



DELTA STEWARDSHIP COUNCIL
A California State Agency

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

November 26, 2013

Chair
Phil Isenberg

Members

Frank C. Damrell, Jr.
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Frank L. Ruhstaller

Ms. Wendy Masarweh
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Executive Officer
Christopher M. Knopp

Subject: Comments on the Draft Policy Document "FloodSAFE, A Framework for Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh (Framework)"

Dear Ms. Masarweh:

The Delta Stewardship Council (DSC) welcomes the opportunity to comment on the draft policy document FloodSAFE, A Framework for Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh (Framework) published on September 24, 2013. In addition to this review, we also wish to acknowledge and thank Mr. Dave Mraz for his presentation on this subject at the DSC's October 24, 2013 meeting. In general, we support the updates included in this version of the Framework, and applaud the extensive incorporation of the State's coequal goals into the document.

The comments we are providing in this letter focus on the DSC's statutory role in flood management activities in the Delta, consistency of this document with the Delta Plan (adopted in May 2013) and its regulatory policies and clarification on the DSC's covered actions regulatory process:

- Page 2, Subsection 1.3 Scope and Context: Suggest replacing third sentence with the following, "The framework defined in this document is consistent with DWR's Strategic and FloodSAFE goals (see Appendix A) and with the State's coequal goals of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem." In addition, the framework is consistent with the Delta Plan's regulatory policy regarding prioritization of State Investments in Delta Levees and Risk Reduction (23 California Code of Regulation (CCR) § 5012 and Policy RR P1 Prioritization of State Investments in Delta Levees and Risk Reduction)." A footnote could be added to the bottom of page 2 "Delta Stewardship Council's Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013."

"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."

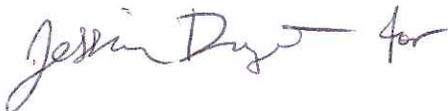
- Page 6, Subsection 1.4.1 Types of IFM work that Assure Continuity of State Benefits from the Delta: The draft Framework indicates setback levees can be one of the possible “New Structural Solutions” to assure continuity of state benefits from the Delta. The Delta Plan contains a recommendation (RR R8 Develop Setback Levee Criteria) suggesting DWR, in conjunction with the Central Valley Flood Protection Board, the Department of Fish and Wildlife and the Delta Conservancy, develop criteria to define locations for future setback levees in the Delta and Delta watershed. These criteria are needed to provide appropriate guidance when considering setback levee siting and design and should be factored into future decisions made under this Framework. It is important to ensure levee projects evaluate, and where feasible incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats. Per the Delta Plan (23 CCR § 5008 and Policy ER P4 Expand Floodplains and Riparian Habitats in Levee Projects), evaluation of setback levees in the Delta shall be required only in the following areas: (1) The Sacramento River between Freeport and Walnut Grove, the San Joaquin River from the Delta boundary to Mossdale, Paradise Cut, Steamboat Slough, Sutter Slough; and the North and South Forks of the Mokelumne River, and (2) Urban levee improvement projects in the cities of West Sacramento and Sacramento.
- Page 9, Subsection 1.4.3 Appropriate Roles for State Investments in IFM within the Delta: Suggest adding the following statutory information under the Delta Reform Act, SBX7 1 of 2009 heading, “ The Delta Reform Act (Water Code section 85306) requires the DSC, in consultation with the Central Valley Flood Protection Board, to recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are part of the State Plan of Flood Control and nonproject levees. The Delta Plan, adopted by the DSC on May 16, 2013, establishes interim priorities to “where applicable and to the extent permitted by law, guide discretionary State investments in Delta flood risk management” (23 CCR § 5012 and Policy RR P1 Prioritization of State Investments in Delta Levees and Risk Reduction). This policy further identifies key priorities for interim funding. In addition, the Delta Plan directs the DSC to fulfill this statutory requirement and provides guidance on elements to include in this effort (Delta Plan Recommendation RR R4 Actions for the Prioritization of State Investments in Delta Levees).”
- Pages 16-17, Subsection 1.6 Investment Priorities: Suggest acknowledging differences, but continued consistency between Table 1-1, DWR Priorities for Delta IFM in the draft Framework and the table contained in Delta Plan regulatory policy RR P1 titled “Priorities for State Investment in Delta Integrated Flood Management Categories of Benefit Analysis (23 CCR § 5012 and page 272 of the Delta Plan).” A footnote on page 17 of the draft Framework stating consistency between the two tables would be appropriate.

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- Page 59, Subsection 6.2.5 Delta Stewardship Council (DSC) of Background / Reference Memorandum: Suggest revising this section to the following, "The DSC is an independent agency of the State charged with furthering the achievement of the coequal goals." To do this, the DSC was charged with developing a Delta Plan (Water Code section 85001 (c)) which is a legally enforceable, long-term management plan for the Delta (see Section 7-2). Enforcement of regulatory policies contained in the Delta Plan for state and local actions identified as covered actions is through the DSC's general requirements and process for certifying consistency of a local or state action with the Delta Plan's policies (see pages 46-52 of the Delta Plan for details on covered actions, certifying consistency and the appeals process). Through the covered actions regulatory process and through the DSC's role in recommending priority for State investments in levees (Water Code section 85306), the DSC will provide the basis for the prioritization of State investments in Delta levees and have a major effect on future flood management projects in the Delta.
- Page 63, Subsection 7.2 Delta Stewardship Council's Delta Plan of Background / Reference Memorandum: Suggest updating this text to the following: "The Delta Reform Act created the DSC as an independent agency of the State and charged the DSC 'to develop, adopt, and commence implementation of the Delta Plan..., a comprehensive, long-term management plan for the Delta, no later than January 1, 2012. The Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013. The Plan can be found on the DSC's web site at <http://www.deltacouncil.ca.gov/>."

Thank you again for the opportunity to provide comments. We look forward to continuing to work with the Department of Water Resources on this task as well as others. If you have any questions or would like additional information, please feel free to contact me or my staff, You Chen (Tim) Chao at (916) 445-0143.

Sincerely,



Cindy Messer
Deputy Executive Officer
Delta Stewardship Council