of these processes, we need to have interdisciplinary teams from the various silos focused on specific issues. At the end, we need to have coordinated and aligned policies and plans.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> – (1) the investment strategy should consider time as a factor - how the Delta might change over time – 10, 20, 30 years from now. The Delta is facing a huge array of subsidence, flood, seismic forces, and sea rise that will continue to reshape the Delta. The investment plan should consider the likelihood of those changes and then how that should impact the state’s investment strategy. (2) Sherman Island is essential to maintaining water quality in the Delta. Sherman should be given special consideration. (3) I haven’t seen this proposed, but it may have been. Consider using tunnel dirt to reinforce levees. (4) I spent my career working for the State Legislature. I recognize that this policy paper is a beginning -- and not the end product. When you do get to an end, I suggest that where the Council recommends statutory changes, the recommendations include specific bill language so that bill drafting is not done by the Legislative staff.</p> <p><u>California Department of Fish And Wildlife</u> - (P. 1, paragraph 2) Clarify what other alternatives are being referenced. There have been multiple Delta planning efforts done by DWR, CALFED, BDCP, and now the Delta Plan.</p> <p><u>California Department of Fish And Wildlife</u> - (P. 1, paragraph 4) suggest changing to: Modern science and engineering know of no way to eliminate all risk from flooding in the Delta. This fact is essential to any reasonable State policy. Reducing risks is often possible, and usually desirable. But minimizingeliminating all flooding risks in the Delta is impossible.</p> <p><u>California Department of Fish And Wildlife</u> - Need to be consistent with the use of “estuary “and “Delta” you are switching between in the document.</p> <p><u>California Department of Fish And Wildlife</u> - (P. 1, last paragraph) Where is 10% determination derived from?</p> <p><u>California Department of Fish And Wildlife</u> - (P. 2, paragraph 2) I believe DWR has already gone through this process of defining “do not resuscitate” islands. I’m almost positive they already prioritized which islands are eligible for funding. Special Projects was historically only funding the 8 western islands and the towns of Thornton and Walnut Grove, considering their important role regarding salinity in the Delta.</p> <p><u>California Department of Fish And Wildlife</u> - It seems premature to develop principles for investments prior to completing the evaluation of the Delta Levees?</p> <p><u>California Farm Bureau Federation</u> - Achieving a P.L. 84-99 base level of protection throughout most of the Delta is an appropriate statewide goal to provide a basic engineering-based level of protection for Delta resources and assets, including Delta farmland, and to ensure the availability of future federal assistance as a common-sense financing strategy in the event of future levee breaches.</p> <p><u>California Farm Bureau Federation</u> - Just as the State has not been dissuaded from pursuing other major infrastructure proposals despite significant shortfalls in necessary funding, the present shortfall in the available funding for Delta levees should not dissuade the State from pursuing the best course for future protection</p>

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notwithstanding.

California Farm Bureau Federation - In calculating levee investment needs and projected available funds, the DSC should be careful to avoid hyper-inflated cost estimates and assumptions. Instead, the DSC should look for the cost-effective engineering, cost-sharing, and contracting strategies possible, with robust input and involvement from local levee engineers and reclamation districts.

California Farm Bureau Federation - Economic assessment of agricultural lands should take proper account of the long-term productive capacity and regional economic value of the land, and not merely the per-acre assessment or fair market value of the land if sold in a one-time real estate transaction.

California Farm Bureau Federation - As the proverbial "new kid on the block," and also given its relatively limited charge under Water Code section 85305 with respect to Delta levees, it is appropriate that the DSC should closely consult with and afford considerable deference to the local experts and agencies and the state and federal agencies and departments that have been historically involved in Delta resource protection and in the day-to-day business of Delta levee maintenance and flood system management.

Delta Protection Commission - While developing principles to guide the levee investment strategy is a good idea, the appropriate time to do so is after the completion of consultant work. To do so before is to give the impression that conclusions are being drawn without the benefit of the consultant analysis. Unfortunately, that is exactly the impression that one is left with in reviewing the Principles document. Both the "conclusions" drawn in the Principles paper and the earlier decision of the Council on "State interests" as it relates to the levee strategy appear to be dismissive of "Delta as Place" values, even as these are called for in statute to be consistent with any decisions on the co-equal goals.

Delta Protection Commission - (P. 1, paragraph 2) The reference to Liberty Island leads to a misleading assumption: that the flooding of Liberty Island was due to insufficient levee maintenance or poor levee construction, and that this is somehow emblematic of the entire Delta. Actually, Liberty Island has long had a reduced height levee that is overtopped as frequently as there are high flows moving through the Yolo Bypass. A 1997 levee breach damaged during a high Bypass flow period was never repaired and the island was subsequently purchased for habitat purposes. It is inappropriate to include it as an example of flood risk in the Delta, any more than the existence of the Yolo Bypass is a criticism of flood risk in the Delta.

Delta Protection Commission - (P. 1, paragraph 3) The reality is that "some" of the secondary zone of the Delta has been urbanized (and practically none of the primary zone, at least since the advent of the Delta Protection Act of 1992); this is an important distinction. And it is equally worth calling out that "too much" of other flood prone areas (starting with the greater Sacramento region outside the Delta) have been "unfortunately" urbanized, leading to additional pressure on the Delta to accommodate the desire to move floodwater further downstream.

Delta Protection Commission - (P. 1, paragraph 5 and 8) Much emphasis is placed on a desire to reduce flood risk in the Delta in a way that is "cost effective"; this seems to be code for a statement meaning "it is too costly to fix all Delta levees and therefore only some will be improved to a higher standard." It is worth noting that a recent estimate offered to the Council by Gilbert Cosio of MBK Engineers estimated the cost to bring Delta non-project levees to a PL 84-99 standard at up to \$806 million; after improvements are made under Prop. 1E, this amount is estimated to fall to approximately \$645 million. At the bottom of page 1, there is a statement that "Currently available State money is about ten percent of current estimates ... ". Based on the estimate offered by Mr. Cosio, this is not even close to being accurate, and appears to set a inaccurately high price tag as an argument that there is not enough funding now (or will ever be in the future) to make a PL 84-99 standard throughout the Delta cost effective.

Delta Protection Commission - (P. 2, paragraph 2) Aside from the concern mentioned immediately above, there needs to be greater distinction between what is meant by "large urban centers" and "small communities".

Department of Water Resources (FESSRO) - Consider renaming the document "Delta Levee Investment Strategy Principles." It seems the law discusses levee investments, not flood management investments.

Department of Water Resources (FESSRO) - (P.1, paragraph 2 "*The record of declining flooding damage and testimony to the Council reflects these improvements. But other alternatives to reduce flood risk have not been fully evaluated.*") We concur that the record and testimony brought before the Council supports that recent investments in Delta levees have contributed to a reduction in flood risk. Given that statement, it cannot be explained why, when taken as a whole, this "Principles

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document" seems to reject current practices, especially as they relate to State funding of maintenance on Delta levees. Although evaluation of other alternatives to reduce flood risk is important, establishing principles that reject current practices, however imperfect, in favor of unevaluated alternatives, is both risky and bad public policy.

Department of Water Resources (FESSRO) - (P.1, paragraph 2 "*The record of declining flooding damage and testimony to the Council reflect these improvements. But other alternatives to reduce flood risk have not been fully evaluated.*") Risks to whom? Risk = Probability x Consequences. Levee improvements are working to reduce the probability of an event. Consequences can be limited to achieve the same reduction in risk.

Department of Water Resources (FESSRO) - (P.1, paragraph 4 "*Modern science and engineering know of no way to eliminate all risk from flooding in the Delta.*") Revise this text to state that there is no way to economically eliminate all risk of flooding that is acceptable under current laws and expectations for the Delta.

Department of Water Resources (FESSRO) - (P.1, paragraph 8 "*The funds available for Delta flood management are not sufficient to significantly raise the level of protection throughout the estuary.*") Over time, and with regular State investments, flood protection throughout the estuary has already improved significantly and there is no evidence to support that that this trend could not continue. This statement contradicts statements in paragraph two where the author acknowledges the record and testimony that shows significant improvement in Delta levees under this "insufficient" funding level.

Department of Water Resources (FESSRO) - (P.1-2, paragraph 8 "*Currently available State money is about ten percent of current estimates of what is needed to significantly improve protection everywhere to the levels called for by local agencies and prior State plans.*") There is no State policy in place to "significantly improve protection everywhere" in the Delta, and we are not aware of any proposal to that effect. Neither does existing State policy endorse improvement of levees to any particular level just because it may be requested by local interests. Current practice is to use local knowledge to identify areas of critical need. Projects are then identified and vetted through a State evaluation process to verify a State interest and statewide benefits. Limited funding is targeted to the highest need under the State's current practices, and the result has been a dramatic reduction in flood events in the Delta. Historic estimates of the total cost to achieve a satisfactory level of protection for the Delta have an implied "tolerable risk" and suffer from a failure to quantify this risk in readily understandable terms. The Council is trying to establish and communicate a "tolerable risk" that can be supported broadly'. Until that task is complete, the Council should not adopt broad statements, such as made here, that the State has fiscally only 10 percent of what is needed. This estimate simply is not substantiated at this time. Under the new, tolerable risk approach, the State can only estimate funding needs after tolerable risks are quantified and the cost to improve infrastructure to achieve the level of protection necessary is estimated. Is this the way to decide the "Appropriate Level of Flood Protection" in the Delta? It seems that there may be a more rational way to determine a supportable value. (What is "the minimum? HMP"? What is the maximum the State is willing to pay for? 192-82? 200-yr? What will the available funding support?)

Department of Water Resources (FESSRO) - (P. 2, paragraph 1 "*A levees investment strategy in which "all priorities are Important" and "everyone is equally entitled" is unaffordable and unlikely to promote effective flood protection TO THOSE AREAS MOST IMPORTANT TO STATEWIDE INTEREST.*") DWR has recommended priorities for Subventions and CVFPB has accepted them. The priorities recognize the limitation on State funding and place the highest priority on the actions most important to achieve State objectives in Water Code 12311 (protection of public benefits including roads, utility lines and other public facilities, urbanized areas water quality) 12981 (Agriculture, recreational assets, fisheries; the physical characteristics of the Delta should be preserved essentially in their current form).

Department of Water Resources (FESSRO) - (P. 2, paragraph 1 "*Spreading Inadequate funding thinly throughout the Delta cannot address the serious flood risks to people, property, and State Interests in the Delta.*") Current practices use local knowledge to identify areas of critical need. Projects are identified and then vetted through a State evaluation process to verify a State interest and statewide benefits. Current practices are not simply "spreading funding thinly" in some arbitrary manner.

Local Agencies of the North Delta - The improvements in levee function and the resulting increase in public safety over the past 4 decades has been a remarkable achievement through the partnership of the local reclamation districts ("RDs") and the Department of Water Resources ("DWR"). Understandably, RDs are apprehensive that the Council's approach to levee priorities, and the DLIS in particular, will undo these successes. In addition, the Council's decision to separate the policy development process from the technical analysis continues to be concerning. This dual approach frustrates the integration of policy and technical information that is essential to a successful approach to our levee system.

Local Agencies of the North Delta - The Council's Draft FMIS Principles articulate some of the initial premises, but conflates the DLIS process and the statutory requirements, stating "The record of declining flooding damage and testimony to the Council reflect these improvements. But other alternatives to reduce flood risk have not been fully evaluated." (Delta Flood Management Investment Strategy [FMIS] Principles, p. 1) The DLIS and the FMIS were developed in the wrong order.

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Local Agencies of the North Delta - The DLIS must inform the FMIS. A FMIS that avoids levee investments fails to meet the statute as the Council identifies, but fails to integrate into its Strategy later: "The Delta Plan is required to attempt to reduce risks to people, property, and State interests in the Delta (Water Code section 85305) by promoting: Effective emergency preparedness, Appropriate land use, and Strategic levee investments." (Principles, p. 1)

Local Agencies of the North Delta - As the State legislature identified, all three areas must be analyzed and all three are required elements. The Council, however, has joined all three areas and impermissibly assumes that one can substitute for another. For example, there appears to be a movement toward emergency preparedness substituting for levee investments. This is inconsistent with the 2009 Delta Reform Act; reduction of risk to life, property and state interests must operate in concert to reduce risks.

Local Agencies of the North Delta - The Principles unfortunately also continue with the straw argument that some party is claiming that "all priorities are important" and "everyone is equally entitled." (Principles, p. 2.) While by definition priorities should be important, the underlying premise that the Delta communities cannot evaluate and weigh priorities, and the state must therefore step in, is incorrect. The RDs routinely work closely with DWR, the Central Valley Flood Control Board, and the Delta Conservancy in multiple venues to identify and prioritize levee investments.

MBK Engineers - In general, we have found that the strategy principles do not clearly reflect an understanding of the current state of the Delta levees, and the future conditions following final expenditure of Proposition 1E (2006) funding. We believe this point to be critical for understanding the future maintenance and rehabilitation needs of the Delta levees under the Delta Stewardship Council (DSC) and its Delta Plan.

MBK Engineers - The introductory paragraphs attempt to describe the current situation regarding Delta levees, with particular emphasis of the effect of the Delta Levees Program. However, there are a number of mischaracterizations of the Subventions Program and little discussion regarding the Special Projects Program. This section should be expanded to summarize the status of the Delta levees following expenditure of existing Propositions 1E and 84 (2006) bond funding.

MBK Engineers - The second paragraph suggests that Subventions expenditures (State and local funds combined) have improved levee maintenance on many islands. However, up until 2008, Subventions was essentially the only funding for non-project Delta levees not included as one of the eight western islands; because of this, Subventions was used to perform major rehabilitation of most of the Delta's non-project levees for 20 years after SB34 (1988) increased funding. Based on levee surveys of the late 1980's, the high water events of 1995, 1997, 1998, and 2006 would have overtopped, and potentially failed, levees had it not been for the levee rehabilitation performed under the Subventions Program. Following expenditure of currently allocated bond funds, most of the major rehabilitation will be complete and the Subventions will be used for maintenance and minor improvements. This paragraph that describes flood damage reduction as a result of Subventions also indicates that Subventions could not alleviate the risks that left Liberty and Mildred Islands flooded and not reclaimed. However, neither of these islands ever participated in the post-SB34 Subventions Program. In fact, Liberty Island is part of the Yolo Bypass, and therefore designed to overtop and flood. In both of these cases, the failure to reclaim the islands was due to decisions made by the landowners.

Similarly, this paragraph describes levee failures in the 1980's, 1990's, and one in 2004 as indicative of a Subventions Program shortcoming. However, levee failures in the 1980's were pre-SB34, and levee failures during floods of the 1990's did not occur on Subventions-eligible levees. In fact, since 1986, only two Subventions-eligible flood control levees have failed, and neither of these was due to high water. Little Mandeville had participated very little in the Subventions Program prior to its failure in 1994. In fact, this island was in the process of being sold to the State when failure occurred. The 2004 failure of Upper Jones Tract appears to have been caused by a beaver den. We would suggest that this section be modified and data updated to better describe the current state of the Delta levee system.

MBK Engineers - (An Improved State Strategy for Flood Management Investments in the Delta) This section appears to make unsubstantiated statements. For instance, the last paragraph at the bottom of page 1 states that funds available for Delta flood management are not sufficient to "significantly raise the level of protection" throughout the estuary. It also indicates that available State money is "about ten percent of current estimates of what is needed to significantly improve protection everywhere to the levees called for by local agencies and prior State plans." The next paragraph also describes how available funding can only provide funding "thinly throughout the Delta." Please provide data to substantiate these assertions. In addition, in the absence of a "beneficiary pays" study, it is unknown what other funding sources are available and what funding would be available from these sources. Again, we would suggest that the DSC evaluate the condition of the Delta levee system following expenditure of current Proposition 1E funding.

Rogene Reynolds - Principle 1, Principle 4, and Principle 8 each use the term "State interests", but the "principles" do not set forth the meaning of these words. Any list of "principles" should begin with a very clear definition of these terms. What are the "State interests"?

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San Joaquin Area Flood Control Agency - (P. 2, paragraph 2, second to last sentence) Funding a local levee project will require a Proposition 218 election for assessing the properties that receive a benefit from the project. While the areas that need 200-year protection in the city of Stockton are densely populated, the area receiving a benefit from a levee system is relatively small compared to the funding needed to improve the flood protection system. Also, areas in Stockton can be categorized as disadvantaged. It is very difficult for these limited urban areas to fund these very costly 200-year flood protection projects without considerable help from the State.

San Joaquin County Public Works Department - Investments to provide increased flood protection to urban areas in the Delta should not be limited to facilities just within the Delta. It should include any facilities that are components of an overall system that provides flood protection to Delta urban areas.

San Joaquin County Public Works Department - We concur with the concept that addressing the most serious flood risks should be given funding priority, particularly those associated with “large urban centers” as referred to in the document. However, we don’t necessarily agree with the statement that these communities “should pay more towards levee improvements, because they can.” This assumption may be true for some urban areas, but not necessarily for economically depressed communities such as Stockton. In fact, the Department of Water Resources recognizes the difficulty many economically depressed communities have in raising money for flood improvements by reducing the required minimum local match funding percentage for these communities in many of their grant programs. In light of this, it would be appropriate for the Council to qualify this statement to recognize that reducing the local funding requirement for economically depressed communities may be necessary to ensure that these urban areas receive flood protection consistent with that provided to other urban areas.

State Water Contractors - The Delta Stewardship Council (DSC) levee investment strategy must consider the combined weight of all physical and economic factors. Then, a levee investment strategy must recognize that these factors will cause significant change through the permanent flooding of islands. Finally, the DSC levee investment strategy must learn from repeated flooding along the Mississippi River – nature and economics ultimately prevail over poor planning. We must work with nature as the US Army Corps of Engineers ultimately did along the Mississippi when its system was economically unsustainable. Large drivers of change (sea level rise, salinity intrusion, earthquakes and human induced subsidence and artesian conditions) will overwhelm any DSC plans that have not included long-term economic and physical sustainability as its highest principle. Consequently, the DSC’s “Principles” should start with the most important and guiding principle: To assure that public funds are spent wisely, levee investments must be consistent with a plan that considers all of the physical and economic factors that will drive changes to the Delta.

Supervisor Mary Piepho - Should this effort be integrated with the DPC Flood Control District effort?

Supervisor Mary Piepho – Define terms such as “large, small, major, many, etc.”

Supervisor Mary Piepho - (P. 1, paragraph 1) Consider adding “infrastructure” or “vital infrastructure.”

Supervisor Mary Piepho - (P. 1, paragraph 2) Liberty Island example is misleading.

Supervisor Mary Piepho - (P. 1, paragraph 3) “Too” expresses opinion. Consider replacing.

Supervisor Mary Piepho - (P. 1, paragraph 5) Redraft paragraph with legislative policy language.

Supervisor Mary Piepho - (P. 1, paragraph 6) Are these bullet points already in Delta Reform Act?

Supervisor Mary Piepho - (P. 2, paragraph 2) Some areas have higher values to protect than others. Not apple to apple.

The Nature Conservancy/Natural Heritage Institute – Prioritize projects which provide net ecological benefits for aquatic and terrestrial species. State law requires no net loss of habitat with these projects (Water Code Sections such as 12311, 12314, 12987, and 78543) and Water Code section 12987 requires the Department of Water Resources to provide a net benefit for aquatic species in the Delta. Thus, the expenditure of public funds and the Delta Protection Act require a high standard of ecological protection and restoration. The Council and other state agencies should prioritize projects which enhance the viability of species that depend on Delta habitat for their survival and recovery.

The Nature Conservancy/Natural Heritage Institute - Public recreation in the Delta is constrained today due to lack of access. The Department of Parks and Recreation

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	<p>has prepared a detailed plan for improved public recreation in the Delta (Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh, DPR 2011). Priority should be given to Delta levee projects which improve public access to Delta waters.</p> <p><u>The Nature Conservancy/Natural Heritage Institute</u> -Factor in climate change as a priority condition for allocating funds among levee investments. In particular, the Council should determine if the islands on which the funds will be spent have a reasonable chance to survive sea level rise, seismic activity, ongoing subsidence and other increasing risks over the subsequent 30 years.</p> <p><u>The Nature Conservancy/Natural Heritage Institute</u> - Protect habitat for migratory birds in the Delta. Long-term conservation strategies should seek to conserve upland habitat areas that may be outside the primary zone in the Delta. These areas offer an opportunity to mitigate impacts related to sea-level rise and provide more resilient habitat conditions above areas that may be inundated due to sea-level rise. Protecting habitat should also include protecting bird-compatible agricultural lands to offset habitat losses or create new habitat.</p>
<p>1. The goals of State law and the Delta Plan—and, therefore, the Delta Levee Investment Strategy—are to better protect life, property, and State interests in the Delta.</p>	<p><u>Bethel Island Municipal Improvement District</u> - We feel that, on its face, this Principle is reasonable and commendable, and inherently consistent with the mission and values of BIMID. However, with respect to Bethel Island's critical but nonproject levee system, it nonetheless seems to conflict with Principle 10 with respect to how "urban" is elsewhere defined and characterized. Again, Bethel Island is already the Delta's most populated Island, and upon the soon to be forthcoming 450+ unit Delta Coves development, will become even significantly more so in the near future.</p> <p><u>California Department of Fish And Wildlife</u> - What is meant by better protecting? Currently we've only had 2 floods (including Fay Island) over at least the last 15 years with no loss of life. No property was permanently lost after reclamation.</p> <p><u>California Farm Bureau Federation</u> - Updated recommendations in the Delta Plan with respect to Delta levees, under Water Code section 85305, should be taken as general guidance to state, federal, and local agencies, but should not be established as a hard-and-fast, set of prescriptive standards to which local and state agencies must blindly, or inflexibly adhere in isolation from all of the relevant information and circumstances in each case.</p> <p><u>California Farm Bureau Federation</u> - Maintaining Delta levees is already costly and fraught with excessive and constantly increasing bureaucracy for local agencies and landowners with limited revenue sources. The DSC's recommendations should look for improved efficiencies and should not further increase the heavy financial and regulatory burdens already placed on the locals.</p> <p><u>California Farm Bureau Federation</u> - The original Delta Plan gave short shrift to much of the excellent information and to many of the well-reasoned recommendations found in the Delta Protection Commission's Economic Sustainability Plan under section 29759 of the Water Code. To ensure an improved final product, this omission should be corrected in any updated flood- and levee-related policies of the Delta Plan.</p> <p><u>Department Of Water Resources (FESSRO)</u> - See the definitions of State interests in Water Code in 12300 and 12900.</p> <p><u>Supervisor Mary Piepho</u> – Add "ecosystem" or "environment" to policy.</p>
<p>2. Stop urbanizing flood-prone land. Local governments and reclamation districts must stop urbanizing the Delta or invite rejection of Delta subvention requests from the State.</p>	<p><u>Bethel Island Municipal Improvement District</u> - This Principle needs to expand on saying that State funds cannot be spent to induce growth and construction of new urban areas in the primary zone of the Delta is only possible - if at all - with the approval of the Delta Protection Commission. This should not be tied in with the Subventions Funds since DWR will not provide any funding for work beyond PL 84-99, although it may be tied to the state or condition of the levee. It should be noted that the Delta Coves Project referenced above is being built above its own levee system, with said levee extension not to be added to the levee system eligible for DWR funding but rather to be funded by Delta Coves itself through a comprehensive facilities maintenance CFD.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that flood prone lands should not continue to be urbanized.</p> <p><u>California Department of Fish And Wildlife</u> - It is unclear as to the location of where Delta urbanization is taking place or why it is assumed that reclamation districts are</p>

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responsible for that occurring. There are areas of Stockton, Lathrop, and Oakley where new growth is occurring but those are on the fringes of the Delta. There isn't widespread urbanization in other areas of the Delta. The Delta Protection Act, and subsequent Delta Reform Act, place protections on the Delta from urbanization; the Act includes mandates for the designation of primary and secondary zones within the legal Delta, it created the Delta Protection Commission, and completion of a Land Use and Resource Management Plan for the Primary Zone of the Delta. Perhaps that information should be stated in this document. Suggest removing this principle entirely or clarify where urbanization is occurring.

California Department of Fish And Wildlife – It is unclear what is meant by, “invite rejection of Delta subvention requests from the State?” The Delta is not being urbanized, only communities on the fringe of the Delta that are already urbanized, and have general plans that allow for growth, continue to grow. Many of those communities currently participate in the subventions program and are not under threat to not receive funding.

California Department of Fish And Wildlife - It is unclear as to the location of where Delta urbanization is taking place or why it is assumed that reclamation districts are responsible for that occurring. There are areas of Stockton, Lathrop, and Oakley where new growth is occurring but those are on the fringes of the Delta. There isn't widespread urbanization in other areas of the Delta. The Delta Protection Act, and subsequent Delta Reform Act, place protections on the Delta from urbanization; the Act includes mandates for the designation of primary and secondary zones within the legal Delta, it created the Delta Protection Commission, and completion of a Land Use and Resource Management Plan for the Primary Zone of the Delta. Perhaps that information should be stated in this document. Suggest removing this principle entirely or clarify where urbanization is occurring.

Delta Protection Commission - Reclamation districts do not have land use entitlement authority; it is incorrect to state that they urbanize the Delta. It would also be worth adding a statement here opposing urbanization in flood-prone areas upstream of the Delta, since the movement of floodwater down the river systems creates additional pressure on Delta levees.

Department of Water Resources (FESSRO) - The Program does not promote urbanization of the Delta. Evaluation of eligibility for Subventions is currently established by the Water Code and the Subventions guidelines that are approved by the Central Valley Flood Protection Board. It may be necessary to change the Water Code to change Subventions eligibility criteria. Another consideration to reduce risk could be requiring independent flood insurance for each structure built in the flood plain after a specified date. This will limit the consequences side of the risk reduction equation.

Local Agencies of the North Delta - RDs do not have any land use authority and are not responsible for urbanization of the Delta; counties and cities have land use authority.

MBK Engineers - Reclamation Districts do not make land decisions, so it is unusual that they are identified in this principle. In addition, the Delta Protection Commission has this authority in certain parts of the Delta and possibly should be included in this principle.

Reclamation District 999 - The limitation of continued growth in the Delta, especially at an urban level, makes sense. This practice would minimize the number of “first priority” areas that this strategy would have to address and reduce the monetary cost and threat to life in the event of a flood. However, the DSC's claim that reclamation districts are able to control growth is untrue. Reclamation districts provide drainage and flood protection; they have no authority to prevent, stop or slow down urbanization of the land within their boundaries. It would be unreasonable and wrong to punish reclamation districts by rejecting subvention requests over an issue that they cannot control.

Rogene Reynolds - Principle 2 should be edited to remove “reclamation districts”. Reclamation districts do not “urbanize” – they maintain levees.

San Joaquin County Public Works Department - It should be recognized that stopping all development behind levees will not necessarily reduce flood risk and state liability. Thousands of homes already exist behind levees in the Delta, and in many cases the only practical way for local agencies to generate funding to construct improvements to provide increased flood protection for these homes is through fees and assessments charged to new development. Although allowing this would result in more people living behind levees, in many existing urban areas this actually can result in a net reduction in overall flood risk and state liability. Therefore, stopping all urbanization in flood-prone areas will not result in flood risk reduction. This Principle should be revised to indicate that urbanization of flood prone areas without ensuring a reduction in overall flood risk (and achievement of an acceptable level of flood protection for urban areas) should be prohibited.

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3. Expenditures should reduce risk. Going forward, State investments should emphasize rehabilitation of levees to improve safety, rather than subsidizing routine maintenance that is landowners' responsibility.

Bethel Island Municipal Improvement District - Who is to argue that "routine maintenance", does not reduce the risk of flooding? Inspection, detection and repair of a void created by rodents or rocking water sides of levees to minimize erosion and subsidence are good examples. This Principle may be applicable to improvement work but should not be to maintenance, and Subventions should therefore be left out of it.

California Department of Fish And Wildlife – Suggested policy revision: "Going forward, State investments should emphasize rehabilitation of levees to improve safety, including the promotion of routine maintenance which reduces flood risk by allowing the reclamation districts to inspect their levees and correct ongoing issues."

California Department of Fish And Wildlife - Conducting routine maintenance of levees is the responsibility of the levee maintaining agencies/reclamation districts not the landowner. There is no point to having a reclamation district/levee maintaining agency if it weren't. Most Districts have numerous landowners and it is not feasible to rely on each and every one of them to maintain the vegetation for visual inspections, manage sloughing and erosion of the levees, adding rock rip rap where needed, excavating and backfilling beaver/rodent dens/tunnels in the levee, and most importantly, having the knowledge or experience to recognize a problem with the levee and knowing how to correctly fix it including the above stated routine maintenance activities. A majority of landowners would not have the funding or equipment to conduct routine maintenance of the levees. The reclamation districts have a right of way over the levee in order to maintain it for inspection and levee integrity and have responsibility for conducting the activities to ensure the levee does not breach, it should not be put into the hands of the landowners, nor should it be assumed or stated that it is the landowners' responsibility.

California Department of Fish And Wildlife - Routine Maintenance is what has prevented many of these districts from flooding. There is subventions which allow for this type of routine maintenance which keeps the levee up to par and allows the District to inspect the levees. Special Projects allows the Districts to get the levee rehabilitation completed. What we've been saying for years is that DWR needs to have more Special Projects Funding Agreements for levee work and not have it tied to corridors or a very narrow enhancement goal. Allow for more levee rehab to take place. There is no reason it can't be coupled with enhancement, but in a broader sense.

California Farm Bureau Federation - Supposed seismic risks to Delta levees should be realistically and scientifically assessed and mitigated to the extent possible, in a practical, common-sense manner, and not as if rational risk management were an absolute all-or-nothing proposition.

California Farm Bureau Federation - The "Principles" seem to suggest that State levee subventions and special levees programs that provide cost-sharing to local RDs in the Delta have not been a wise, worthwhile, or appropriate investment on the part of the State. On the contrary, in terms of all they have accomplished—and thanks to the substantial financial and in-kind contributions of the local districts and landowners year in and year out—these programs have been an incredible bargain for the State and the People of California. Rather than cutting, reducing, or withdrawing subventions monies and other State cost-sharing, the DSC's DLIS should look at ways to "grow the pie," bringing in contributions from free riders of the system, and from the federal government.

California Farm Bureau Federation - In fact, in the same way that preventive maintenance of a car can avert a catastrophic breakdown, routine maintenance is a fundamental part of improved Delta levee safety.

Delta Protection Commission - What if routine maintenance of Delta levees is in the State's interest? What if maintenance of Delta levees mainly benefits other Delta levee beneficiaries (specifically, transportation/energy infrastructure or fresh water corridors for the exports) rather than island landowners? This statement again appears indicative that the authors of this paper have reached a conclusion before the analysis is complete.

Department of Water Resources (FESSRO) - The cost of routine maintenance is the responsibility of all beneficiaries to the levees. Current Water Code Identifies a clear State interest, making the State a beneficiary. (See CA Water Code §§ 12980 and 12310 et. seq.) Local interests are also contributors to levee maintenance through LMAs. Rehabilitation without subsequent protection of State investments through maintenance could result in the complete loss of the investments and is not fiscally sound policy. Furthermore, expecting landowners and/or LMAs with a known inability to pay to protect State investments is unsound policy and likely to lead to increased failures of Delta levees rather than increased flood protection. The most cost effective investment in existing critical structures is for maintenance of existing facilities to be certain they continue to perform as designed. By contributing to Delta Levee maintenance, the State is protecting its own Interests in the critical infrastructure located on the islands and in the channels. To remove this subsidy would return us to the philosophy of the State prior to the failure of Brannan Island in 1972 when the export water supply was shut down for several weeks and 500,000-acre-feet of fresh water was used (unsuccessfully) to freshen the Delta.

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	<p><u>Local Agencies of the North Delta</u> - It is not clear what is meant by the point. Routine maintenance is necessary in order to continue to meet applicable levee standards, and is also consistent with meeting the Co-equal goals. It is not clear why the full financial burden would be on the RDs for maintenance even when there are other beneficiaries of an intact system, as well as other identified state interests at stake.</p> <p><u>MBK Engineers</u> - This principle suggests that maintenance does not reduce risk, and that maintenance should not be funded by the State. Due to the nature of flood control structures like levees, and in particular Delta levees, probability of failure increases if levees are not maintained. In addition, the State has found that maintenance of levees, and maintaining the Delta in its current state is of importance to the State. Water Code sections 12980, et seq., describe the Delta Levees Program. The statewide significance of the levee system is more specifically described in Section 12981.</p> <p><u>Reclamation District 999</u> - We agree with principle #3 that, “expenditures should reduce risk.” However, the DSC’s assertion that routine maintenance does not reduce risk is not only false but jeopardizes the integrity of the entire flood control system. By conducting routine maintenance, Local Maintaining Agencies (LMA) retain familiarity with the system and can better identify those places that require rehabilitation.</p> <p><u>Reclamation District 999</u> - DSC’s attitude is financially backward and irresponsible. By reducing funds for maintenance, the DSC would consequently be limiting the level of maintenance conducted and thereby create an environment that would require increased rehabilitation projects. It is far more cost effective to continue to fund maintenance programs to prevent the levee system from falling into further disrepair. Moreover, increasing funding at the LMA level is by far the most efficient way for the State to improve its levees. LMAs have the knowledge of the land, agreements with landowners and government agencies, and experience to most effectively get the job done.</p> <p><u>San Joaquin County Public Works Department</u> - Explanatory language provided with this Principle indicates that State funds should not be used to subsidize routine maintenance because maintenance is a landowner or local agency responsibility. This statement fails to recognize the reality that exists for most local maintaining agencies – that they do not have sufficient funding to provide adequate levee maintenance. And, inadequate maintenance results in an increased risk of levee failure. Therefore, to meet the Council’s goal of reducing flood risk, sufficient funding for levee maintenance needs to be achieved. To accomplish this, either State funds to augment existing local maintenance funds is needed, or changes in State law to enable local agencies to generate the needed additional funds is needed. The discussion associated with the Principle should reflect this reality.</p> <p><u>Supervisor Mary Piepho</u> – “routine maintenance that is landowners’ <u>and beneficiaries</u> responsibility.”</p>
<p>4. The Delta Levee Investment Strategy should be based on the Delta Plan principle that beneficiaries pay. The State share of levee improvements should reflect the State interests at stake.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Appears fairly reasonable on its face, although it should be made more clear as to who and what entity (State or local?) will collect assessments from, say, railroads or EBMUD. Or they will pay their share on the specific project. Since this may lead to changing the share of cost it needs to be less ambiguous and more clearly stated.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that beneficiaries should pay.</p> <p><u>California Department of Fish And Wildlife</u> - The use of the word beneficiary could mean that we should also consider southern California and those communities that benefit from the water that is exported to their regions. They too should pay their fair share.</p> <p><u>California Farm Bureau Federation</u> - Separate standards for urban versus agricultural levees that reflect Delta beneficiaries’ ability to pay are appropriate.</p> <p><u>California Farm Bureau Federation</u> - Given the Delta’s statewide importance, and in the light of the many benefits flowing to a wide range of direct and indirect beneficiaries of the Delta levee system through the state, Farm Bureau agrees with the DSC principle that funding for state investment in Delta levees should come from a much broader base of direct and indirect beneficiaries.</p> <p><u>Department of Water Resources (FESSRO)</u> – The existence of a State interest in Delta Levees is stated in CA Water Code §§12981 -12983. The degree of investment that the State chooses to make in improving and maintaining the levees is currently established by the cost-share formulas established in the Water Code, and more importantly, by the legislature’s annual funding commitment to existing Delta Levee Programs. Proposed adjustments to the percent cost-share that is paid by the State concerning Delta levee projects requires a change in the Water Code. Before proposing changes to the Water Code for this purpose, the Council should undertake an</p>

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	<p>economic study to support any adjustments in keeping with the Council's tenet of using best available science to support policy decisions. This is a laudable concept; however, there are legislative hurdles to overcome. Work with the DPC.</p> <p><u>MBK Engineers</u> - We have no general objections to this principle. However, it should be noted that we are still several years away from a beneficiary-pays program being accepted and in place.</p> <p><u>Supervisor Mary Piepho</u> – Add examples of state interests.</p>
<p>5. State flood management investments to protect major urban development remain the first priority.</p>	<p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that the first priority should be to protect existing urban development.</p> <p><u>Delta Protection Commission</u> - What about non-urban rural communities? How do they fit in?</p> <p><u>Department Of Water Resources (FESSRO)</u> - There are programs within DWR that are focused on protection of urban areas (Flood Projects Office - Urban Flood Programs) and others with a primary interest to protect assets of Statewide interest (FESSRO-Delta Flood Protection Program).</p> <p><u>MBK Engineers</u> - We have no objection to this statement. However, since urbanization only exists on the very outer fringe of the Delta, and if it is the only priority due to funding limitations, the goals of habitat enhancement, water supply and Delta as place are completely ignored.</p> <p><u>San Joaquin County Public Works Department</u> - We concur that providing adequate flood protection to urban areas should be the State's first priority. However, this should indicate the appropriate level of flood protection for urban areas as 200-year, consistent with the standard established by Senate Bill 5.</p>
<p>6. Water conveyance channels and the levees that protect water quality for water users need protection. Water contractors and other water users who benefit should pay for these levees' improvement.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Appears reasonable and fair.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that water conveyance, water quality, and ecosystem restoration are high priority areas for funding.</p> <p><u>California Department of Fish And Wildlife</u> – Add “and maintenance” to end of policy description.</p> <p><u>California Farm Bureau Federation</u> – Intact Delta levees are fundamentally important to maintain in- and through-Delta water quality, even with potential future modification of through-Delta conveyance.</p> <p><u>California Farm Bureau Federation</u> - Along with base-level protection throughout most of the rest of the Delta to a minimum P.L. 84-99 level of protection, long-term State investment in achievement of heightened protection standards is amply justified, even if costly, for critical through-Delta water supply corridors and for the eight critical Central and West Delta (Bethel, Bradford, Hotchkiss, Jersey, Sherman, Twitchell, and Webb Islands). This concept should form the core of the DSC's DLIS.</p> <p><u>Department of Water Resources (FESSRO)</u> - Qualify that water contractors/others should pay in proportion to the benefit they receive from levee improvements and maintenance. Again, a laudable concept; however, there are legislative hurdles to overcome. Work with the DPC.</p> <p><u>Local Agencies of the North Delta</u> - As described above with respect to FMIS Principle 3 routine maintenance of channels is also necessary.</p>
<p>7. State funds must enhance the ecosystem even if projects cost more to the State and to reclamation districts. The channels and riversides affected by levees are too important to the Delta ecosystem to ignore these needs. And the practical fact is that a reliable supply of water is only possible when the Delta ecosystem is significantly improved.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Each project should have primary and secondary objectives. Flood control and ecosystem cannot and should not be treated 50/50 (weighed equally), since flood control is the primary objective of the projects led by reclamation districts (including BIMID) and is aligned with their responsibilities. Ideally such Districts should not be funding ecosystem upgrades but rather only funding levee integrity and safety (protection of life and property), and with the State fully funding the environmental dimension without penalty to the RD's or SD's. Or, if any environmental contribution may still be sought from such protection-related levee projects, it be minimal at most.</p>

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	<p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that water conveyance, water quality, and ecosystem restoration are high priority areas for funding.</p> <p><u>California Department of Fish And Wildlife</u> - Suggested policy revision: <u>“State funds directed toward levee improvements must also enhance the ecosystem</u> The channels and riversides affected by levees are too important to the Delta ecosystem to ignore these needs.”</p> <p><u>California Department of Fish And Wildlife</u> - See comment below regarding the cost of ecosystem enhancement to the reclamation districts. A reliable supply of water is only possible if levee system integrity remains intact. Ecosystem enhancement is highly desirable and should be a large component of project funding in the Delta but water supply reliability is not dependent on it.</p> <p><u>California Farm Bureau Federation</u> - The key word here is perhaps “enhance,” with emphasis on the idea that any investment in “the ecosystem” in fact provide enhancement of the ecosystem commensurate to its cost. In the Delta, for example, where lands adjacent to waterways are, in many cases, too deeply subsidized to provide any true ecosystem benefits or quality habitat commensurate to the cost, setback levees in many locations would be quite inappropriate. Efforts to establish riparian vegetation on levees must consider Army Corps standards and potential trade-offs in terms of increased inspection and on-going maintenance costs, possible reduced levee integrity, and increased flood risk. Similarly, costs of so-called vegetated “toe berms” and levee “benches” should be carefully considered in relation to the science in support their actual ecological benefits. Given limited funding, intelligent prioritization of small amounts of good quality, functioning habitat is preferable to thinly-spread investment in poor quality habitat over a larger area.</p> <p><u>California Farm Bureau Federation</u> - With the notable and oft-heralded success story of Liberty Island in the North Delta—and, possibly soon, of Prospect Island as a potential twin of Liberty Island—it is pertinent to note that most presently flooded islands in the Delta are considered by biologists to be poor habitat for native fishes, due to land elevation and water depth, invasive plants and fishes, water temperature, and lack of circulation. This reality should enter prominently into the calculation of ecosystem benefits of State investments in the Delta levee system.</p> <p><u>Delta Protection Commission</u> - Ecosystem enhancement is not a responsibility of reclamation districts. At the very least, it is a responsibility of all Delta levee beneficiaries. An even more compelling argument can be made that it is a public responsibility.</p> <p><u>Department of Water Resources (FESSRO)</u> - This principle restates the co-equal goals for the Delta and could be eliminated or improved. This land, alongside the levees, is privately owned, subject to the interests of private citizens. The Delta Levees Program and others with legislated mandates to develop ecosystem services are working with private owners to provide proper incentives necessary to obtain their concurrence on ecosystem projects. There are problems with the current system.</p> <p><u>Local Agencies of the North Delta</u> - In general, LAND members support appropriate and well-planned habitat projects. For instance, the RDs have advocated for changing the US Army Corps of Engineers’ vegetation policy to allow for keeping high value habitat. As identified repeatedly, RDs also cannot legally levy assessments for enhancements that fail to meet Proposition 218 special benefit requirements. The enhancements referenced in this draft principle are not the legal responsibility of the RDs but are instead legally required to mitigate for impacts on the ecosystem caused by the Projects’ major water exports, and are necessary to water supply reliability of the exporters. Thus, they must be funded by the Projects, not the RDs or the state in general.</p> <p><u>Local Agencies of the North Delta</u> - This Principle contradicts the approach of Delta Plan Policy ER P4, which includes a feasibility analysis for covered actions prior to any requirement to construct setback levees to increase floodplains and riparian habitats, for instance. The language of this Principle also assumes that new habitat will create more water supply reliability. This causal relationship is not necessarily borne out by best available science, as demonstrated by the recent abandonment of the BDCP/massive scale habitat approach. Moreover, this policy should begin with requiring the Projects to carry out their legally required mitigation (“reasonable and prudent”) measures from the biological opinions. LAND again requests that the Council work to support appropriate habitat projects at the policy level, and work toward a fair allocation of burdens.</p> <p><u>MBK Engineers</u> - We understand ecosystem enhancement is a coequal goal, so we have no general objection to this principle. However, we do not believe the State has developed plans and incentives needed to develop habitat in conjunction with levee projects. In addition, not all levee projects are in areas where conditions are conducive to habitat development. Therefore, we urge the DSC to consider programmatic habitat improvements as a principle.</p>
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<p>8. System-wide needs require consideration. These include the bypasses and project levees of the State Plan of Flood Control, the proposed Paradise Cut Bypass recommended in the Delta Plan, and other non-project levees whose contributions to State interests are demonstrated.</p>	<p><u>Bethel Island Municipal Improvement District</u> - It should be made more clear that system-wide needs are not the responsibility of local government, and that the State is currently working on basin wide studies leading to CVFPP.</p> <p><u>Bill Edgar/ Clyde Macdonald</u> - With regard to the principles we agree that basin wide system needs and multi-benefit project proposals are also a priority for funding.</p> <p><u>California Farm Bureau Federation</u> - The complex network of non-project levees in the Delta should be viewed, not piecemeal or on an isolated, island-by-island basis, but rather holistically as an integrated system, and also in relation to the larger system of levees, weirs, and bypasses in the State Plan of Flood Control System, both within and upstream of the Delta.</p> <p><u>Department of Water Resources (FESSRO)</u> - As the levees and bypasses upstream of the Delta are improved, more water will be accelerated into the Delta, creating a backwater in the Delta. All (1,100 miles of) Delta levees will be subjected to this increased water level. It may be appropriate for DSC to conduct a cumulative effects analysis of upstream improvements in order to judge the need to incorporate mitigation (for higher Delta stage) into upstream projects.</p> <p><u>MBK Engineers</u> - We have no objections to this principle. However, we would encourage development of other regional projects that would combine flood control, water supply, and ecosystem improvements.</p> <p><u>Supervisor Mary Piepho</u> – Where have “non-project levees whose contributions to State interests are demonstrated” been identified?</p>
<p>9. Impacts to the Delta’s unique values matter.</p>	<p><u>Bethel Island Municipal Improvement District</u> - This Principle is so sparing in its expression that its meaning and intention is obscure. It certainly calls for further explanation and clarification.</p> <p><u>California Department of Fish And Wildlife</u> - What does this mean? I am not sure of the context for this statement “Delta’s unique values”. Consider deleting this principle.</p> <p><u>Delta Protection Commission</u> - How do the Delta's unique values matter? Unfortunately, the brevity and general nature of this statement seem indicative of the Council's consideration of "Delta as Place" values thought this Principles paper (and in the earlier discussion over State interests); namely, that they are an afterthought at best.</p> <p><u>Department of Water Resources (FESSRO)</u> - Define what is included in "unique values". If it is agriculture, that is not unique. If it is small communities, that is not unique. What is "unique" about the Delta?</p> <p><u>Local Agencies of the North Delta</u> - We thank the Council for this acknowledgement of the statute. A more detailed articulation of how the commitment will be carried out would be helpful, however. For instance, the DLIS and FMIS must provide appropriate protections to Delta agriculture, recreation and legacy community in order to implement the commitment to the Delta as a place that was so essential to the passage of the Delta Reform Act in 2009. As currently structured, these processes do not afford protection weight to these values.</p> <p><u>MBK Engineers</u> - We agree with this principle; however, other principles, guidance, and observations included in this DSC paper seem to indicate that levee maintenance and maintaining the existing configuration of levees are not important to protecting these unique values. We would argue that the current levee system is the most important component of the unique Delta values and the notion of “Delta as place.”</p> <p><u>Supervisor Mary Piepho</u> –Define unique values.</p>
<p>10. Non-project levee proposals seeking state funding must prove they protect many people and/or assets or help achieve the co-equal goals. Landowners have no entitlement to State funding of repair, improvement, or maintenance of non-project levees.</p>	<p><u>Bethel Island Municipal Improvement District</u> - In addition to the combined comments made above regarding Principle #1, we would urge that any urban limit line applied by the Council be identical to that of (in Bethel Island's case) the established Contra Costa County Urban Limit Line as represented in the Delta Plan's Executive Summary 2013 in Figure ES-2 on page ES-12. The State should not impose an urban designation onto any County as that is for the County to define in its General Plan. (Attachment 1 Page 1 "Project and Non-Project Delta Levees"). Further, true there is no entitlement. But this Principle as stated doesn't mean much, for it is very vague what might be meant by "many people" and/or "assets." How many are "many," and whose assets are we talking about; State, local, federal, private?</p>

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	<p><u>California Department of Fish And Wildlife</u> - The Delta Levees Subvention and Special Projects Program do not, and have not, required any reclamation district/levee maintaining agency to “prove” that they protect people or valuable assets or contribute to the co-equal goals in order to receive funding. There is nothing in the mandates that established these programs that it has to be proven nor should it be. The statement that landowners have no entitlement to State funding for levee repairs is false; the landowners are not applying for or receiving State funding for levee repairs, it is the reclamation districts that are responsible for maintaining the levee and ensuing its integrity from flooding and they apply for and receive the funding; the reclamation districts are entitled to State funding to maintain and repair project and non-project levees under Water Code 12314, et. seq. It is mandated by law, perhaps the correct information should be cited in this document. Suggest removing this principle entirely.</p> <p><u>Department of Water Resources (FESSRO)</u> - Proposal solicitations for Special Projects include specific requirements that define the clear statewide interests to be served in a proposal. Each application is evaluated to determine that applicants meet the intent of the PSP. DWR believes the intent of this principle is met.</p> <p><u>MBK Engineers</u> - We do not agree with this principle. Again, we would direct your attention to Water Code section 12981.</p> <p><u>Rogene Reynolds</u> - Principle #10 is in complete opposition to Principal #1. Without repair and maintenance, “non-project” levees will not contribute to better protecting life, property, and State interests in the Delta. (And there are many more miles of non-project than “project” levees.)</p> <p><u>Rogene Reynolds</u> -Principal #10 is justification for the State to turn its back upon most of the levee miles in the Delta – the “non-project” levees. This is counter-intuitive to all the State has been promulgating regarding the risk of seismic failure in the Delta. If the State fears the results of multiple levee failures due to seismic activity, it should also fear across-the-board disregard for maintenance of non-project levees. The result will be the same – catastrophic failure of the levee SYSTEM.</p> <p><u>Rogene Reynolds</u> -It does not further State interests to allow non-project levees to degrade, threatening land, production, homes and lives. The old saying is “penny-wise, and pound-foolish”. By sharing maintenance costs with Reclamation Districts and local agencies, the State increases the overall condition of the levee SYSTEM, and improves its chances of achieving the co-equal goals. State cost-sharing in “repair, improvement, or maintenance” is in fact necessary for achieving Principle #1.</p> <p><u>Rogene Reynolds</u> - “Entitlement” is a misnomer. In this DLIS process, landowners seek not “entitlement”, but ask the process to correctly evaluate their lives and property (including residences).</p> <p><u>San Joaquin County Public Works Department</u> - The explanatory language provided with this Principle seems to contradict the Principle itself. It implies that locals are not entitled to receive State funds for non-project levees, while the Principle implies that use of State funds for non-project levees is acceptable provided it would protect lives and property or help achieve the co-equal goals. We understand the interest by the State to reduce State liability. However, large urban areas protected by non-project levees should be given first priority for flood protection investment, as indicated in Principle 5, regardless of whether the investment would be to project or non-project levees. The primary goal should be to reduce flood risk in these areas. Reducing State liability should be secondary to this. Also, many urban areas, such as Stockton, receive protection from both project and non-project levees. Therefore, to achieve an acceptable level of protection for these areas (i.e. 200-year) will require investment in both project and non-project levees.</p>
<p>11. The Delta needs a Flood District and it must charge all beneficiaries, including railroads, electrical and telecommunication utilities, gas and oil infrastructure, commercial shippers, and the numerous water conveyance systems that cross the Delta.</p>	<p><u>Bethel Island Municipal Improvement District</u> - As indicated in the prefacing remarks above, BIMID is also pursuing an Assessment District at this very time. This Principle should not infringe on the RD's or SD's being able to pursue Proposition 218 funding so this needs to be clarified, with assurance that when an RD or SB has an Assessment District the Delta Wide Assessment District should not replace, negate, or otherwise undermine or compromise it, but rather supplement it for the mutual benefit of the District, region and State (and further enhance the greater good for the greater whole).</p> <p><u>California Farm Bureau Federation</u> - No future Delta levee assessment district should undermine or erode the financial capacity of local agricultural landowners and reclamation districts to directly protect specific lands, properties, and business interests.</p> <p><u>County of Sacramento</u> - It is important to explore the cost/benefit on a holistic Delta approach. The State cannot afford to leave the protection of critical infrastructure to the underfunded rural reclamation districts. If there is found to be local, state, or federal interest in a reach of levee, there should be a cost share mechanism to fund such a District that includes those interests.</p>

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	<p><u>Department of Water Resources (FESSRO)</u> - There are provisions in CWC to develop a Flood Maintenance Area (Sect 12878)</p> <p><u>Local Agencies of the North Delta</u> - It is not certain what functional value a regional Flood District might provide. The DPC's assessment process should help inform a meaningful dialogue about whether a regional Flood District is actually needed. A well-run organization that supported collection of fees from the entities that have direct and indirect benefits from the levees (but which currently do not fund improvements), that did not interfere with, but instead supported, the RDs in the levee projects could be of value. But it is our experience that the addition of layers of bureaucracy simply costs the public massive amounts of money, taking away time and funding from the substantive physical improvement needs.</p> <p><u>MBK Engineers</u> - We are currently in the early stages of determining whether an overarching flood district would be beneficial. However, we agree that there are beneficiaries of Delta levees who do not currently fund their fair share of levee improvements.</p> <p><u>San Joaquin Area Flood Control Agency</u> - Flood Districts beneficiaries should include roads and highways.</p>
<p>12. State investments in the Delta's flood management system must consider post-flood recovery responses by local, state, and federal agencies and the efficacy and likelihood of financial assistance after major flood damage.</p>	<p><u>Bethel Island Municipal Improvement District</u> - We would strongly suggest that the Council elaborate further on this Principle. Does it mean that DSC will require all RD's and SD's to have an EAP (will may make sense)? Or should each project need to provide for emergency recovery? It seems to imply that post flood assistance will be limited or nullified in favor of condemnation, but it is quite ambiguous.</p> <p><u>California Department of Fish And Wildlife</u> - What is meant by this statement? Maybe this went over my head, but what are the ramifications? Does this mean they need to be considered for every subvention and/or special projects funded by DWR? Spend tons of money planning for something that is likely not going to happen (associated with a project).</p> <p><u>Department of Water Resources (FESSRO)</u> - Within the Emergency Response organizations, there are methods to consider the level of DWR's recovery effort for specific island damage. In a nutshell, DWR will work with local interests to flood fight until a breach occurs. Then DWR will use models to evaluate the State's interest to recover the island, coordinate with private interests, and evaluate political needs to determine the appropriate actions to take in recovery. These actions may vary between "do nothing" and "participate with private interests on full recovery to protect State interests".</p> <p><u>Supervisor Mary Piepho</u> – Does this mean that investments should not be made in maintenance if money will come after disaster?</p>

Attachment 19 - Summary of Stakeholder Comments on Principles to Guide State Flood Management in the Delta Submitted by June 15, 2015

Further guidance for developing a State strategy for flood management investments in the Delta	Comments
<p>1. Evaluate alternative approaches. A State Investment Strategy that achieves the desired goals and is cost-effective must start by evaluating all flood protection alternatives, and how they might help achieve the Coequal Goals. It cannot start and end with an evaluation of levees only. As noted, required limitations on urbanization, revised cost-sharing formulas, and individual self-help actions are needed, not simply additional state funds.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Again, comprehensive evaluation to justify a project may be applicable to levee improvement projects, but not for levee maintenance work. The Council needs to more fully realize that the Delta Islands (mostly agricultural) do not have anywhere near the resources needed to conduct comprehensive studies for each project and, as a result, levee integrity may be compromised, which then can lead to catastrophic failure or at least to additional future major levee projects and associated costs that could have been avoided by solid, ongoing, adequately funded (and preventive) levee maintenance. A revised cost share valuation would again potentially raise the percentage of local share to what some on the Council have characterized as 50% or more, which would be financially untenable to the RD's and SD's, and thereby counter to the more favorable outcomes of significant ongoing enhanced levee improvements.</p> <p><u>California Department of Fish And Wildlife</u> – Suggested revision: Delete “As noted, required limitations on urbanization, revised cost-sharing formulas, and individual self-help actions are needed, not simply additional state funds.”</p> <p><u>California Department of Fish And Wildlife</u> - If cost-sharing formulas are revised, it should be to the benefit of the reclamation districts/levee maintaining agencies and to increase the State share of ecosystem enhancement to 100%. Many reclamation districts in the Delta do not have the funding available to pay the 25% cost share under the subventions program, let alone a much smaller cost share of a significantly more expensive rehabilitation project under the Special Projects Program which typically includes an ecosystem enhancement component. The statement that “individual self-help actions are needed,” is not feasible and should be removed from the paragraph. There are already required limitations on urbanization in the Delta, see comment above regarding the Delta Protection Act. Having a better understanding of what the reclamation districts/levee maintaining agencies have to work with on a funding, personnel, equipment level would go a long way in being able to accurately depict what is actually occurring in the Delta relative to maintaining the levee system.</p>
<p>2. Measure risk reduction. Measurably reducing threats to the levees’ integrity, such as those posed by flood flows, earthquakes, seepage, or sea level rise, should be the objective of the Delta Levee Investment Strategy’s recommendations.</p>	<p><u>Bethel Island Municipal Improvement District</u> - It makes sense to establish some performance measures. However, the Council should be careful not to apply the PM's for project levees in the Delta. Additionally, the levee standards in the Delta typically address geometry of the levees and not the foundation.</p> <p><u>Department of Water Resources (FESSRO)</u> - Risk = Probability x Consequence. By limiting your evaluation to "levee integrity" you are focusing on only one half of the equation.</p> <p><u>MBK Engineers</u> - In theory this appears to be an appropriate tool to consider. However, at this time, not enough levee data exists to adequately measure risk reduction. As a result, generalizations would have to be made, which are difficult due to the varying conditions of Delta levees. The amount of work to acquire adequate levee data would be extremely expensive and therefore, up to this point, has only been performed on levees protecting urban populations.</p>
<p>3. Prioritize multi-benefit projects. Multi-benefit proposals should rank higher than single purpose funding requests. Eco-system improvements, for instance, should be a principal reason for the state to fund a project. Currently, habitat effects are often viewed as a burdensome issue of mitigation for flood control.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Multi-benefit projects in the Delta are of course a mixture of flood control, emergency response, subsidence reversal, water supply protection, and ecosystem improvement. This Principle places too much emphasis on ecosystem, which again should be part of the opportunity but the RD's and SD's should not be expected to underwrite or financially support to any considerable extent (if at all) their restoration, upgrading or expansion.</p> <p><u>Bethel Island Municipal Improvement District</u> - These improvements are financially burdensome - at times to the point of prohibitive - on the RD's and SD's and need to be handled independently and separated in the same fashion that the tunnels were decoupled from eco-restoration. Otherwise they will become an increasing deterrent to RD's and SD's, placing otherwise much needed and high priority levee upgrades beyond their reach financially.</p> <p><u>California Department of Fish And Wildlife</u> – Suggested revision: “Multi-benefit proposals should rank higher than single purpose funding requests. Eco-system improvements, for instance, should be a principal reason for the state to fund a project factored into the ranking system of levee</p>

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	<p><u>improvement proposals. Currently, habitat effects are often viewed as a burdensome issue of mitigation for flood control.”</u></p> <p><u>California Department of Fish And Wildlife</u> - Multi-benefit proposals already rank higher than single purpose projects for the purposes of funding requests but it is not realistic or feasible for the State to fund a project with the ecosystem component as the principle reason for selecting the project for funding. A levee program funds projects for the principles of ensuring levee integrity first with the ecosystem enhancement component as a smaller percentage of the ranking. It is not feasible for all levee districts to create an ecosystem enhancement project to the standards that make it a large biological benefit in relation to the cost to create the enhancement. In addition to multi-benefit projects, the State benefits more from creating its own large-scale enhancement projects that are more biologically superior because of its size and location. Due to the location of many levee systems it may not be feasible or favorable for native species to create certain habitat types. The State has more options to look at biologically superior locations to create a habitat enhancement project as opposed to be limited by the location of an individual reclamation district.</p> <p><u>Department of Water Resources (FESSRO)</u> - Within the Delta Levees Program there is a mandate to achieve ecosystem enhancement. Many of the projects highlighted in the Delta as ecosystem projects are the result of this programmatic mandate. The other flood management program does not have this mandate or authorization to use State funding for ecosystem services in excess of mitigation. If you want to affect this policy, you need to work with the legislature to expand the requirements and authority of these other programs. (This is not a Flood Management problem; it is a legislative authorization problem.) Maintaining and improving the Delta's levees and resources of major statewide significance are the principal reason to fund projects under the Delta Levees Program. CA Water Code Section 12311 mandates that the Delta Levees Special Project program have, as its primary purpose, the protection of discrete and identifiable public benefits. Water Code Section 12981 mandates that funds in the Delta Levees Subventions Program be used to maintain and improve the Delta's levees to protect the Delta's physical characteristics to fund levee work that would promote agricultural and habitat uses in the Delta consistent with resources that are of major statewide significance. Water Code §§ 12314 and 12987 mandate that proposed expenditures be consistent with a net long-term habitat improvement program and have a net benefit for aquatic species in the Delta.</p> <p><u>MBK Engineers</u> - As explained above (comments on the Principle 7), we would suggest a programmatic approach.</p> <p><u>Reclamation District 999</u> - The principal reason for any project of flood control must be for the benefit of human life. Habitat is important as it is essential for a healthy environment, but a project that is necessary for the protection of people should never be ranked lower due to lack of benefit to the environment. Public safety must be paramount to any ecological goal.</p> <p><u>San Joaquin Area Flood Control Agency</u> - In fully urbanized areas, multi-benefit projects may not be available or cost effective. While it is important to seek multi-benefit projects, understanding the geographical and local funding constraints can determine the feasibility of multi-benefit projects. For this reason, urban flood protection projects should not be penalized where there are limited opportunities to obtain multi-benefit projects. Projects in urban areas that have a high risk reduction benefit should not receive a lower ranking due to conditions that do not allow favorable multi-benefit projects when multi-benefit opportunities have been evaluated.</p>
<p>4. Protect the Delta’s unique values. Flood risks to farmland and legacy communities must be considered as investment priorities are developed. Public access for fishing and recreation should be considered in reviewing proposals for funding levee improvements.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Considered very reasonable. But we also want to make sure that Bethel Island is included among "legacy communities," and that there is assurance that such "legacy communities" are regarded as primary in the protection of the unique values of the Delta, and always included within and never separated from the definition of this "unique values" reference.</p> <p><u>California Farm Bureau Federation</u> - A healthy agricultural economy in the Delta is necessary to ensure on-going local capacity to invest in necessary maintenance of and improvement of Delta levees.</p> <p><u>Department of Water Resources (FESSRO)</u> - Again, proposal solicitations for Special Projects include specific requirements that define the clear statewide interests to be served in a proposal. Each application is evaluated to determine that applicants meet the intent of the PSP. DWR believes the intent of this principle is met.</p> <p><u>MBK Engineers</u> - We agree with this point; however, it appears to contradict Principle 10.</p>

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<p>13. (5) Allocate costs. The Delta Levee Investment Strategy should recommend allocations of levee maintenance and improvement costs to beneficiaries in proportion to their benefits. The cost allocations should also provide a basis for actions by the Public Utilities Commission to require regulated utilities that benefit from Delta levees to invest in these levees' improvement, as recommended in the Delta Plan.</p>	<p><u>Bethel Island Municipal Improvement District</u> - Sounds like the beneficiary pays approach, which is OK as long as it doesn't apply to maintenance work. In the event this may also tend to open the door for more funding for all projects, again it should not infringe on or in any way penalize locally established Proposition 218 Assessment Districts.</p>
<p>5. (6) Consider post-flood recovery. The Delta Levee Investment Strategy should seek to clarify the effectiveness of post-flood responses by federal, State and local agencies. The strategy should also reflect cost effective opportunities to maintain and broaden eligibility for federal post-disaster recovery assistance. Property owners are responsible for insuring their property against flood damage.</p>	<p><u>Bethel Island Municipal Improvement District</u> - No comments; well-conceived and reasonable.</p>