

Memorandum

Date: JUN 20 2012

To: Joe Grindstaff
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From: Dale K. Hoffman-Floerke
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Subject: Subject: DWR General Comments on the Final Staff Draft of the Delta Plan (dated May 14, 2012)

Attached are the Department of Water Resources (DWR) specific comments on the Final Staff Draft of the Delta Plan (Plan), including comments on the Open Items Handout at the June 14, 2012 Delta Stewardship Council meeting which proposed revisions to the Plan. As stated in my prior memorandum of General Comments, overall, DWR thinks the Final Staff Draft of the Plan provides a good framework. It is well written and gives a policy and procedural structure that will help guide the Delta Stewardship Council (DSC) and those entities proposing and opposing certifications of consistency for covered actions. DWR's focus in this memorandum is on the language relating to covered actions and the policies which most directly affect DWR. However we have also provided comments on a few of the recommendations and some of the descriptive text in the different chapters.

Again, DWR looks forward to working with the DSC and the State Water Resources Control Board, the federal government, and local agencies on this process. If you have any questions regarding DWR's comments, please contact me, or your staff can contact Sean Bagheban at 916-651-0870



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Comments on the Final Staff Draft of the Delta Plan (dated May 14, 2012 with proposed changes presented at June 14 Delta Stewardship Council Meeting)

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Comments on Covered Actions and Policies

Exemptions from Covered Actions.

Page 54, line 15: The Delta Reform Act specifically exempts routine maintenance and operation of the State Water Project or the Central Valley Project and routine maintenance and operation of any facility located, in whole or in part, in the Delta, that is owned or operated by a local public agency (such as routine maintenance of levees by a reclamation district). This Final Staff Draft added as an administrative exemption routine dredging activities that are necessary for maintenance of facilities operated by special districts formed under the Harbors and Navigation Code. **DWR requests that you add the following administrative exemption:**

- o routine maintenance and operation activities located, in whole or in part, in the Delta, that are carried out by a state agency

Such an exemption is consistent with the other routine maintenance and operation exemptions and would cover routine flood control activities of DWR.

Page 53, line 34-35: The proposed staff change in the Open Issues memo of June 14, 2012 proposed changes to the administrative exemption from covered activities for 1-year temporary water transfers, which is:

“Temporary water transfers of up to 1 year in duration that are approved by the State Water Resources Control Board under Water Code section 1725 et seq, and/or that receive approval for use of water conveyance facilities by the Department of Water Resources or another public agency pursuant to Water Code section 1810 et seq. or by the U.S. Bureau of Reclamation pursuant to P.L. 102-575 (section 3405(a)). “

The proposed exemption language is satisfactory as it applies to DWR transfers. However, other water users may have concerns because this language does not exempt possible 1-year transfers that have complied with CEQA but do not have approval through either Water Code sections 1725 et seq. or 1810. For example, the exemption would not apply to a 1-year transfer proposed by a seller with pre-1914 water rights to a proposed buyer that does not receive the water through

DWR's conveyance facility, such as a transfer to Contra Costa Water District. This type of transfer would not be approved under WC 1810 or 1729 even though it met requirements under CEQA. **Although the current proposed staff language covers most 1-year transfers, DWR believes the exemption would be improved by either:**

- including temporary water transfers of up to one year in duration that satisfy all applicable legal and regulatory requirements or
- including 1-year transfers that are approved by the lead and responsible agencies after complying with CEQA or NEPA as applicable.

G P1 Covered Action must be consistent with the coequal goals, as well as with each of the policies contained in chapters 3-7 implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant policies may not be feasible. In those cases, covered action proponents must clearly identify areas where consistency is not feasible, explain the reasons, and describe how the covered action nevertheless, on whole, is consistent with the coequal goals. In those cases, the Delta Stewardship Council may determine, on appeal, that the covered action is consistent with the Delta Plan.

Page 56, lines 22-29: Although the Plan states that it establishes an open and accountable governance mechanism for coordinating actions across agency jurisdictions and statutory objectives (page 18), the Policies appear to approach the goals of water reliability, environmental preservation and restoration, protection the delta as an evolving place, and flood management in isolation. While DWR understands that this may be necessary in the first instance in order to identify potential problems and solutions, DWR suggests that the Plan would benefit by specifically encouraging proponents of covered actions to look at their projects in a holistic and sustainable way that considers whether and how they can advance the multiple goals and objectives of the Act. This approach would appear to be consistent with the Delta Stewardship Council's recommendation to the State Water Resources Control Board that "any proposed changes to the existing water quality objectives and their alternatives should be considered as part of a holistic comprehensive analysis that considers all the factors that are having significant adverse impacts on the Delta ecosystem. The State Water Board should investigate the interrelationships between these factors in an effort to create innovative approaches to advance the coequal goals through its revisions to the Bay-Delta Plan." **DWR suggests adding the following language to the first paragraph of G P1(b). DWR also suggests including consistency with chapter 2 policies specifically in the language of the paragraph:**

The Delta Stewardship Council encourages covered action proponents to plan their actions in a comprehensive way that considers whether and how they can advance the coequal goals and the multiple objectives of the Delta Reform Act. Covered actions must be consistent with the coequal goals, as well as with each of the policies contained in chapters 2 through 7 implicated by the covered action. The Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant policies may not be feasible. In those cases, covered action proponents must clearly identify areas where consistency is not feasible, explain the reasons, and describe how the covered action nevertheless, on whole, is consistent with the coequal goals. In those cases, the Delta Stewardship Council may determine, on appeal, that the covered action is consistent with the Delta Plan.

G P1: Covered actions not exempt from CEQA must include applicable mitigation measures identified in the Delta Plan's Program EIR, or substitute mitigation measures that the proposing agency finds are equally or more effective.

Page 56, lines 30-32: The second paragraph of GP P1(b) requires proposing agencies to include applicable mitigation measures identified in the Plan EIR or measures that are equally or more effective. The first paragraph of G P1 recognizes that it may not be feasible for a covered action to be consistent with all the policies. DWR reads the Policies together as recognizing that CEQA lead and responsible agencies maintain their ability and responsibility to reject mitigation measures in the Plan EIR as infeasible and to adopt Statements of Overriding Considerations. **However, DWR suggests that this concept be clearly stated as follows:**

- Covered actions not exempt from CEQA must include applicable mitigation measures identified in the Delta Plan's Program EIR unless (1) the proposing agency adopts other mitigation measures that are comparable or more effective to the mitigation measures in the Program EIR, (2) the proposing agency determines that some or all of the mitigation measures in the Plan are infeasible and/or adopts a statement of overriding considerations for economic, legal, social, technological, or other considerations, or (3) the mitigation measures in the Plan are not within the responsibility and jurisdiction of the proposing agency.

G P1: Add new provision regarding climate change.

Page 57, line 9: As discussed in DWR's general comments from Deputy Director Dale Hoffman-Floerke, dated June 13, 2012, California is already seeing the effects of climate change and planning for and adapting to these changes will be among the most significant challenges facing managers this century. The Delta Plan is intended to address intertwined challenges and establish foundational actions for long-term Delta management. Given that, it provides a unique opportunity to improve climate change adaptation and mitigation planning and project implementation in the Delta. State and local agencies are starting to incorporate these considerations into project planning as a result of various state-level actions including EO S-3-05, EO S-13-08, SB97, AB32, and SB 375. To help further these efforts and to encourage and promote more consistent planning in the Delta, **DWR suggests that the DSC consider adding the following requirement:**

- all covered actions must conform to State guidance for addressing climate change, including incorporating sea-level rise (SLR) projections into project planning and decision making and ensuring consistency with applicable State adaptation and mitigation strategies, actions, and goals established in the 2009 California Climate Adaptation Strategy and the AB 32 Scoping Plan.

WR P1 Water Suppliers Must Reduce Reliance on the Delta by reducing net water use from Delta or reducing proportionate use of Delta water from total water portfolio and WR R1 through WR R7:

Pages 100-102: DWR does not have the regulatory authority or the ability to review all local plans for compliance with all water conservation, water use efficiency and urban and agricultural water management planning laws. However, DWR does have many roles with regard to these laws. DWR receives and reviews water plans to make sure they include all required elements. In 2013 for agricultural plans and 2016 for urban plans, DWR will review and document whether suppliers have implemented the specific actions required by SBx7-7; the implementation of efficient water management practices for agricultural water uses and meeting the 2015 interim water use target for urban water users. These actions directly affect water supplier grant and loan eligibility. In a few cases where mandated by legislation, DWR works with the California Water Commission to establish regulations. Through the California Water Plan and other DWR documents, DWR provides information and guidance to local water suppliers. DWR plans to work with its contractors and other water suppliers to meet the policy and to respond to the recommendations.

WR P1 Reduce Reliance on the Delta

Page 100, line 30: The proposed staff change in the Open Issues memo of June 14, 2012 proposes adding the following language to the list of state laws : “including requirements for adoption of rate structures that promote water efficient practices and conservation” The Water Code requires “Pricing structure” as an Efficient Water Management Practice for agriculture and includes “Conservation pricing” as a demand management measure for urban instead of the terms “rate structure” used in the new language. **DWR suggests that the proposed language be modified as follows:**

- including requirements for adoption of rate conservation pricing structures that promote water efficient practices and conservation.

WR P2 Transparency in Water Contracting

Page 105, lines 10-15: The proposed staff change in the Open Issues memo of June 14, 2012 proposed adding language to this policy referencing DWR policies in Appendix F and identifying the kinds of actions to which the policy applies. **DWR agrees with the reference to Appendix F and suggests that the language regarding the SWP be modified to be consistent with the language in Appendix F:**

- The contracting process for water from the State Water Project (SWP) and/or the Central Valley Project (CVP) must be done in a publicly-transparent manner consistent with applicable policies of the Department of Water Resources and the Bureau of Reclamation, attached as Appendix F to this Plan.

This policy covers a proposed action that involves the execution of a SWP or CVP or SWP long-term water supply contracts or any amendment or renewal of any such contract, or the execution of any contract to permanently transfer SWP or CVP water or any amendment or renewal of any such contract.

EP P1 Requires SWRCB to Update Delta Flow Objectives by June 2014 and flow objectives in other priority streams by June 2018:

Page 146: DWR suggests that the Plan would benefit by specifically encouraging proponents of covered actions to look at their projects in a holistic and sustainable way that considers whether and how they can advance the multiple goals and objectives of the Act. Along these lines, DWR suggests that ER P1 should encourage the SWRCB to update all water quality objectives, not just flow objectives. DWR recognizes that, in many places, the Plan recognizes some of the other water quality objectives. However, because of the statutory duty of the SWRCB to consider and balance all beneficial uses and the state policy regarding the co-equal goals, DWR thinks that this Policy should recognize the need to update all the Delta water quality objectives. **Please see the suggested language below:**

- EP P1 Requires SWRCB to Update all Delta Water Quality~~Flow~~ Objectives by June 2014 and water quality~~flow~~ objectives in other priority streams by June 2018

ER P2: Restore Habitats at Appropriate Elevations

Page 148: The draft Delta Plan states, “Habitat restoration must be carried out consistent with the elevation map attached as Figure 4-3 and the text of Appendix H...with minor alterations. When habitats are restored at alternative elevations, sufficient scientific rationale must be provided.” Project specific surveys and contour maps can be used in accordance with Appendix H to restore habitats at appropriate elevations without the use of Figure 4-3. Figure 4-3 appears to be too small to use as a definitive guideline for a particular project. For example, waterside levee projects could include intertidal habitat, but the map is too small to show these habitat areas. Figure 4-3 also contains apparent errors. For example, small communities such as Tower Park Village on Terminous are not shown as developed. An existing residential development of several hundred people in Kasson District appears to be shown as a potential seasonal floodplain area. Only part of the Yolo Bypass is shown as a seasonal floodplain, while Liberty Island is not shown as flooded. The City of Stockton wastewater treatment plant ponds are shown as potential intertidal. **Due to its small size and the presence of possible errors, Figure 4-3 may be better used as guidance. See suggested language below.**

- Habitat restoration must be carried out consistent with ~~the elevation map attached as Figure 4-3 and~~ the text of Appendix H, which is based on the *Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Regions* (DFG 2011), with minor alterations. The elevation map identified as Figure 4-3 can be used as guidance for determining appropriate habitat restoration actions.

ER P3: Protect Opportunities to Restore Habitat

Page 148: Include the Sherman Lake/Chipps Island/Winters Island area as a ‘Priority Habitat Restoration Area’ in Figure 4-4.

RR P1 Prioritization of State Investments in Delta Levees and Risk Reduction

Pages 271-271: Changes to DWR’s Investment Framework have altered DWR’s intent, and may cause restricting levee upgrades to HMP when a higher standard is justified. The HMP is the configuration that DWR will fund WITHOUT any justification of the benefits. With an adequate justification of the benefits to the state, DWR will fund other configurations for non-project levees, such as PL84-99 or Bulletin 192-82, as befits the assets being protected. **Therefore, we suggest that the following language be deleted (struck out below).** As discussed later in our specific comment on page 261 of Chapter 7, State investments toward providing a 200-year level of flood protection should be prioritized for existing urban areas and adjacent urbanizing areas. **Therefore, we suggest that the following language be added (underlined below).**

Priority for State Investment in Delta Integrated Flood Management		Categories of Benefit Analysis	
Localized Flood Protection	Levee Network		Ecosystem Conservation
First	Protect <u>existing</u> urban and <u>adjacent</u> 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 a net increase in channel-margin habitat .
Second	Protect small communities and critical infrastructure of Statewide importance (located outside of urban areas) to a level consistent with HMP at a minimum	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees or, HMP for non-project levees	Protect existing and provide for net enhancement of floodplain habitat .
Third	Protect agriculture and local working landscapes, including achieving HMP for non-project levees not specifically planned for ecosystem restoration activities, and continuing the Delta Levees Subventions Program.	Protect cultural, historic, aesthetic, and recreational resources to a level consistent with HMP (Delta as Place).	Protect existing and provide for net enhancement of wetlands.

Comments on Recommendations

DWR's comments below focus on specific changes to a few recommendations. DWR will not repeat previous comments that have identified some issues relating to funding, policy and implementation. However these issues, as well as others that may be identified, will be considered by DWR when it decides how it will respond to each specific recommendation that the Plan proposes be carried out by DWR or that will affect DWR.

WR R9 Update Bulletin 118, California's Groundwater Plan and WR R10 Implement Groundwater Management Plans in Areas that Receive Water from the Delta Watershed

Pages 102-103: WR R9 recommends that DWR update B118 by Dec. 31 2014, and that the update include a systematic evaluation of groundwater basins to determine sustainable yield and overdraft status. The Department's existing funding and staff resources would severely limit the ability to meet the given deadline.

The California Water Plan Update 2013 will expand information about statewide and regional groundwater conditions to better inform groundwater management actions and policies through improved data and analysis. The Work Plan for the Groundwater Content Enhancement project was formulated with the long-term goal of developing a comprehensive understanding of California's groundwater basins. In this Update, the focus will be to develop contents for eight deliverables that follow a sequence and build on one another. The deliverables are - compile information and summarize groundwater conditions, institutional frameworks, and management activities; estimate change in groundwater storage; present case studies that illustrate benefits and challenges associated with the collection and application of groundwater data, and the integration of local and regional water management strategies; inventory and describe potential for conjunctive management, and groundwater banking and integrated flood management; develop sustainability indicators; and identify data gaps. The developed content will be incorporated into Update 2013 Strategic Plan, Regional Reports, Finance Plan, etc. In Update 2013, the goal is to start the process of bringing all the available groundwater information together from a statewide and regional perspective. The information content on groundwater built through this initiative is intended to set the stage for future Water Plan Updates and related activities to provide on a long-term basis additional data, information, and analyses for successfully managing and sustaining California's groundwater resources. One of the key deliverables – data gap- will include compilation of issues, problems, challenges, etc. on a Statewide and regional basis and a preliminary evaluation, prioritization, and recommendations on missing or unavailable groundwater data, inadequate understanding of groundwater conditions, and insufficient knowledge about institutional frameworks and management activities.

Most of the DWR groundwater staff that would be needed to update B118 are currently working on the groundwater content for California Water Plan Update 2013. Although the CWP effort will largely be winding down by the end of this year, updating B118 to include a “systematic evaluation to determine sustainable yield and overdraft status” would take closer to four years and would conservatively require about \$1 million per year for four years to complete. Prior estimates for updating B118 to conduct groundwater basin assessments have been on the order of \$5M over at least 3 years.

The Department strongly recommends that the DSC change the completion date of this recommendation to Dec. 31, 2017, and provide the caveat that appropriate resources and funding be appropriated for this purpose. **Please see proposed language changes for WR R9 and WR R10 below:**

- **WR R9 Update Bulletin 118, California’s Groundwater Plan**

In accordance with CWC Sections 12933 and 12924, within four years of adequate funding being appropriated and available to the Department of Water Resources, the department, in consultation with the Bureau of Reclamation, U.S. Geological Survey, the State Water Resources Control Board and other agencies and stakeholders should shall conduct an investigation of the state's groundwater basins and provide an update of Bulletin 118. The department shall identify the state's groundwater basins on the basis of geological and hydrological conditions and consideration of political boundary lines whenever practical. The department shall also investigate existing general patterns of groundwater pumping and groundwater recharge within those basins to the extent necessary to identify basins that are subject to critical conditions of overdraft and/or unsustainable groundwater management practices. The department’s recommended timing and funding resources associated with implementing the appropriate investigations and outreach to update Bulletin 118 according to the above criteria is estimated at five million dollars with a completion date of December 31, 2017 which would allow the information to be included in the 2020 CWP update and Urban Water Management Plans and Agricultural Water Management Plans.

- **WR R10 Implement Groundwater Management Plans in Areas that Receive Water from the Delta Watershed**

Water suppliers that receive water from the Delta watershed and that obtain a significant percentage of their long-term average water supplies from groundwater sources should develop and implement sustainable groundwater management plans. The sustainable groundwater management plans are to include all of the required groundwater management components listed in CWC §10753.7, and to substantially incorporate the recommended groundwater management components listed in CWC §10753.8 and identified by the Department of Water Resources’ Bulletin 118 (Update 2003). The sustainable groundwater management plans should be completed within two years of DWR providing an update of Bulletin 118-03 groundwater basin assessments in

accordance with CWC §12924, which requires identification of basins that are subject to critical conditions of overdraft.

WR R18 California Water Plan

Page 105: lines 35-41: WR R 18 recommends that the California Water Plan include updates to track water supply reliability performance measures identified in the Delta Plan.

The California Water Plan Update 2013 will develop a Water Sustainability Indicators Framework for California. The objective of the project is to help monitor progress to meeting water sustainability objectives through the development and application of an analytical framework. The California Water Sustainability Indicators Framework (Framework) follows a structure from vision setting to goal identification to sustainability objectives to indicator selection. Then data analyses are conducted to assess trends and conditions that will build knowledge to help change behavior and to inform public policy. The Framework is being developed for tracking conditions and trends of indicators of water related characteristics at multiple scales. The project will also produce a prototype water sustainability decision support tool for California. A major objective of the project is to conduct pilot studies (quantitative analysis using data) to identify, quantify, and evaluate a set of suitable sustainability indicators with respect to their status and trends for selected areas in California. The Framework will inform the California Water Plan Update 2013 and other water planning efforts within the state. As part of the Water Plan Update process, the Framework and its constituent indicators and indices are being developed in collaboration with experts from U.S. EPA Region 9, UC Davis - California, and input from the national Sustainable Water Resources Roundtable and a wide array of stakeholders. A workgroup has been established to help guide developing the analytical Framework and conducting the Pilot Studies. The workgroup includes members from the Department of Water Resources, the State Water Resources Control Board, the Department of Fish and Game, U.S. EPA, UC Davis-California, Strategic Growth Council, Bay Delta Stewardship Council, the California Water Foundation, the Pacific Institute, the Bay Institute, and others. The process of developing the Framework also includes periodically vetting the outcome of the project at multiple Water Plan venues including a 30-member State Agency Steering Committee, the Public Advisory Committee, the Tribal Advisory Committee, Regional Forums, and others. The developed content will be incorporated into Update 2013 Strategic Plan, Reference Guide, Technical Guide, etc.

The scope of the project outlined above for Update 2013 is limited to developing an analytical framework and illustrating the Framework with selected quantitative analysis. **DWR recommends the following modification that would permit DWR consider the objectives of both the California Water Plan and the Delta Plan. If adequate funding were available, the Framework can be further refined to make it an appropriate tool to help implement WR 18, as modified below.**

The Department of Water Resources, in consultation with the State Water Resources Control Board, and other agencies and stakeholders, should evaluate and include in the next and all future California Water

Plan updates information needed to track reporting on reduced Delta reliance and to consider establishing water supply reliability performance measures consistent with those identified in the Delta Plan, including an assessment of water efficiency and new water supply development, regional water balances, improvements in regional self reliance, reduced regional reliance on the Delta, and predictability of Delta exports, and an overall assessment of progress in achieving the coequal goals. In every Water Plan update cycle, with adequate funding being appropriated and available to the Department of Water Resources, the Department should refine as necessary the California Water Sustainability Indicators Framework and apply it to assess and report water supply reliability performance measures consistent with those identified in the Delta Plan.

Specific comments on Chapters

Chapter 1: Introduction

Page 10, Figure 1-1: Figure 1-2 leaves out some of the Delta Watershed Area. Parts of the southern Central Valley including parts of Fresno and Westlands Water District, drain to the San Joaquin River. Additionally, “during extremely heavy runoff, flood flows in the Kings River reach the San Joaquin River as surface outflow through the Fresno Slough. **We recommend including these southern Central Valley areas** and would be happy to work with you on modifying the Figure

Chapter 4: Protect, Restore and Enhance the Delta Ecosystem:

Page 122, Line 29 (also in executive summary)

The Delta Plan states that 1,335 miles of levees were constructed to drain wetlands and protect islands from damaging floods in the Delta. **We recommend making this language more general such as saying that that over 1,000 (or over 1,300) miles of levees were constructed.** There are roughly 1,000 miles of project and non-project levees in the Delta and Suisun Marsh. Additionally, there are hundreds of miles of other unattributed levees in the Delta and Suisun Marsh. Depending upon which types of levees are being counted, different values may be derived for levee mileage in the Delta. See also comment on Page 250.

Chapter 5: Protect and Enhance the Unique Cultural, Recreational, Natural Resources and Agricultural Values of the California Delta as an Evolving Place.

Page 175, Line 12: The population number provided does not match the 2010 Census. **Please include a citation for the derivation of these numbers.**

Page 177, Lines 16-17: The Delta Plan refers to a DWR study for the statement “almost 8,000 residences are below mean higher high water, mostly on Bethel and Brannan-Andrus islands and Wright-Elmwood Tract.” **Wright-Elmwood is rural with few residences and should be removed from this list. Sargent Barnhart and Hotchkiss Tract should be added to the list.**

Chapter 6: Improve Water Quality to Protect Human Health and the Environment

Page 215, Figure 6-1: People reviewing Figure 6-1 might conclude that the term 'salty' for the red color implies that it is saltwater although, in fact, it is brackish water. **It would be helpful to include a definition of freshwater, brackish water, and saltwater.**

Page 220 Line 8-18: The draft Delta Plan discusses the intake for the City of Antioch and how it is frequently out of use because of salinity intrusion. **We suggest that the Delta Plan also mention the Mallard Slough intake for the Contra Costa County Water District, which is the westernmost drinking water intake in the Delta.** It is also impacted by salinity, and therefore mixed with other sources of water.

Chapter 7: Reduce Risk to People, Property, and State Interests in the Delta.

Page 247, Figure 7-1: **We recommend changing the title of Figure 7-1 to state "Delta Flood Risk and its Financial Consequence to the State" in order to more accurately describe its purpose.**

Page 250, Lines 8-10: Note that some islands have subsided to more than 15 feet below sea level. **We suggest the following change:** A number of some islands are 12 to 15 feet below sea level, requiring levees 20 to 25 feet in height that act as dikes, holding back water continually rather than only during seasonal floods or extreme tides. Subsidence continues and an increasing number of islands have subsided to more than 15 feet below sea level.

Page 250, Lines 40-43, Page 251, Line 1

The Delta Plan states that "the Delta includes more than 1,335 miles of levees" **We suggest the following language to help distinguish the three types of levees in the Delta and Suisun Marsh:** "...the Delta includes more than 1,000~~335~~ miles of levees. There are roughly 1,000 miles of project and non-project levees in the Delta and Suisun Marsh. These levees include some that are unmaintained along the perimeter of permanently flooded islands and therefore may not technically function as levees in the traditional sense. Non-project levees are defined in California Water Code, Section 12980(e). Some levees that are not project levees are also not "non-project levees" and are sometimes called "unattributed levees". There are hundreds of miles of these other levees in the Delta and in the Suisun Marsh. Depending upon which types of levees are being counted, different values may be derived for levee mileage in the Delta.

Approximately 65 percent of the levees in the Delta and all levees in the Suisun Marsh are owned or maintained by local agencies or private owners and are not part of the State and federal government's Sacramento River Control Project or San Joaquin River Flood Control System~~Project~~. Most of these non-project and unattributed ~~"non-project"~~ levees are maintained by local reclamation districts created and funded by landowners, initially for the purpose of draining ("reclaiming") the Delta's islands and tracts."

If the Plan continues to include 1,335 as the number of miles of levees in the Delta and Suisun Marsh, it would be helpful to identify the derivation of that number.

Page 252: Although the Title of Figure 7-3 is correct, **the body of the figure should be revised to say "Non-project and unattributed levees"**. The figure also shows levees that do not exist (e.g., the 'levee' incorrectly shown partially on Decker Island and partially in the Sacramento River). We would be happy to work with you on correcting the Figure.

Page 254, line 43: The Delta Plan focuses on four levee standards. Other standards are also applicable even though not highlighted. **We suggest adding the following sentence at the end of line 43.** While a number of agencies have identified a variety of standards, this Plan focuses on the four levee standards viewed as the most applicable and important. Other standards not discussed include Corps project levees, Bulletin 192-82 urban standard, the Bulletin 192-82 agricultural standard, and a new seismic standard currently being developed.

Page 255, lines 3-4: **The 2011 draft Urban Levee Design Criteria was recently finalized as the Urban Levee Design Criteria (May, 2012). The reference on page 280 should also be updated.**

Page 256, Lines 15-20: The Delta Plan states, “[f]ederal standards require that roads must be protected from 50-year flood events to qualify for Federal Highway Administration funds (23 Code of Federal Regulations 650.115)”. However, 23 CFR 650.115 states, “The design flood for encroachments by through lanes of Interstate highways shall not be less than the flood with a 2-percent chance of being exceeded in any given year. No minimum design flood is specified for Interstate highway ramps and frontage roads or for other highways.” **We suggest changing the sentence to read as follows:** “[f]ederal standards require that Interstate highways roads must be protected....”

Page 261, line 15: The first bullet regarding State funding priorities should be changed to clarify that this funding priority for 200-year protection would apply to existing urban areas and adjacent urbanizing areas. Otherwise, this could be read to indicate that the State is prioritizing funding for providing 200-year protection for existing small communities that want to become urban areas. **Consistent with the errata sheet for the CVFPP (e.g., errata numbers 33, 43, and 65), this bullet should say** “Provide a 200-year level of flood protection for existing urban and adjacent urbanizing areas (Water Code section 9600 et seq.)” This same comment applies to the table on page 272, as previously noted.

Page 274, footnote 28: Footnote 28 at the bottom of the page incorrectly references the Urban Levee Design Criteria. **To be correct, this footnote should say** “As defined in the Department of Water Resources’ Urban Levee Design Criteria (DWR, 2012).” This definition in the Urban Levee Design Criteria is actually a direct quote from Title 33 CCR, Division 1, Chapter 1, Article 2, Section 4. **So it would seem even better to just reference the CCR, just like footnote 27, rather than the Urban Levee Design Criteria.**