

**RECLAMATION DISTRICT No. 3**  
**GRAND ISLAND**  
P.O. Box 984  
Walnut Grove, California 95690

August 16, 2019

Erin Mullin, P.E., Senior Engineer  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Sent via email to: [oal\\_amendRRP1@deltacouncil.ca.gov](mailto:oal_amendRRP1@deltacouncil.ca.gov)

**Subject:           Comments on the Proposed Rulemaking to Implement Delta Plan  
Amendment Regarding Delta Levees Investment Strategy**

Dear Ms. Mullin:

Thank you for the opportunity to comment on the Delta Stewardship Council's proposed changes to §5001 and §5012 in Title 23 of the California Code of Regulations to implement the Delta Levees Investment Strategy (DLIS). The proposed amendments to the DSC Prioritization of State Investments in Delta Levees are contrary to clauses in the existing water code and would severely restrict the Delta levee districts' ability to responsibly maintain the existing flood control system.

The Delta Plan provides generic definitions for "levee improvement", "levee maintenance", and "levee rehabilitation". In the rulemaking, the proposed definitions are not aligned with the existing Federal Regulations (33 CFR 208.10), and the California Water Code (Title 23) already defines "Maintenance". This proposed amendment is in direct conflict with the CVFPB's *Resolution No. 2018-06*, which defines operations, maintenance, repair, rehabilitation, and replacement (OMRR&R), and identifies the CVFPB's requirement to meet their responsibility for OMRR&R for SPFC facilities, as well as the importance of obtaining active status in the U.S. Army Corps of Engineers (USACE) P.L. 84-99 program. The Reclamation Districts must adhere to the policies set by the CVFPB or they risk being taken over and becoming the responsibility of the State. Proposing new definitions in the California Code will severely limit maintenance of levees in the Delta and will lead to further disagreement regarding how investment decisions are made for levee operations, maintenance, and improvements.

The State must be aligned on future investments to Delta levees, as it is critical to the continued functionality of the flood system and maintenance of the Delta in its entirety. The Delta Levee Subventions program has provided Delta reclamation districts a consistent funding mechanism to plan and implement levee maintenance and rehabilitation. Reclamation Districts rely on the Subventions program to make such necessary repairs. DWR has developed functional programs to assist both non-project and project levees to rehabilitate and repair damages, supporting flood recovery efforts, and deferred maintenance.

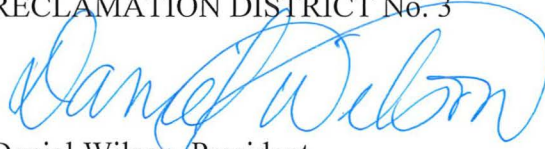
We have continued to maintain and rehabilitate our SPFC system, which protects vital state, regional and local infrastructure, as well as the City of Walnut Grove, and productive

private agricultural lands. Losing the ability to efficiently participate in available funding due to this rulemaking would be to the detriment and risk of the City, protected lands, and vital infrastructure.

We encourage the Council to consider alternate definitions or avoid significant changes to existing definitions and regulations. We also request an extension of the proposed rulemaking for DSC staff to coordinate with the Delta stakeholders, DWR and the CVFPB in further development of consistent and serviceable Title 23 amendment language.

Thank you for your consideration, and we look forward to further coordination with you and your staff. If you have any questions regarding this letter, please contact Michael Moncrief with MBK Engineers at (916) 456-4400.

Respectfully submitted,  
RECLAMATION DISTRICT No. 3



Daniel Wilson, President

cc: MBK Engineers