

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 240
West Sacramento, CA 95691
(916) 375-4800
www.delta.ca.gov



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California State Assembly

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California State Senate

August 19, 2019

Susan Tatayon, Chair and Members
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Dear Chair Tatayon and Council Members:

The Delta Protection Commission (Commission) appreciates the opportunity to provide comment on the proposed rulemaking for implementing Delta Plan policy RR P1 (Delta Levees Investment Strategy).

Commission members and staff participated extensively in the development of the Delta Levee Investment Strategy. As previously communicated to the Delta Stewardship Council (Council) in a January 19, 2017 letter, the Commission supports improvement and maintenance of all Delta levees to the DWR Bulletin 192-82 standard, as called for in the 2012 Economic Sustainability Plan for the Sacramento-San Joaquin Delta (ESP). The Commission also supports the improvement of most “lowland” levees to a higher Delta-specific standard that more fully addresses the risks due to earthquakes, extreme floods and sea-level rise and that provides improved protection for legacy communities and opportunities for habitat improvements on the water-side of levees.

The Commission recognizes that our call for improvement of all Delta levees to a DWR Bulletin 192-82 standard prior to prioritization of levee improvements for higher degrees of protection was considered and rejected by the Council. The Commission again asks for Council consideration to ensure a DWR Bulletin 192-82 standard is met for all Delta levees through continued levee work funded by the Delta Levees Maintenance Subventions Program (Subventions Program) and Delta Levees Special Flood Control Projects Program (Special Projects Program).

At the same time, the Council voiced its support for continuation of the Subvention Program and its intention that work performed under that program would not be subject to prioritization under Delta Plan policy RR P1.

As currently proposed in the draft regulations, certain “levee rehabilitation” activities presently funded by the Subventions Program would be subject to prioritization under Delta Plan policy RR P1. The Commission believes that this proposed action is inconsistent with the intent of the adopted Delta Levees Investment Strategy. The adopted Delta Plan policy RR P1 states that prioritization applies to “improvement

and major rehabilitation". There is no definition of "major rehabilitation" in the proposed rulemaking; only a more expansive definition of "rehabilitation".

The Commission appreciates the Council's consideration of these comments. Please ensure that activities funded under the Subventions Program continue to remain available to all Delta levees, thus ensuring the protection and enhancement of the unique Delta values, as called for in statute.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Vink". The signature is stylized and cursive.

Erik Vink
Executive Director

cc: Members, Delta Protection Commission