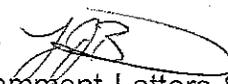


Bethel Island Municipal Improvement District

3085 Stone Road
PO Box 244
Bethel Island, CA 94511-0244
(925) 684-2210
Fax: (925) 684-0724
Email: bimid@sbcglobal.net
Web Site: www.bimid.com

*All
BIMID
Comments to DATE on the Principals Strategies*

STAFF REPORT

TO: Board of Directors
FROM: Interim District Manager 
SUBJECT: Update on All Three Comment Letters Submitted to the Delta Stewardship Council During June and July, 2015
DATE: July 16, 2015

Discussion:

Boardmembers have of course already been provided copies of these letters as they materialized over the past several weeks. However, now that they've all been completed, and all three public comment periods have been met, for the benefit of both the Board and the public we wanted to make sure they are also formally presented to the Board as a fait accompli during this regular meeting.

Attachments:

June 9, 2015 Delta Stewardship Council Notice of Public Comment Periods for Technical Memoranda, Draft Flood Management Investment Strategy Principles, and Notice of Preparation – DLIS Policy Draft Environmental Impact Report

June 15, 2015 BIMID Comment Letter on Draft Investment Strategy Principles, and the Principles Themselves

June 19, 2015 Comment Letter on Technical Memoranda, and the Technical Memoranda List

July 1, 2015 Comment Letters on Delta Levee Investment Strategy Policy EIR NOP, and the May 28, 2015 Notice of Preparation Cover Letter with Attachments, and the Document Itself



Clarifying the Council's Comment Periods on DLIS

TUESDAY 9 JUNE

The Three Separate Comment Periods Are Described Below

The Delta Stewardship Council currently has open opportunities to comment on three different aspects of the Delta Levees Investment Strategy (DLIS). We recognize that this can be confusing – which comments are due when and on what. So allow us to clarify.

1. We've extended the comment period on the **Technical Memoranda to 5 p.m. on Friday, June 19**. As the name implies, these five memos are technical in nature and intended to help provide the foundation for development of the Strategy.

The Memoranda were the focus of a scientific peer review panel two weeks ago, but we were unable to post audio and video of that meeting online until now. Many of you said you wanted to review that meeting prior to completing your comments – and now you can.

To read the memos, please click [here](#).

To view the **Peer Review Panel Discussion**, please click [here](#) and scroll to the bottom of the page.

Submit comments via email by 5 p.m. June 19 to: dustin.jones@deltacouncil.ca.gov

2. Comments on the Council's **draft Delta Flood Management Investment Strategy Principles must be received by 5 p.m. Monday June 15** if you want them to be part of the summary that will be discussed at the June Council meeting.

The Policy Principles reflect discussions among Council members at the March and April meetings and advice from the March 11, 2015 risk management/levee expert workshop, as well as from stakeholders and staff.

To read the **Policy Principles**, please click [here](#)

Submit comments by 5 p.m. June 15 to: dustin.jones@deltacouncil.ca.gov

3. Comments on the Notice of Preparation - DLIS Policy Draft Environmental Impact Report are due by 5 p.m. Wednesday, July 1.

The NOP discusses the reasons for, and the scope of, the Delta Levees Investment Strategy in preparation for reviewing its potential environmental impacts.

In addition to written comments, the Council is holding two scoping meetings:

- The first beginning at 10 a.m. on June 30 in West Sacramento
- The second beginning at 6:30 p.m. on June 30 in Stockton.

To read the Notice of Preparation, including the specific meeting locations, please [click here](#)

Submit comments by 5 p.m. July 1 to: DLIS_NOP_comments@deltacouncil.ca.gov

Having trouble reading this? [View it in your browser.](#) Not interested? [Unsubscribe instantly.](#)

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Fax: (925) 684-0724
Email: bimid@sbcglobal.net
Web Site: www.bimid.com

June 15, 2015

Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Attention: Dustin Jones
RE: Draft Delta Flood Management Investment Strategy Principles;
Comments by Bethel Island Municipal Improvement District

Dear Mr. Jones:

The Bethel Island Municipal Improvement District (BIMID) much appreciates the opportunity to submit the following comments on the Delta Stewardship Council's proposed Delta Flood Management Investment Strategy Principles. These include, from the report considered by your Council at its May 28, 2015 meeting, the "Principles to Guide State Flood Management Investments in the Delta" and "Further Guidance for Developing a State Strategy for Flood Management Investments in the Delta."

These comments have also taken shape based on the attendance of both the Board President and District Manager of BIMID at your May 28, 2015 Council meeting, subsequent discussion at the regular monthly meeting on June 5, 2015 of the Delta Levee and Habitat Advisory Committee attended by the BIMID District Manager, professional review by BIMID's District Engineer GEI Consultants, and ultimately discussion, action and direction at the June 11, 2015 Special Meeting of the BIMID Board of Directors.

As will our forthcoming related comments on the Council's Technical Memoranda and Notice of Preparation, these comments are also offered from the perspective of the Delta's most populated and urbanized Island – also one of the 8 "sentinel Islands" – and in the wake of the precipitous decline in BIMID's financial condition due to the recession (a loss of nearly 1/3 of its Property Tax revenue base, its only major source of local revenue), and how BIMID has "stepped up to the plate" to meet that significant setback and challenge through a proposed Assessment District for which ballots are just about to be mailed on June 22, 2015. As I specifically emphasized orally at its May 28 meeting, we invite the Council to consider Bethel Island and BIMID as a fundamental case study as to what works or may not work so well within the present DWR funding system, and how best to consider or develop alternatives, and strike a balance among trade-offs, in a way that would more optimally meet State, local and regional interests including improving the future prospects for enhanced levee improvements.

Towards that end, we join and echo others who recognize how imperative it is to be sure that all strategies and principles are built upon and derive from a correct, accurate foundation of information, realistic modeling of present and projected circumstances, and a shared understanding in which we may all ultimately come to have confidence. In endeavoring to arrive at outcomes that are truly an example of the whole being greater than the sum of its parts, the following comments also reflect our increasing understanding as to how these Principles, the Technical memoranda, and the NOP for the Draft EIR do not stand alone, but are inextricably intertwined in the potential impacts of the Council's direction and determinations on the future priorities, funding prospects, and economic, recreational and lifestyle values of Bethel Island and other Delta Islands and resources.

Principles to Guide State Flood Management Investments in the Delta

Page 1, paragraph 5 of May 28, 2015 Report to Council (Agenda Item 11, Attachment 5) – 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.

1. 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 non-project 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.
2. 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.
3. 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

4. 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.
5. No comments (reference SB 5).
6. No comments; appears reasonable and fair.
7. 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.
8. 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.
9. This Principle is so sparing in its expression that its meaning and intention is obscure. It certainly calls for further explanation and clarification.
10. 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?

11. 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).
12. 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.

Further Guidance for Developing a State Strategy for Flood Management Investments in the Delta

1. 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.
2. 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.
3. 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.

4. 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.

5. 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.

6. 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.

7. No comments; well-conceived and reasonable.

Again, we much appreciate the opportunity to provide these comments for your serious consideration and review.

Sincerely,



Jeff Butzlaff
Interim District Manager

Delta Flood Management Investment Strategy Principles

Let us start with the most fundamental fact available: with lands near or below sea level at the outlet of two major river systems, the Delta is inherently flood-prone. Our forbearers wrestled these lands from the Delta's marshes and channels, constructing 1,100 miles of levees with some of the 19th century's best engineering. Constant effort is still required today to protect the region's residents, farms, and businesses from flooding.

Over the past four decades, Delta levees have been improved, at considerable cost to area landowners and the State. Subventions have helped improve levee maintenance on many islands. 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. Flooded areas, such as Liberty and Mildred Islands, and levee failures in the 1980s and 90s and in 2004 remind us that our efforts are not always sufficient. The best science tells us the challenge of managing flooding in the Delta will only grow more difficult in the future due to land subsidence, erratic climate patterns, the possibility of earthquakes, and rising sea levels.

The Delta's primarily rural character assists in flood management, reducing the population and property at risk of damage. Unfortunately, too much of the Delta has been urbanized which contributes to the expensive challenge of flood protection.

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 eliminating all flooding risks in the Delta is impossible.

An improved State strategy for flood management investments in the Delta

A meaningful State policy seeks to reduce flood risk in the Delta in ways that are achievable and cost effective. Simultaneously a rational flood protection policy must also serve the two coequal goals of California law: "...a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem", achieved in a manner that protects and enhances the "unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place" (Public Resources Code section 29702).

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.

The Council is required to recommend in the Delta Plan priorities for investments in levee operation, maintenance, and improvements in the Delta, in consultation with the Central Valley Flood Protection Board (Water Code section 85306).

The funds available for Delta flood management are not sufficient to significantly raise the level of protection throughout the estuary. 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. Federal funding for flood protection and relief is the most restricted. Local flood agencies have an uneven ability to finance improvements.

A levees investment strategy in which "all priorities are important" and "everyone is equally entitled" is unaffordable and unlikely to promote effective flood protection. Spreading inadequate funding thinly throughout the Delta cannot address the serious flood risks to people, property, and State interests in the Delta. Therefore, the State must set priorities for its spending. Large urban centers must be protected, because so many lives and so much property are at risk. They should pay more towards levee improvements, because they can. Small communities need help, but evacuation strategies or assistance with nonstructural measures that reduce risk may be more cost effective.

For the past year, the Council has pursued information and insights from many sources in order to update the Delta Plan provisions that address flood-related risks. Based on its consideration of this input, it endorses these principles to guide the development of its Delta Flood Management Investment Strategy. Further guidance is also provided to the Council's staff and consultants about the application of these principles as they further develop the investment strategy.

Principles to Guide State Flood Management Investments in the Delta:

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.
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.
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.
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.
5. State flood management investments to protect major urban development remain the first priority.
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.
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.
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.

9. Impacts to the Delta's unique values matter.
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.
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.
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.

**Further guidance for developing a State strategy for
flood management investments in the Delta**

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.
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.
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.
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.
13. 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.
5. 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.

Bethel Island Municipal Improvement District

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Web Site: www.bimid.com

June 19, 2015

Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Attention: Dustin Jones

RE: Technical Memoranda; Comments by Bethel Island Municipal
Improvement District

Dear Mr. Jones:

The Bethel Island Municipal Improvement District (BIMID) much appreciates the opportunity to submit the following comments on the Delta Stewardship Council's Peer Review Technical Memoranda 2.1, 2.2, 2.3, 3.1 and 3.2. We also thank you for extending this comment period from June 5 to today to provide at least a little more time to better enable BIMID and other Delta reclamation and special districts, along with various other Delta stakeholders as well, to offer such review and comment.

Given the long term, unfolding nature of this process, and of these underlying documents, the following are what are intended to be initial general comments on these Memoranda in their current draft form. They are also offered with the request and expectation of being provided additional opportunities as this process continues moving forward over the next several months of participating in the ongoing review and revision of the Technical Memoranda, and offering additional, more succinct and detailed comments as these documents take a more factually based shape, especially as much of the information in the current appendices is incomplete, missing factual data, or, as the appendices themselves note, are based on "fictitious information." We therefore reserve all of our legal rights to further comments as these documents are changed and become both more factual and topical through what the Stewardship Council and its staff clearly sees as an iterative process involving Delta stakeholders.

These initial comments have arisen from the attendance of both the Board President and District Manager of BIMID at your May 28, 2015 Council meeting, subsequent discussion among the multiple organizational representatives and Delta stakeholders at the regular June 5, 2015 monthly meeting of the Delta Levee and Habitat Advisory Committee attended by the BIMID District Manager, underwent further professional technical review by BIMID's District Engineers - Mike Mirmazaheri and Mark Fortner of GEI Consultants - and ultimately further discussion, action and direction from our Board at the June 18, 2015 regular monthly meeting of the BIMID Board of Directors.

As was the case in our June 15, 2015 comments on the Council's draft FMIS Principles, and will be in our forthcoming comments on the Council's Notice of Preparation, these comments are offered from the perspective of the Central Delta's most populated and urbanized legacy community, and one of the Delta's eight Western "sentinel islands," that serves several purposes, including (1) BIMID's protection of water quality for the rest of the Delta, particularly saltwater intrusion into the Central Delta which absent BIMID's continuing vigilance could result in the decline or failure of DWR exports to Southern California. They are also offered with the understanding that (2) BIMID, even in the wake of the precipitous decline in its financial condition due to the recession (a loss of nearly 1/3 of its Property Tax revenue base, its only source of ongoing locally generated guaranteed baseline revenue), continues to protect the life and property of the residents of Bethel Island and also the critical interests of those entities in Southern California that rely on the export of water from the Delta, and (3) despite multiple and seemingly insurmountable obstacles, most importantly such severe funding limitations and mitigation options for BIMID, the manner in which the District has "stepped up to the plate" to meet those setbacks and challenges through a proposed island-wide Assessment District for which ballots are being mailed on June 22, 2015.

As we specifically emphasized at the Council's May 28 meeting, we invite the Council to consider Bethel Island and BIMID as a fundamental case study as to what works or may not work within the present DWR funding system, and how best to consider or develop alternatives, while striking a balance among trade-offs between various stakeholders, in a way that would more optimally meet State, local and regional interests including improving future prospects for enhanced levee improvements whether in conjunction with the Bay-Delta Conservation Plan or not.

Towards that end, we join and echo others who recognize how imperative it is to be sure that all strategies and principles are built upon and derive from a correct, accurate foundation of information, realistic modeling of present and projected circumstances, and a shared understanding in which we may all come to have confidence (and for which the Technical Memoranda are intended to provide the fundamental scientific baseline data and analysis).

In endeavoring to arrive at outcomes that are truly an example of the whole being greater than the sum of its parts, the following comments reflect our increasing understanding as to how the Principles, the Technical Memoranda, and the Draft EIR do not stand alone, but are inextricably intertwined. In evaluating the potential impacts of the Council's current direction and its determinations on the future priorities, funding prospects, and economic, recreational and lifestyle values of Bethel Island and other Delta Stakeholders we urge the Council and its staff, therefore, to allow further comment on technical appendices that are complete and which contain accurate, rather than flawed and "fictitious" information so that the various resources available to the State can be fully incorporated and appropriately valued.

Given the currently incomplete and inchoate status of the Technical Memoranda, and from the language of the Technical Memoranda themselves (which state that much of the information contained in the memoranda are fictitious placeholders), what follows are not detailed comments because, as we understand this process, the Technical Memoranda are in their infancy and not as focused as they will be once accurate factual and technical data are included in them. From the perspective of our District Engineer, GEI Consultants, on the one hand the Memoranda seem to attempt to rely on detailed science that tends to make the memoranda unintelligible to the lay reader, while on the other hand contain a dearth of factual data and information, much of which is readily available from the stakeholders in the Delta should the DSC continue to incorporate those stakeholders into its planning process (which we would strongly recommend). These comments, therefore, constitute high-level, general observations as we await future versions that make more sense, both to us and to others who have considerable interest and a critical stake in how all this ultimately plays out.

Memo 2.1 – Baseline Information

- a. The analysis is based on a 1-500 storm; we don't understand why it is not using guidance from SB 5.
- b. The analysis discusses about exposure analysis and references the DWR Study, but it's not clear what it is trying to convey.

Memo 2.2 – Hazard (No comments at this point)

Memo 2.3 – Tolerable Risk

- a. The levee types do not include the DWR 192-82.
- b. Maps from the Netherlands are shown as example; but why aren't actual Delta maps being used instead?

Memo 3.1 – Methodology

- a. This memo is focused on answering the 6 questions raised therein.
- b. It does not, however, offer any definition of beneficiaries.

- c. It talks about trade-off analysis (which, as emphasized above, we strongly encourage), but is not clear how it proposes to assess such intangible benefits.
- d. It lacks discussion on what and who will be impacted, which is discussed in other memos and in the investment strategy itself.
- e. It emphasizes an automated computer based tool to be used, but such a tool will likely constitute a one size fits all approach rather than looking at each island or reclamation district as having its own challenges and unique differences.

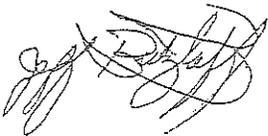
Memo 3.2 – Cost Allocation Methodology

- a. No comments at this point given the incomplete data and the arbitrary and capricious nature of the analysis.

Again, the Bethel Island Board much appreciates this initial opportunity to provide comments on the Technical Memoranda, and look forward to additional opportunities to do so over time as these Technical Memoranda continue to evolve and improve to reflect actual data and conditions in the Delta.

In short, given the arbitrary and capricious nature of the data in the technical appendices and the inability of the various Delta Stakeholders to complete a more exhaustive review of these appendices (and perhaps the DLIS document itself), **the District reserves its right to make further comments on the DLIS investment strategy, and particularly the technical memoranda being used to formulate that strategy** as the technical memoranda continue to be improved to reflect reality rather, on fictitious and half-thought through data about what is in the Delta (i.e. infrastructure, homes, legacy communities, agriculture, etc.) and the importance of maintaining the Delta while ensuring a more reliable water supply so that the unique nature of the California Delta can continue to be appreciated by generations of Californians to come.

Sincerely,



Jeff Butzlaff
Interim District Manager



[Home](#)

Delta Levee Prioritization Methodology Peer Review Meeting - Review Materials, Supplemental Documents and Presentations

Review Materials

[DLIS Peer Review Overview](#)

[DLIS Peer Review Technical Memorandum 2.1](#)

[DLIS Peer Review Technical Memorandum 2.2](#)

[DLIS Peer Review Technical Memorandum 2.3](#)

[DLIS Peer Review Technical Memorandum 3.1](#)

[DLIS Peer Review Technical Memorandum 3.2](#)

Supplemental Documents

1. [Supplemental Documents provided to the Panel.](#)
2. [The following open access science journal papers were also made available to the panel:](#)
3. [The following materials were also provided to the panel. These materials may be copyrighted by other institutions and/or require subscription, registration, or access permission. If you are unable to access these documents, you may visit the Delta Stewardship Council offices at 980 Ninth St., Suite 1500,](#)

Sacramento, CA 95814 to read a hard copy. Hard copies may not be removed or photocopied.

Supplemental Documents Delivered After the Review Meeting

- [Delta Levee Investment Strategy Quality Management Plan](#)
- [EAD Example Calculation](#)

Presentation slides

- [Delta Levee Investment Strategy Review](#)
- [Risks Associated With the Delta](#)
- [Presentation to the Delta Science Program Peer Review Panel](#)
- [Preliminary Reporting Independent Science Panel](#)

Delta Levees Investment Strategy Web Page

- [Please click here to view the web page.](#)

Coequal goals

The Delta Stewardship Council was created in legislation to achieve the state mandated coequal goals for the Delta. "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)

Get Updates

Bethel Island Municipal Improvement District

3085 Stone Road
PO Box 244
Bethel Island, CA 94511-0244
(925) 684-2210
Fax: (925) 684-0724
Email: bimid@sbcglobal.net
Web Site: www.bimid.com

Cindy Messer
Deputy Executive Officer-Planning
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
DLIS_NOP_comments@deltacouncil.ca.gov

VIA EMAIL ONLY

Re: Delta Levee Investment Strategy Policy EIR

July 1, 2015

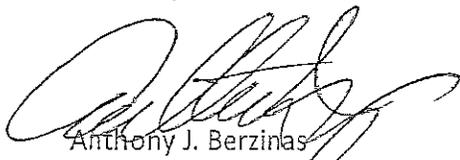
Dear Ms. Messer:

Please find enclosed a comment letter from counsel for the Bethel Island Municipal Improvement District, the governing body of one of the eight western islands that significantly and importantly prevent saltwater intrusion into the Central Delta and which has a population that far outstrips that of any other Delta Island.

The District, as outlined in the attached letter, is very concerned that the Delta Stewardship Council is moving forward with an EIR based on erroneous and/or fictitious (as acknowledged in the appendices to the DLIS document) information. An EIR based on erroneous and/or fictitious information cannot even be described as programmatic.

The District feels that the DSC's efforts to ascertain, at this early stage, the potential environmental impacts to the Delta, the Delta's legacy communities, and the Delta's project and non-project levees are premature. The District hopes, therefore, that the DSC will take a moment to consider whether this is the right time to begin the EIR process given that the project description is both vague and indeterminate.

Sincerely,



Anthony J. Berzinas
President, Board of Directors, BIMID



SILVER & WRIGHT LLP

Attorneys at Law

IRVINE

SACRAMENTO

INLAND EMPIRE

James D. Maynard
jmaynard@silverwrightlaw.com
1501 28th Street
Sacramento, CA 95816
Phone: (916) 733-3510
Fax: (916) 733-3512

July 1, 2015

VIA EMAIL ONLY

Ms. Cindy Messer
Deputy Executive Officer-Planning
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
DLIS_NOP_comments@deltacouncil.ca.gov

RE: Delta Levee Investment Strategy Policy EIR NOP - Project Description Lacks Sufficient Detail to Meet the Requirements of CEQA

Dear Ms. Messer:

I write on behalf of the Bethel Island Municipal Improvement District ("the District" or "BIMID") to comment on the Notice of Preparation ("NOP") for the Delta Levees Investment Strategy ("DLIS") Policy EIR.

As you are aware, Bethel Island is one of the eight western islands that are crucial to preventing saltwater intrusion into the Delta, including the main stem of the Sacramento River, and the main stem of the San Joaquin River. The District respectfully offers these remarks as a local agency partner in the ongoing effort to maintain the health of the Delta as a unique place while protecting both its inhabitants and the natural habitat. We realize that the NOP is at an early stage; however, even at this stage the District is troubled with the lack of technical and factual accuracy of the various analyses presented in the DLIS documents to date. As an initial and overarching comment, the District notes that it is extremely difficult to provide comments on a "Proposed Project" when the Project is so poorly defined.

At this point, the District cannot support whatever the Proposed Project is intended to be and, until further factual information is gathered and disseminated and the DLIS documents, including the Technical Memoranda, are based on facts rather than guesses and fictitious scenarios, will be unable to support any Project or an EIR that relies on such tenuous information.

An EIR based on an NOP that lacks a viable Project description is inadequate from inception given that an "accurate, stable and finite Project description is the sine qua non of an informative and legally sufficient EIR. Inconsistent statements about the purpose, nature, and scope of the Proposed Project

may render a Project description fundamentally inaccurate and misleading." 9 Cal. Real Est. § 25A:15 (3d ed.)

Here, the Project description is poorly defined, vague, and premature given that The Delta Stewardship Council ("Council or DSC") just recently received comments on both the Delta Levees Investment Principles ("DLIS") and the Technical Memoranda upon which the DLIS are based. The Council acknowledged in both instances that the premises, assumptions, values, and core terminology are subject to change and that the Council's actions, including promulgation of an NOP in which the Project itself is so poorly defined, are taking place well ahead of the data that needs to be collected and analyzed.

Even though the NOP delineates the Proposed EIR as a programmatic rather than Project-level EIR, that in no way absolves the Council from its duty to describe "an accurate, stable, and finite Project description." In fact, the NOP does exactly the opposite and explicitly notes that the "Council will identify a 'preferred' DLIS Policy that will be analyzed as the Proposed Project in the EIR." (NOP, p. 6). In other words, although the NOP attempts to describe "the Project" it also acknowledges that at the current time there is no such Project but that as time goes on, the Council will develop a Proposed Project that will then be analyzed in the EIR. Given that the NOP does not describe a Proposed Project, it is difficult, if not impossible, for interested agencies, especially those agencies that have been designated as legacy communities via the State Water Code (such as Bethel Island), to make coherent comments about a Project that is yet to be described with particularity as is required by CEQA. Not only is it impossible to respond with any particularity to the NOP, it would be the height of folly to attempt a coherent response given the ever shifting sands on which the current NOP is constructed given the preliminary nature of the DLIS and the Technical Memoranda on which an EIR would be constructed.

In short, BIMID, as one of the local agencies with which the Council hopes to partner in various investment strategies to achieve the co-equal goals enshrined in Water Code section 85054, is disappointed in the Council's rush to achieve arbitrary deadlines without taking the time to ensure that those documents are based on factual information, however long that may take, rather than disseminating documents that are not based on facts. All of the documents that the District has seen, at least to this point, seem to have been constructed with an eye toward meeting a certain DSC deadline rather than waiting until a factual, science-driven construct, can be arrived at. In the Council's rush to meeting arbitrary deadlines rather than allowing the process to proceed at a pace that allows all stakeholders, as described in the NOP, to appropriately comment on and be an integral part of the future of the Delta the Council risks arriving at a predetermined outcome.

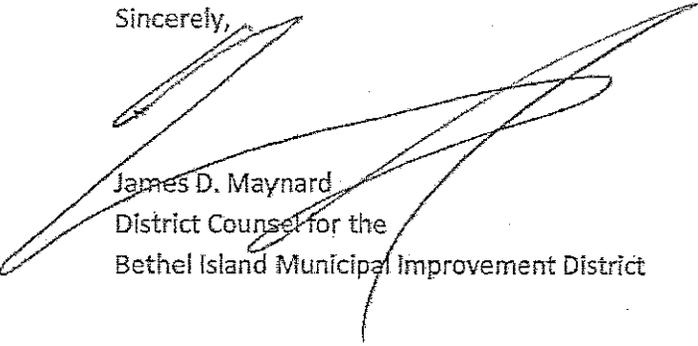
In endeavoring to arrive at an outcome that is truly an example of the whole being greater than the sum of its parts, the comments herein reflect our understanding as to how the DLIS, the Technical Memoranda, and the NOP do not stand alone, but are inextricably intertwined. In evaluating the potential impacts of the Council's current direction and its determinations on the future priorities, funding prospects, economics, recreational and lifestyle values of Bethel Island, a legacy community,

and other Delta stakeholders we urge the Council and its staff to allow future comment on documents that are complete and which contain accurate, rather than flawed and fictitious information so that the various resources available to the State can be fully incorporated and appropriately valued. The process to date has been rushed, and Delta stakeholders have been forced, again and again, to proffer comments on incomplete, and in some cases incoherent, documents that may well determine the future of the inhabitants of the Delta and in fact, the whole of California but are not premised in reality.

This concludes the District's comments at this time. Given the comments in this letter, the lack of baseline conditions analysis, the lack of alternatives analyses and other obvious deficiencies in the NOP, the District fails to understand how the DSC will be able to make an informed decision to move forward with the EIR as described in the current NOP. At the very least, a specific Proposed Project description should be disseminated to interested parties for comment and the NOP should be re-circulated once "the Proposed Project" is better defined and described by those interested in the future of the Delta and of a reliable water supply for both Delta inhabitants and all of California.

Thank you for providing the District with an opportunity to comment on the NOP. The District reserves the right to provide further comment on "the Proposed Project" as it moves forward to ensure it provides for the best interests of the citizens of Bethel Island, the larger Delta region, and the State of California. We look forward to discussing "the Proposed Project" in further detail as the DSC refines this NOP to comply with the legal requirements that would allow stakeholders to actually analyze what "the Project" entails."

Sincerely,



James D. Maynard
District Counsel for the
Bethel Island Municipal Improvement District



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

May 28, 2015

FILE

5/31/15

To: Reviewing Agencies
Re: Delta Levee Investment Strategy Policy
SCH# 2015052070

Attached for your review and comment is the Notice of Preparation (NOP) for the Delta Levee Investment Strategy Policy draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Cindy Messer
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015052070
Project Title Delta Levee Investment Strategy Policy
Lead Agency Delta Stewardship Council

Type NOP Notice of Preparation
Description Pursuant to California Water Code Section 85306, the Delta Stewardship Council is updating the "Risk Reduction" section of its 2013 Delta Plan, which includes an interim regulatory policy for prioritizing State investments in Delta levees. The Council proposes to adopt a new policy that will replace the interim policy, Policy RR P1 (23.C.C.R Section 5012). The proposed DLIS Policy will provide a more comprehensive method to prioritize State investments in Delta levees and more specificity with regard to priority locations and types of improvements. If adopted, the Delta Plan would be amended to add the new policy and Delta Plan Regulations Section 5012 (23 C.C.R Section 5012) would be amended as well.

Lead Agency Contact

Name Cindy Messer
Agency Delta Stewardship Council
Phone 916 445 0258 **Fax**
email
Address 980 9th Street, Suite 1500
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento, San Joaquin
City
Region
Cross Streets
Lat / Long
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Multiple designations, project site is legal Sacramento-San Joaquin Delta plus Suisun Marsh

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Central Valley Flood Protection Board; Office of Historic Preservation; Department of Parks and Recreation; Department of Fish and Wildlife, Region 2; Delta Protection Commission; Office of Emergency Services, California; Native American Heritage Commission; State Lands Commission; Caltrans, District 3 S; Air Resources Board; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 05/28/2015 **Start of Review** 05/28/2015 **End of Review** 06/26/2015

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 5052070

Project Title: Delta Levee Investment Strategy Policy

Lead Agency: Delta Stewardship Council

Contact Person: Ms. Cindy Messer

Mailing Address: 980 9th Street, Suite 1500

Phone: (916) 445-0258

City: Sacramento

Zip: 95814

County: Sacramento

Project Location: County: Sacramento-San Joaquin Delta City/Nearest Community:

Cross Streets: Zip Code:

Longitude/Latitude (degrees, minutes and seconds): " N / " W Total Acres:

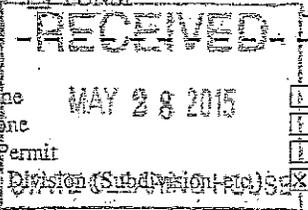
Assessor's Parcel No.: Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: Waterways:

Airports: Railways: Schools:

Document Type:

- CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other:



Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other: Delta Plan amen

Development Type:

- [] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational:
[] Recreational:
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ MW _____
[] Waste Treatment: Type _____ MGD _____
[] Hazardous Waste: Type _____
[X] Other: levee investment strategy policy

Project Issues Discussed in Document:

- [X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Multiple designations, project site is legal Sacramento-San Joaquin Delta plus Suisun Marsh

Project Description: (please use a separate page if necessary)

Pursuant to California Water Code Section 85306, the Delta Stewardship Council is updating the "Risk Reduction" section of its 2013 Delta Plan, which includes an interim regulatory policy for prioritizing State investments in Delta levees. The Council proposes to adopt a new policy that will replace the interim policy, Policy RR P1 (23 C.C.R. Section 5012). The proposed DLIS Policy will provide a more comprehensive method to prioritize State investments in Delta levees and more specificity with regard to priority locations and types of improvements. If adopted, the Delta Plan would be amended to add the new policy and Delta Plan Regulations Section 5012 (23 C.C.R. Section 5012) would be amended as well.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Resources Agency	Fish & Wildlife Region 1E	OES (Office of Emergency Services)	Caltrans, District 8	Regional Water Quality Control Board (RWQCB)
<input checked="" type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Laurie Harnsberger	<input type="checkbox"/> Marcia Scully	<input type="checkbox"/> Mark Roberts	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> Dept. of Boating & Waterways Denise Peterson	<input checked="" type="checkbox"/> Jeff Drongesen	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Gayle Rosander	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Charles Armor	<input type="checkbox"/> Public Utilities Commission Leo Wong	<input type="checkbox"/> Tom Dumas	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Colorado River Board Lisa Johansen	<input type="checkbox"/> Julie Vance	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input type="checkbox"/> Jacob Armstrong	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input checked="" type="checkbox"/> Dept. of Conservation Elizabeth Carpenter	<input type="checkbox"/> Leslie Newton-Reed Habitat Conservation Program	<input checked="" type="checkbox"/> State Lands Commission Jennifer Deleong	<input type="checkbox"/> Maureen El Harake	<input checked="" type="checkbox"/> RWQCB 5S Central Valley Region (5)
<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Tiffany Ellis Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Cal Fire Dan Foster	<input type="checkbox"/> Heidi Calvert Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> Cal State Transportation Agency CalSTA	<input checked="" type="checkbox"/> All Other Projects Cathi Slaminski	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input checked="" type="checkbox"/> Central Valley Flood Protection Board James Merota	<input type="checkbox"/> Dept. of Fish & Wildlife M George Isaac Marine Region	<input type="checkbox"/> Caltrans - Division of Aeronautics Philip Crimmins	<input type="checkbox"/> Transportation Projects Nesamani Kalandiyur	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input checked="" type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Dept. of Agriculture Sandra Schubert	<input type="checkbox"/> Caltrans - Planning HQ LD-IGR Terri Pencovic	<input type="checkbox"/> Industrial/Energy Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of Food and Agriculture	<input type="checkbox"/> California Highway Patrol Suzann Ikeuchi Office of Special Projects	<input type="checkbox"/> State Water Resources Control Board Regional Programs Unit Division of Financial Assistance	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> State Water Resources Control Board Jeffery Werth Division of Drinking Water	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdlam	<input type="checkbox"/> Dept. of General Services Environmental Services Section	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Delta Stewardship Council Kevan Samsam	<input checked="" type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> State Water Resources Control Board Phil Crader Division of Water Rights	<input type="checkbox"/> Other _____
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Housing & Comm. Dev. CEQA Coordinator Housing Policy Division	<input type="checkbox"/> Caltrans, District 3 Eric Federicks - South Susan Zanchi - North	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	
<input type="checkbox"/> Dept. of Fish & Wildlife Scott Flint Environmental Services Division	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 4 Patricia Maurice	<input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator	
<input type="checkbox"/> Fish & Wildlife Region 1 Curt Babcock	<input checked="" type="checkbox"/> Delta Protection Commission Michael Machado	<input type="checkbox"/> Caltrans, District 5 Larry Newland		
		<input type="checkbox"/> Caltrans, District 6 Michael Navarro		
		<input type="checkbox"/> Caltrans, District 7 Dianna Watson		



DELTA STEWARDSHIP COUNCIL
A California State Agency

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

DELTA STEWARDSHIP COUNCIL

**NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
DELTA LEVEE INVESTMENT STRATEGY**

Chair
Randy Florini

Members
Aja Brown
Frank C. Damrell, Jr.
Phil Isenberg
Patrick Johnston
Mary Piepho
Susan Tatayon

Executive Officer
Jessica R. Pearson

DATE: May 28, 2015

TO: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations and Public

FROM: Delta Stewardship Council
Ms. Cindy Messer
980 9th Street, Suite 1500
Sacramento, CA 95814
Email address:
DLIS_NOP_comments@deltacouncil.ca.gov

SUBJECT: Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Delta Levee Investment Strategy Policy

LEAD AGENCY: Delta Stewardship Council

PROJECT TITLE: Delta Level Investment Strategy Policy

Notice is hereby given that the Delta Stewardship Council (Council) will prepare an EIR for the update to the Delta Levee Investment Strategy Policy (DLIS Policy) (Proposed Project) and will hold two public scoping meetings to receive comments on the scope of the EIR, as detailed below. Consistent with CEQA Guidelines Section 15206, the Proposed Project is considered a project of statewide, regional, or areawide significance. The Council, acting as the Lead Agency, determined that the Proposed Project could result in potentially significant environmental impacts and that an EIR is required.

This NOP has been prepared for the EIR for the Proposed Project in compliance with Section 15082 of the CEQA Guidelines. The Council is soliciting comments on the scope and content of the EIR. The Council will prepare an EIR to address the potential environmental impacts associated with the Proposed Project at a programmatic level consistent with CEQA Guidelines Section 15168.

The Proposed Project, its location, and potential environmental effects are described below. The updated DLIS Policy may specify actions that other state or local agencies may take to implement aspects of the proposed

"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

levee investment strategy. In addition, other agencies may implement actions that will need to be consistent with the new policy.

Members of the public and public agencies are invited to provide comments in writing as to the scope and content of the EIR. The Council needs to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the Proposed Project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the 30-day NOP review period at 4:00 p.m. on Wednesday July 1, 2015. If you submit comments on the scope of the EIR, you will automatically be added to the distribution list for future notices and information about the environmental review process for the Proposed Project. If you do not wish to submit comments on the scope of the EIR, but would like to be added to the mailing list, you can submit your contact information, including email address, with a request to be added to the mailing list.

Please send your comments or your request to be added to the mailing list to:

Cindy Messer, Deputy Executive Officer -- Planning
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
Email address hyperlink: DLIS_NOP_comments@deltacouncil.ca.gov

Please label "Delta Levee Investment Strategy Policy EIR" as the subject. Please include the name of a contact person for your agency. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

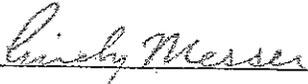
Scoping Meetings

Two public Scoping Meetings are scheduled:

- | | |
|---|---|
| 1) Tuesday, June 30 at 10:00 am
City Center Galleria
1110 West Capitol Avenue,
West Sacramento, CA 95691 | 2) Tuesday, June 30 at 6:30 pm
Robert J. Cabral Agricultural Center
2101 E. Earhart Avenue, Suite 100
Stockton, CA 95206 |
|---|---|

A copy of this Notice of Preparation and Notices of Public Scoping Meeting is also available online at <http://deltacouncil.ca.gov>.

Name: Cindy Messer
Deputy Executive Officer -- Planning
Delta Stewardship Council

Signature: 

Project Location

The proposed DLIS Policy would apply to the legally defined Sacramento-San Joaquin Delta as well as the Suisun Marsh area, which is the full geographic area addressed by the Delta Plan adopted in 2013 (California Water Code Section 85058). The project area is shown on Figure 1. The figure also identifies the "Project" levees, which are included in the State Plan of Flood Control, and "Non-project" levees, which are locally owned and maintained by local agencies or private entities.

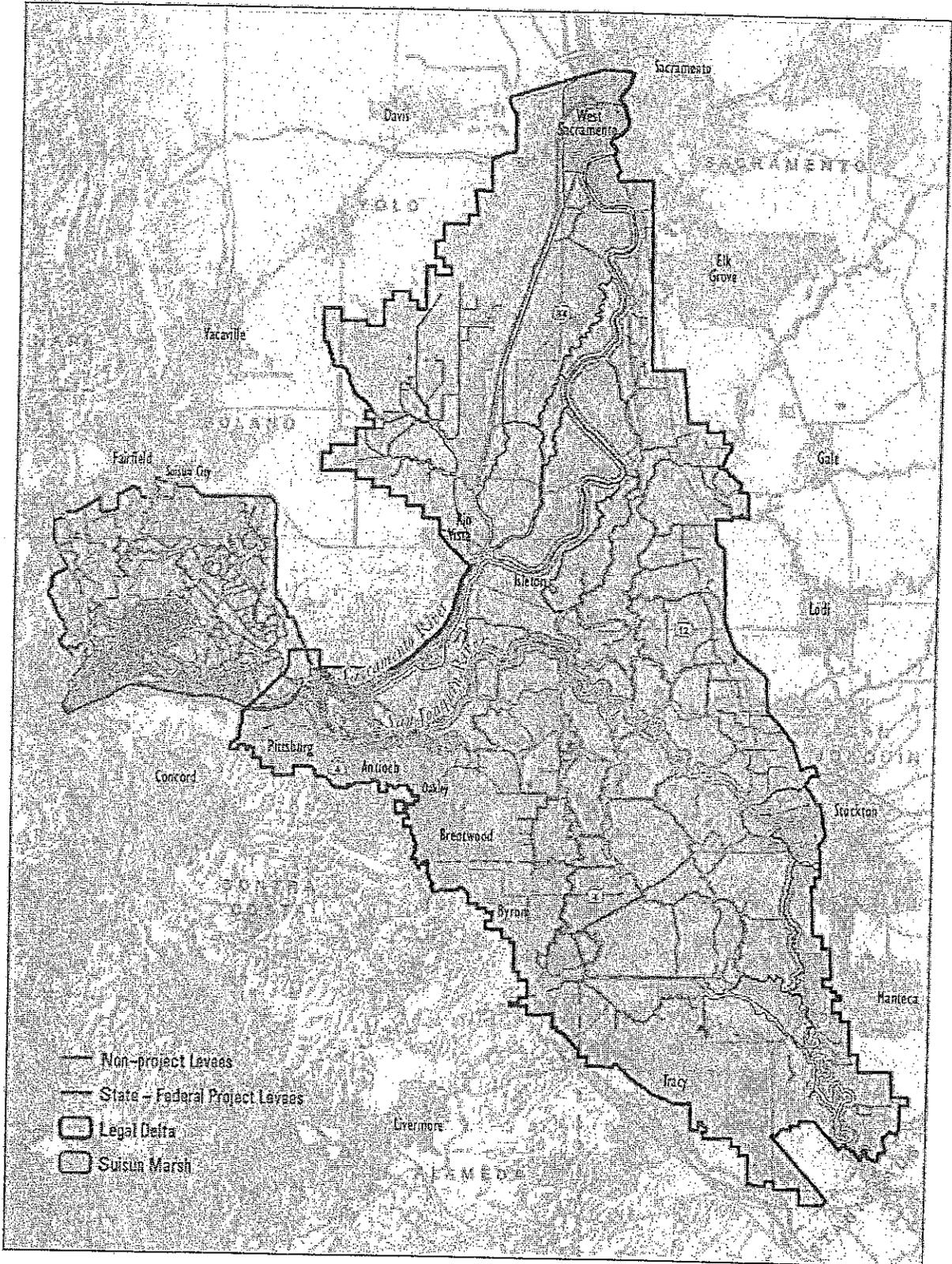
Project Description

The Council is updating the "Risk Reduction" section of its 2013 Delta Plan, which includes an interim regulatory policy for prioritizing State investments in Delta levees. The Council proposes to adopt a new policy that will replace the interim policy, Policy RR P1 (23. C.C.R § 5012). The proposed DLIS Policy will provide a more comprehensive method to prioritize State investments in Delta levees and more specificity with regard to State interests, priority locations, and the type of levee improvements appropriate to protect State interests than the interim policy.

The Delta Reform Act (SBX7 1), California Water Code Section 85000 et seq., created the Delta Stewardship Council, and required preparation of the Delta Plan. The Council is an independent agency of the State charged with furthering the achievement of the coequal goals for the Delta. Section 85054 of the California Water Code defines the coequal goals as "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." The Delta Reform Act established several requirements for the Delta Plan including that it shall attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (California Water Code § 85305 [a]). The 2013 Delta Plan includes an interim policy (Delta Plan policy RR P1 *Prioritization of State Investments in Delta Levees and Risk Reduction*) to "guide discretionary investments in Delta flood risk management" until updated priorities are adopted pursuant to California Water Code Section 85306.

The 2013 Delta Plan also includes Recommendation RR R4, which directs the Council, in consultation with the Department of Water Resources (DWR), the Central Valley Flood Protection Board (CVFPB), the Delta Protection Commission, local agencies, and the California Water Commission to develop updated funding priorities for State investments in Delta levees (Delta Plan recommendation RR R4 *Actions for the Prioritization of State Investments in Delta Levees*). This recommendation provides guidance on the actions, analysis, and methodologies to be conducted to develop priorities and a list of required deliverables to be prepared.

The Council is now implementing Recommendation RR R4 and working with the agencies listed above to develop the updated policy to establish "priorities for State investments in levee operation, maintenance, and improvements in the Delta, including levees that are part of the State Plan of Flood Control and non-project levees."



SOURCE: Delta Stewardship Council, 2013

Delta Levee Investment Strategy Policy . 140190

Figure 1
DLIS Policy Project Area

The interim policy currently included in the 2013 Delta Plan (contained in Section 5012 of the Delta Plan Regulations (23. C.C.R § 5012)) establishes the following:

“the interim priorities listed below shall, where applicable and to the extent permitted by law, guide discretionary State investments in Delta flood risk management. Key priorities for interim funding include: emergency preparedness, response, and recovery as described in paragraph (1), as well as Delta levees funding as described in paragraph (2).

- (1) Delta Emergency Preparedness, Response and Recovery: Develop and implement appropriate emergency preparedness, response and recovery strategies, including those developed by the Delta Multi-Hazard Task Force pursuant to Water Code Section 12994.5.
- (2) Delta Levees Funding: The priorities shown in the following table are meant to guide budget and funding allocation strategies for levee improvements. The goals for funding priorities are all important, and it is expected that, over time, the California Department of Water Resources must balance achievement of those goals. Except on islands planned for ecosystem restoration, improvement of non-project Delta levees to Hazard Mitigation Plan (HMP) standard may be funded without justification of the benefits. Improvements to a standard above HMP, such as that set by the U.S. Army Corps of Engineers under Public Law 84-99, may be funded as befits the benefits to be provided, consistent with the California Department of Water Resources’ current practices and any future adopted investment strategy.”

Goals	Localized Flood Protection	Levee Network	Ecosystem Conservation
1	Protect existing urban and adjacent urbanizing areas by providing 200-year flood protection.	Protect water quality and water supply conveyance in the Delta, especially levees that protect freshwater aqueducts and the primary channels that carry fresh water through the Delta.	Protect existing and provide for net increase in channel-margin habitat.
2	Protect small communities and critical infrastructure of statewide importance (located outside of urban areas).	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees.	Protect existing and provide for net environmental enhancement of floodplain habitat.
3	Protect agriculture and local working landscapes.	Protect cultural, historic, aesthetic and recreational resources (Delta as Place).	Protect existing and provide for net enhancement of wetlands.

The Proposed Project, the updated DLIS Policy, will be more specific than the existing interim policy presented above in terms of primarily *where* in the Delta the State should prioritize its levee investment and, to some degree, *what* types of levee improvements reflect the State's priorities in those areas. The Council may also recommend other actions to reduce flood risk in the Delta, such as investments in non-structural flood risk reduction measures that complement investments in levees. If adopted, the Delta Plan would be amended to add the new policy and Delta Plan Regulations Section 5012 (23 C.C.R. § 5012) would be amended as well.

The updated DLIS Policy, in combination with the Council's authority to require that State agencies act consistently with the Delta Plan, would ensure that levee spending by DWR and the CVFPB reflects these priorities. The investment priorities established by the proposed policy update would affect State spending under both the Delta levee subvention program (non-project levees) and the special projects program (levees with a State interest).

Potential Environmental Effects to Be Addressed in the EIR

The Council has determined that an EIR is required for the Proposed Project. The EIR will identify the significant environmental effects of the Proposed Project and alternatives in accordance with CEQA and the CEQA Guidelines. The Council will identify a "preferred" DLIS Policy that will be analyzed as the Proposed Project in the EIR. A reasonable range of alternatives that would lessen or avoid any potentially significant environmental impact of the Proposed Project will be identified and evaluated during the EIR preparation process. Feasible mitigation measures, which may include approaches to future mitigation programs, will be identified to lessen or avoid significant adverse impacts of the Proposed Project.

This EIR will be a Program EIR that examines the potential significant environmental effects of the proposed DLIS Policy guiding State investment in levee projects. The Council is not proposing, nor would the Proposed Project require, specific levee improvement projects at specific locations. While the Program EIR will review the potential physical environmental effects of potential types and locations of levee improvement and maintenance actions supported by the proposed levee investment policy, it will not provide project-level environmental review for any specific levee projects.

The DLIS Program EIR will consider all resource areas identified in CEQA Guidelines Appendix G – CEQA Environmental Checklist in the evaluation of the environmental effects. Council adoption of the proposed policy to guide State investment in levee projects would not result in or require construction of specific levee improvements or specific levee-related ecosystem restoration projects and, therefore, would not result in direct physical environmental impacts. However, the proposed policy could make certain types of levee improvement actions more or less likely to occur in certain areas of the Delta region (see Figure 1 – Project Area), depending on the State's investment priorities. Accordingly, the Proposed Project could result in indirect environmental effects associated with the types and locations of levee improvement actions and ecosystem restoration areas supported by the new policy and/or with the potential consequences to levees that are not in the top priority areas as identified by the policy.

The potential for significant indirect environmental effects will be reviewed in the resource areas summarized below. The Program EIR will provide a program-level evaluation of potential impacts, addressing potential

adverse effects at both the local (general project location) and regional (Delta region) levels. The EIR will describe thresholds of impact significance or methods to define significance under various conditions, and will identify program-level mitigation measures, including performance-based approaches or policies, that could be considered in the development of future levee maintenance and improvement projects to reduce adverse impacts to a level of less than significant.

- **Aesthetics:** The EIR will evaluate at a program-level the potential effects on visual resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.
- **Agricultural:** The EIR will evaluate at a program-level the potential effects on agricultural resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will review potential temporary and permanent loss of agricultural activities and land as a result of levee improvement projects, levee-related ecosystem restoration efforts, and/or levee damage on individual Delta islands as well as within the overall Delta region.
- **Air Quality and Greenhouse Gas Emissions:** The EIR will evaluate at a program-level the potential effects on air quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. Potential air quality and greenhouse gas emission impacts would be associated primarily with construction activities for levee maintenance or improvement projects and to a much lesser extent with potential increased energy use and facility operations (e.g., additional pumps). The potential for changes in GHG emissions associated with land use changes that may occur as indirect impact of implementation of the Proposed Project will also be addressed in the EIR; specifically potential changes in agricultural land uses within the project area could affect GHG emissions.
- **Biological Resources:** The EIR will evaluate at a program-level the potential effects on aquatic and terrestrial biological resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The environmental evaluation will address potential site-specific effects of the types of potential levee improvement supported by the proposed policy as well as potential effects with the overall Delta ecosystem and associated downstream Bay-Delta system.
- **Cultural Resources:** The EIR will evaluate at a program-level the potential effects on archaeological and historic resources within the Delta region quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-

related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will describe significant cultural resources within the Delta region that could be affected.

- **Geology, Soils, and Seismicity:** The EIR will evaluate at a program-level the potential effects on geology, soils and seismicity that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The Program EIR will describe known geological and seismic hazards and soil conditions. The analysis will address potential indirect effects on Delta geomorphology, sediment transport and erosion patterns and processes.
- **Hydrology and Water Quality:** The EIR will evaluate at a program-level the potential effects on hydrology and water quality that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address potential effects on potential flow patterns in the Delta and associated effects related to flood risk or geomorphic and erosion pattern changes. The analysis will address potential effects on water quality and regulatory compliance related to aquatic resources and drinking water supplies. Future sea-level rise will be addressed in the analysis.
- **Land Use and Planning:** The EIR will evaluate at a program-level the potential effects on existing land uses and the potential for conflicts with adopted land use and resource management plans and policies that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.
- **Mineral Resources:** The EIR will evaluate at a program-level the potential effects on mineral resources that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.
- **Noise:** The EIR will evaluate at a program-level the potential noise effects that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. Potential noise impacts to local communities and/or sensitive wildlife would be associated primarily with construction activities for levee maintenance or improvement projects and to a much lesser extent with potential increased energy use and facility operations (e.g., additional pumps).
- **Paleontological Resources:** The EIR will evaluate at a program-level the potential effects on paleontological resources that could occur through implementation of levee maintenance actions,

construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.

- **Population, Employment and Housing – Growth Inducement Potential:** The EIR will evaluate at a program-level the potential for the proposed levee investment policy to result in changes in population and employment or associated housing availability. The analysis will describe existing population and employment centers with the Delta and review applicable land use plans including County and local community plans as well as the Delta Plan and others as appropriate with respect to policies regarding planned areas for employment and housing within the Delta. If any growth inducement potential is identified as a result of the proposed levee investment policy, then the Program EIR analysis will address the potential secondary effects of such growth potential.
- **Recreation:** The EIR will evaluate at a program-level the potential effects on existing and planned recreation facilities and activities that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage.
- **Transportation and Traffic:** The EIR will evaluate at a program-level the potential effects on transportation facilities and traffic circulation that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address potential effects on emergency ingress and evacuation routes.
- **Utilities and Public Services:** The EIR will evaluate at a program-level the potential effects on the local and regional utility infrastructure in the Delta as well as the public services for those residing in the Delta that could occur through implementation of levee maintenance actions, construction of various types of levee improvements, implementation of levee-related ecosystem restoration, or as a consequence of levee degradation and damage. The analysis will address existing utilities infrastructure including the major gas, electrical, communications, drainage, and flood management facilities in the Delta.