



February 1, 2012

Phil Isenberg, Chairman, and Council Members
Delta Stewardship Council
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**COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR
THE FIFTH STAFF DRAFT DELTA PLAN**

The San Joaquin Area Flood Control Agency (SJAFCA) appreciates the opportunity to review and comment on the Draft Program Environmental Impact Report (Draft EIR) for the Draft Delta Plan. In addition, following the comments on the Draft EIR are our comments on the fifth staff draft Delta Plan. We understand that the review and comment period for the fifth staff draft Delta Plan has past, however, we still wanted to take this opportunity to provide comments in hopes that they can be incorporated in future drafts.

For your information, SJAFCA was formed in the mid-1990s as a Joint Power Authority with member agencies of the City of Stockton, San Joaquin County, and San Joaquin County Flood Control and Water Conservation District. SJAFCA was successful in completing a \$70 million flood improvement project from design through construction in just over three years that assured our community would continue to be afforded a minimum of 100-year level of flood protection.

With the passage of SB 5, we had a new mission: to upgrade the flood protection system to the State mandated 200-year standard for our "urban and urbanizing" areas. As a result, in 2009, we partnered with the Corps of Engineers, the Central Valley Flood Protection Board, DWR, local reclamation districts, cities, and San Joaquin County on the Lower San Joaquin River Feasibility Study. This multi-agency, multi-year, multi-million dollar study will provide us with a plan to achieve a minimum 200-year level of flood protection for our area.

Similar to other communities in the Central Valley, it will be difficult for us to achieve 200-year flood protection by the State mandated 2025 deadline. In addition, since much of our "urban and urbanizing" areas are located within the secondary zone of the Delta, we are very concerned about the scope and regulatory effect the Delta Plan will have on our ability to achieve 200-year flood protection. The Delta Plan will increase an already complex process and add cost and time in providing improved flood protection with the involvement of the Council. It is not helpful to our communities for the Council to inject themselves into an ongoing multi-agency effort to improve our flood protection.

Our comments on the Draft EIR are as follows:

Draft EIR

1. P. 2A-30, **Dredging**: Where is “the specific area within Stockton?”
2. P. 2A-34, **Lower San Joaquin River Flood Bypass Proposal**: It should discuss that there is an existing bypass at the location that has not been adequately maintained.
3. P. 2A-37, line 35: What is “overbite?”
4. P. 2A-46, line 29: Why are the Sacramento Deep Water Ship Channel Maintenance and Stockton Deep Water Ship Channel Maintenance listed under potential projects for Flood Risk Reduction?
5. P. 2A-47, line 8: Define “major development.”
6. P. 2A-47, line 30: Define “flood-prone areas.”
7. P. 2A-50, line 22: Unclear why levees that protect existing floodplains and provide net enhancement of floodplains is a lower priority.
8. P. 2A-51, line 37: How can the EIR assume all agencies will implement these “types” of programs when the programs are so vague/general?
9. P. 2A-53, lines 6 & 7: Why transfer the responsibility to a regional agency? Which agency?
10. P. 2A-55, lines 6 & 7: 1300 acre site on Wright-Elmwood Tract? What Stockton stakeholders?
11. P. 2A-62, line 8: Should discuss that there is an existing bypass at Paradise Cut.
12. P. 2A-88, line 28: Should include Stockton, the largest municipality in the Delta.
13. P. 2A-94, line 31: What is the basis of “Prevention of further development in areas with flood risks”? There are areas in the Central Valley, outside the secondary zone of the Delta (ie. Natomas), that have far greater flood depth should a levee breach and extensively more “urbanizing” acreage than any community within the secondary zone of the Delta. Also, if urban areas must have 200-year protection, why is it necessary to prevent further development?
14. P. 2A-101, lines 11 & 12: What is the rationale for 6 feet? Our area pales by comparison with other areas in the Central Valley (ie. Natomas, West Sacramento) that have much greater flood depth should a levee breach and significantly more extensive “urban and urbanizing” acreage. Also, since the Conveyance Facility is a development, would it also be prevented?
15. P. 2A-101, lines 13 & 24: Should define “floodplain” (i.e. 100-year, 500-year, etc.)
16. P. 5-3, line 26: Which “two federal flood control projects?”
17. P. 5-8, lines 22, 23 & 24: If each year USACE conducts the inventory, why does the EIR use the December 2008 inventory?

18. P. 5-8, line 33: Should Mormon Slough be on the Lower San Joaquin River Control Project?
19. P. 5-8, line 38+: Should also include existing Paradise Cut bypass.
20. P. 5-9, **Figure 5-3**: Not the San Joaquin River Flood Control Project.
21. P. 5-10, lines 17-23: Should be rewritten. The Flood Protection Restoration Project is not a “recently initiated non-project flood protection facilities in the Delta.” The Project was completed in the late 1990s and consisted of raising existing project levees upstream of I-5 to correct freeboard deficiencies. It also did not include any new levees. The design and construction of the Project was approved/certified by USACE. As a result of the Project, FEMA did not place the greater Stockton metro area into the 100-year floodplain.
22. P. 5-13, line 3: FEMA accepted the certification submitted by RD 17. This area no longer has a PAL designation.
23. P. 5-13, line 39: Same as #22.
24. P. 5-14, line 6: Same as #22. Also, typo “Weston Ranch.”
25. P. 5-14, lines 33-38: Certification documentation for all the PAL levees in San Joaquin County were submitted to and approved by FEMA with two exceptions: i) south levee of Bear Creek west of I-5 adjacent to Twin Creeks; and ii) east levee of San Joaquin River from French Camp Slough to Stockton Deep Water Ship Channel and north levee of French Camp Slough from I-5 to San Joaquin River.
26. P. 5-15, line 16: FEMA has approved the levee certifications for the Stockton, Mossdale areas with the exceptions noted in #25.
27. P. 5-20, line 8: Should be revised. If you have 100-year flood protection, there is a 26% chance of a 100-year event (not flooding because of the 100-year protection) over the life of a 30-year mortgage.
28. P. 5-20, line 23: It should mention that strong ground motions will not only affect existing levees but also any new water conveyance within the Delta.
29. P. 5-24, line 30: Should also include commercial/industrial structures.
30. P. 5-24, line 43: Need to certify after 2015 that 200-year protection is available or adequate progress.
31. P. 5-35, line 44: Define “major development.”
32. P. 5-42, lines 1-11: See comment #13 in Delta Plan.
33. P. 5-69, lines 17 & 18: See comment #13 in Delta Plan. Also, why is a conveyance facility failure “unlikely” and a levee failure around development in the Secondary Zone too risky?
34. P. 23-2, **23.2 Relationship of Delta Plan to BDCP**: This entire section is very confusing. Should be rewritten.
35. P. 23-24, **Table 23-1**, Alternative 4A increases Delta outflow up to 1.5 million acre-feet/year. All the alternatives, including the existing, should have this information.

36. P. 23-25, line 1: Define “non-habitat restoration.”
37. P. 23-29, line 40: Define “Fall X2.”
38. PP. 23-31, **23.6.3 Delta Flood Risk**: See comment #33.
39. P. 23-31, lines 39-41: How can conveyance facilities not have a permanent impact to agriculture?
40. P. 23-33, **23.6.9 Geology and Soils**: See comment #33. It discusses “reduce” the risk where previous descriptions said failure was “unlikely.”
41. P. 23-34, line 42: Displaced residents are to be “accommodated within the Delta area.” How can this be done if development is not allowed in the Delta?
42. Page 8-44: Section 8.4.3.6.1 Mitigation Measure 8-1, Bullet # 7 should read: Proposed planting vegetation on slopes of canal levees shall conform to existing and proposed Vegetation Policy.

The following comments on the 5th Draft of the Delta Plan are provided in hopes that they can be incorporated in future drafts:

Fifth draft --- DELTA PLAN:

1. P. 6, **Reduce Risk**, 2nd paragraph: It notes that ...”it is unlikely that much new large-scale development outside of the existing urban areas will occur in the Secondary Zone of the Delta.” If “existing urban areas” means the General Plan or Urban Service Area, then the statement is okay. The plan needs to be more specific on this matter.
2. P. 22, **Table 1-1**: It notes that Bureau of Reclamation maintains 700 miles of Delta levees. This should be checked and if accurate, shown on a map. 700 miles of “Bureau of Reclamation” levees plus 400 miles of Corps levees equals 1,100 total miles of Delta levees. Where are the locally maintained levees?
3. P. 23, 6th paragraph: If precipitation ranges from 100 MAF in dry years and 200 MAF in wet years, how can the average be 200?
4. P. 38, **A Nine-step Adaptive Management Framework**: Will the Conveyance Facility be required to follow this framework for adaptive management?
5. P. 59, **Figure 3-2**: Is the Conveyance Facility a “covered action”? If so, P. 60 requires that it be “...fully transparent, disclosing potential environmental impacts, and identifying how best available science will be used in decision-making and *adaptive management*.”
6. P. 69, 6th paragraph: 300 MAF in a wet year conflicts with P. 23.
7. P. 70, 1st paragraph and P. 71, 2nd paragraph: States that over half evaporates. P. 23 adds “flowing out to sea.”
8. P. 82, footnotes 20 and 21 should be 22 and 23. Typo in footnote 22 Urban water supplier---“annually.”

9. P. 87, 3rd paragraph: States that “BDCP will include a scientifically based adaptive management program to ensure incorporation of new scientific information into decisions on water management and conservation measures.” Does that mean that it will be used on the Conveyance Facility?
10. P. 88, 3rd paragraph: States that “The SWP, which owns and operates the dams in the state’s lowest-elevation watersheds.” This is inconsistent with the Central Valley Flood Protection Plan.
11. P. 162, Figure 7-1: It is accurate that risks can increase after flood control improvements, if development increases. But the facts should be corrected. To meet NFIP regulations, the urban development must be protected from the 100-year flood event (1% event). Therefore, a 1% event would be contained within the leveed channel and would not cause \$1 million/year in damages.
12. P. 165, RR P1: There should be no exceptions for encroachments in the floodway (i.e. ecosystem restoration) that decrease the existing level of flood protection.
13. P. 166, **Levee Classifications for Protection of Land and Resources Uses**, 4th paragraph: States that “...flood hazards in the Delta cannot be eliminated... Therefore, to be assured consistency with the Delta plan, future land use decisions should not permit or encourage construction of significant numbers of new residences in the Delta in the face of the flood hazards.” This conflicts with the EIR, PP. 23-30 & 23-31, which states that BDCP-related ecosystem restoration and enhancement and Delta conveyance “are not likely to expose people or structures to flood hazards....because the design of levee modifications....would be required by federal and State law to be completed in accordance with the requirements and or guidelines of the U.S. Army Corps of Engineers,...Federal Emergency Management Agency,...Central Valley Flood Protection Board, DWR and local flood management agencies.” Why are these levees “not likely to expose people to flood hazards”, but levees built to the same standards to protect residences should not be permitted?
14. P. 172, 1st paragraph after the bullets: The “200-year design standard” must be in place by 2015 and the improvements completed by 2025.
15. P. 173, RR R4: What authority would allow a local agency to prohibit the “siting of future permanent structures...to accommodate future setback levees?”
16. P. 182, RR R10: There are too many unknowns/questions on the role and responsibilities of the Delta-wide benefit assessment district for flood management.
17. P. 191, 1st paragraph: Should be clarified to state that much of Stockton is a Delta community.
18. P. 193, **Figure 8-1**, Legend: What is “Urban Interface Zone”? Why only in the Stockton area?
19. P. 196, **Economic Sustainability**: Is Stockton a “legacy community”?
20. P. 211, **FP R4**, What is the funding source for the non-General Fund and non-general obligation bonds?

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21. P. 211, **FP R6**, 3rd bullet: Should discuss the role/responsibilities of the "fiscal partner."

We look forward to providing input on any revisions to the EIR or Delta Plan. If you have any comments or would like to discuss further I can be contacted at (209) 937-8339 or by email at jim.giottonini@stocktongov.org.



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