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May 16, 2011

Ms. Terry Macaulay
Deputy Executive Officer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Subject: Comments – Third Staff Draft of Delta Plan

Dear Ms. Macaulay,

Policy RR P3 within Chapter 7 of the Third Draft Plan, page 89, states, in part:

“The following areas are identified in the Delta Plan as potential floodplains and should also provide ecosystem benefit:

•*The San Joaquin River/South Delta Floodplain. This area extends north from the southern boundary of the legal Delta, including all of Pescadero Tract, Paradise Cut, and Reclamation Districts R-2075, R-2064, R-2085, R-2094, R-2095, the portion of R-1007 generally north of Bethany Road, and the portion of R-2058 north of Interstate 205 and the undeveloped portion of Stewart Tract. This area will be modified upon completion of studies by the Department of Water Resources that will define the floodplain as referenced in Water Code section 9613(c).”*

While Reclamation District 2107 is not included in your list of potential floodplains, I am confused by your use of the term “Stewart Tract”.

Brown Sand, Inc. and/or its affiliated companies own all but a few acres of the land in Reclamation District 2107, bordered by the east side of Interstate 5, the San Joaquin River, and Paradise Cut. All of this land is fully entitled as an operating sand quarry and processing plant through San Joaquin County, and has been in operation since 1998 (Figure 1). In addition, there is over 15 acres of land zoned Commercial, with an Arco gas station, B&C Trailer Sales, Ag-Con Equipment Sales, and 6 large billboard structures. There are also several homes in this area. Nearly half of this land is in the City of Lathrop.

The northern portion of Reclamation District 2107, bordered by the west side Interstate 5, the San Joaquin River, Paradise Cut, and the Union Pacific Railroad (the former Southern Pacific

Railroad), is entirely in the City of Lathrop, and has a large amusement business known as Dell'Osso Farms, which has a giant maze, slides, zip lines, snack bars, and a train. In addition, there are several homes, a shop, and the offices of River Islands at Lathrop, a fully entitled master planned community which lies in Reclamation District 2062 to the north.

While I am unsure what your technical definition of Stewart Tract is, nearly 100% of the land bordered by Paradise Cut, the San Joaquin River, and Old River is fully entitled. Further, the vast majority of the southern portion of this area, east of Interstate 5, is fully entitled and developed.

In addition to the existing development, the site has what is probably the highest concentration of infrastructure in the entire Delta. There is the Sprint fiber optic line that connects the Bay Area to the eastern United States. There are two railroad lines that handle half of the intermodal freight for northern California coming from the Port of Oakland and the Ace commuter train. There are two 115 Kw electrical transmission lines that connect the Bay Area to the eastern part of the state. There are three freeways that converge, including Interstate 5.

Therefore, there is no point in even considering this area as valuable for potential floodplain when you consider the risk of floodwaters, liquefaction, and wave erosion to the massive critical infrastructure located there.

Further, any levee breach in the "Stewart Tract" has only a transitory benefit to elevations in the San Joaquin River, as floodwaters flow downstream through the Tract and flow right back into Old River at the low end. A much more effective solution is the expansion of the Paradise Cut bypass, which could move much more water in a controlled and safe manner without potential for the loss of life and property that would come from the flooding of Stewart Tract.

Therefore I request that the words "*and the undeveloped portion of Stewart Tract*" be deleted from the Draft plan.

Sincerely,



Michael Brown
Secretary

