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Subject: Fw: Delta stewardship comments/May 12
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----- Original Message -----

Chairman Eisenberg and members of the commission,

#1 I will try to give you a brief summary of my remarks at the May twelfth meeting. In realizing the extraordinary short period of time you have been given to build your plan I do not believe it is possible to do so without a detailed delta Levee integrity report. Without knowing the quality of levees and the amount of potential losses from each potential levee failure, it is not possible to prioritize a reasonable levee maintenance assessment or schedule.

#2 I strongly encourage the elimination or serious restriction on residential growth behind levees protected only by 100 year events. Since it is significantly cheaper to maintain levee integrity at a 100 year level rather than a 200 year level this appears to be a serious growth inducement for the more rural areas. The plan is not supposed to imperil more people by allowing more residences in an area with less than 10,000 people rather than in areas of over 10,000 people.

#3 I believe the city of Antioch made reference to virtually an unlimited pumping of delta water via pre-1914 water rights. Since most pre-1914 water rights were free flowing rights, not stored the Council needs to either make decisions or encourage the proper agencies to make determinations as to how much water right growth can occur in conjunction with all storage projects associated with the altering of natural Delta water flows. In other words can upstream impoundments increase their water rights by simply storing more water destined for the Delta? Junior water rights and senior water rights need to be much better defined. Since the operations of the state and federal projects began other dams have been constructed and allowed to take more water destined for the Delta at the expense of the environment and state and federal contractors. Since there is nothing more damaging to businesses and financing than uncertainty it appears this process is the time to clearly define actual water rights priorities.

#4 In determining water rights does the environment hold the original highest priority right? If so it would seem to me you would have to set minimal flow releases from any storage project or diversion from or to the Delta. In the past I have seen releases from dams in drier years in late summer and early fall in which inflow was greater than outflow. This seems to be a problem that needs to be addressed

#5 Reoperation of existing dams to enhance flood control seems to have merit, but will that come at the expense of supply delivery?

#6 With the sea level rising and certain existing Island farming and maintenance practices causing subsidence putting poorly maintained levees in more jeopardy can we consider a combination of remedies? With recent studies showing that adding water to the peat soil's reduces or eliminates subsidence, it might be worth looking into a border concept with

a water barrier between the main levees and the island's inner farms or infrastructure. An interesting experiment could be done by constructing lower elevation levees between the existing delta levee and the farm ground or infrastructure to hold water in that strip to protect against further subsidence. Tulles might also be planted in some areas to overtime regain some of that subsidence. This seems to be a more prudent use of limited water rather than simply inundating entire islands.

Thank you for the consideration of my above comments. Jim