

June 24, 2011

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

Dear Chair Isenberg, Council, and Staff,

American Rivers is disappointed with chapter seven of Draft 4. We previously submitted numerous and lengthy comments on flood risk reduction and they have been ignored. Further, several changes between drafts three and four substantially weaken good risk reduction measures which previously existed in the plan.

The Council has a mandate and responsibility to reduce flood risk in the Delta and must therefore adopt a more proactive approach with the Delta Plan. American Rivers is concerned that the fourth draft misses this opportunity and fails to achieve the intended goal of the initial legislation. We focus our comments in three areas, and follow with Draft 4 specifics:

- 1) The Council must adopt goals for reducing risk in the Delta (not defer to DWR).
- 2) The Delta Plan must create an explicit policy that would expand (not only protect) flood conveyance capacity in the Delta.
- 3) Table 7-1 may have the dangerous, unintended consequence of sanctioning unsafe development in the Delta.

Adopt Goals

According to the authorizing legislation, section 85305:

- a) *The Delta Plan shall attempt to reduce risks to people, property, and state interest in the Delta by promoting...**strategic levee investments.***

Furthermore, in section 85306, the Council, “*in consultation with the Central Valley Flood Protection Board, shall recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta.*”

Despite the legal authority to promote strategic levee investments and priorities for state investments as part of a comprehensive strategy to reduce risk, the Council has deferred its responsibility to the Department of Water Resources via policy **RR P 4**. The Council itself must adopt goals for reducing risk and recommend criteria for strategic levee investments that will best advance these goals.

Goals for reducing risk in the Delta should include:

- Minimize loss of life from flooding.

- Minimize the number of people and homes vulnerable to deep and catastrophic flooding and associated social and economic dislocation.
- Minimize damage to infrastructure of regional or statewide economic importance.
- Minimize damage to infrastructure of local economic importance.

The Delta Plan should develop criteria for prioritizing levee investments that are part of a larger risk management strategy. As we explained in comments to earlier drafts (March 10), levees alone do not reduce risk. As the draft plan acknowledges, to cost effectively reduce risk, levee investments should be part of a ***larger integrated risk reduction strategy*** that should include land use regulations, flood system improvements, emergency response, building codes, flood insurance, and other risk reduction tools. Furthermore, state investment should NOT support levee investment in communities unless those communities also adopt other risk reduction elements, similar to the National Flood Insurance Program's Community Rating System. See risk reduction elements included in this letter and in prior comments.

The Plan must Expand Floodway Capacity from both the Sacramento and San Joaquin Rivers into and through the Delta.

The Delta Plan discussion (page 135 lines 9-15) on floodway protection highlights the importance of preventing encroachments, but lacks the critical fact that conveyance capacity in and through the Delta today is ***insufficient*** to accommodate current and future floods. This is crucial, especially considering that climate change and recent publications referenced in the plan (page 134 lines 15-20) suggest California will experience more severe and frequent floods that could yield consequences of epic proportions.

The Delta Plan's priorities for investments, therefore, must emphasize ***expanding*** floodways to expand conveyance capacity in the Delta in order to safely accommodate future flood flows and reduce risk in the Delta. Expanding capacity in the Delta offers flood risk reduction, ecosystem, and water supply benefits, as discussed in previous comments.

The current draft offers nothing new with policy **RR P1** regarding floodways. The current draft simply emphasizes preventing encroachments in regulatory floodways, but this does nothing to reduce risk since encroachments are already prohibited by multiple state and federal regulations.

1) The Delta Plan must explicitly discuss the need to **expand the Yolo Bypass** (not just prevent encroachments *within* the existing bypass under **RR P2**). About 10% of the conveyance capacity of the Yolo Bypass was removed by the construction of the Sacramento Deep Water Shipping Channel in the 1960s. Restoring (and increasing) this lost capacity is the most sustainable strategy for reducing flood risk for tens of thousands of people who live in Sacramento, West Sacramento, and the legacy towns along the Sacramento River. The Yolo Bypass could be expanded both east and west of the existing bypass and adjacent to the Sacramento Deep Water Shipping Channel. Please see map in American Rivers May 27 Comments. For additional areas, please see American Rivers April 6 Comments (page 4-5).

2) American Rivers applauds the Council and staff for referencing the proposal for a bypass on the Lower San Joaquin River, but this proposal alone is not sufficient for **expanding capacity in the South Delta**. It is only a first step to remedy the most constrained reach in the Delta. Additional expansion is necessary both upstream and downstream of Paradise Cut to truly remove the system bottleneck on the lower San Joaquin. This would require levee setbacks (or removal) between Vernalis and Mossdale (upstream of the proposed Lower San Joaquin Flood Bypass) as well as setbacks downstream of Paradise Cut on either the mainstem, middle river, or old river. See March 10 comments.

Avoid Levee Centered Approach that could Actually Increase Risk

Table 7-1 (page 141) is a step in the right direction, but it is focused solely on levees and could have the unintended consequence of sanctioning dangerous development because it is oblivious to depth of inundation upon levee failure. For example, it may be acceptable to have a 100-year levee protecting an area that would flood 6 inches deep, but it is not okay to have a 200-year level of protection for an area that might flood 6 feet deep. Remember, 200 year levees are still subject to failure. Areas below sea-level in the tidal zone of the Delta like Hotchkiss Tract or Bishop tract could achieve a 200-year level of protection by raising the levees only a few inches, thereby allowing more foolish subdivisions below sea level. When the levee fails, not if, these developments would flood deeply and destroy thousands of homes and livelihoods. This was not the likely intent of the legislation.

Table 7-1 must be improved to incorporate more risk-reduction elements such as depth of inundation upon failure and must be used only as part of a more integrated risk-reduction strategy for the Delta.

To reduce risk effectively with a truly integrated strategy that prioritizes public safety, please revisit American Rivers' previous comments, findings, and discussion with respect to:

- 1) **Preventing further development in deep floodplains** (March 10 and April 6 comments)
- 2) **Managing residual risk behind levees where development is already permitted** (see March 10 and April 6 comments and findings)
 - a. Building codes
 - b. Sustainable funding mechanisms (Escrow account)
 - c. Landowner notification at transaction, not after sale
 - d. Preplaced emergency contracts for developers
 - e. High ground for shelter in subdivisions/elevated evacuation routes
- 3) **Levee safety standards and review** (March 10 comments)
 - a. Development in accordance with National Levee Safety Program
 - b. Levee assessment every five years
 - c. Transparent and participatory review process to ensure levees meet standards
- 4) **Reduce peak inflows into the heart of the delta through upstream floodplain storage in rural basins** (March 10 comments)

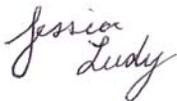
- 5) **Reoperation of Upstream Reservoirs and Peak Flow Attenuation to Improve Flood Management** (May 27 comments)
a. Expand floodways below dams to offer more flexibility to reservoir operators

Specific Comments on Wording of Draft 4

- 1) Chapter 7, page 135, line 9 should be reworded from “Floodway and Floodplain Protection” to “**Floodway and Floodplain Protection and Enhancement**”
- 2) With respect to **RR P1**: Protecting floodways from encroachment is already covered under the National Flood Insurance Program. Additionally, even vegetative encroachments are not permitted. Therefore, to restore floodplains, we have to expand the floodway first.
- 3) For **RR P2** (p 136, lines 21-24), the Delta Plan should revert back to the Draft 3 language (which was then RR P3):
*“Existing or **potential** value of floodplains or **potential floodplains** shall not be encroached upon nor diminished except as provided in this Delta Plan. The following areas are identified in the Delta Plan as potential floodplains and should also provide ecosystem benefit:”*
- 4) Amend **RR P2** to include descriptions from American Rivers April 6 Comments.
- 5) Recommend that DWR, CVFPP, and the Corps include the Lower San Joaquin Flood Bypass area referenced in RR P2 in the feasibility study on the Lower San Joaquin River.
- 6) **RR R2** (page 137 line 16): Dredging will *not* increase conveyance capacity in most of the Delta. In a tidal system, dredging does not determine the water surface elevation. Only on the upstream ends of the system is it possible that dredging may have some impact.

Thank you for considering our comments and we look forward to working with you in the next few weeks to substantially improve chapter 7 to better protect the people of the Delta region from harmful floods.

Respectfully,



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