



August 19, 2019

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

RE: Notice to Amend California Code of Regulations, Title 23, Section 5001 and 5012

Dear Ms. Mullin:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review and comment on the July 5, 2019 Proposed Rulemaking for the Delta Plan Amendment Regarding the Delta Levees Investment Strategy.

EBMUD operates and maintains the Mokelumne Aqueducts (aqueducts) that cross five islands or tracts in the Sacramento-San Joaquin Delta for approximately 16 miles from the San Joaquin River to Bixler Road in Brentwood. The three aqueducts (65, 67 and 87 inches in diameter) are elevated above ground on Upper Jones Tract, Woodward Island and Palm-Orwood Tract. They are buried across Lower Roberts Island and Sargent-Barnhart Tract. The aqueducts deliver up to 325 million gallons of water per day and normally serve 90 percent of the water needs of EBMUD's 1.4 million customers.

EBMUD's Mokelumne Aqueducts are critical infrastructure and are vulnerable to failures of the levees that protect these islands/tracts which could result in interruption of water supply to the East Bay. The aqueduct system is protected by 55 miles of levees owned and maintained by five Reclamation Districts. Continued maintenance and improvements to levees of the islands and tracts traversed by the aqueducts are important for EBMUD.

Since the 1980s, EBMUD, as a landowner, has financially contributed to levee repairs and improvements on the islands/tracts that protect the Mokelumne Aqueducts. Recently, these reclamation districts completed ten levee projects totaling over \$40M under the Delta Levees Special Projects Program with financial support from EBMUD and the Department of Water Resources (DWR). In 2017, three additional projects were approved under the Special Projects Program and work is now underway on Woodward Island. The continued financial support from DWR and EBMUD has contributed significantly to the rehabilitation and improvement of the levees in an effort meet PL84-99 and/or Bulletin 192-82 standards.

The amendment to the Delta Levees Investment Strategy (DLIS) under the proposed rulemaking would establish a new method of prioritizing improvement and rehabilitation funding based on risk to public safety; property and infrastructure; water supply reliability; the Delta ecosystem;

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and Delta as a place. The EBMUD Mokelumne Aqueducts are critical to the region's water supply and as such the island/tract levees they cross should be considered a "Very High" priority for funding to continue to improve water supply reliability. This would be consistent with the 2013 Delta Plan that states that State funds for Delta levee projects should focus on the action to "improve the levees that protect aqueducts crossing the Delta and the freshwater pathway to Clifton Court Forebay to improve the reliability of these water supplies".

As proposed, the Delta levees identified as "Very High" priority would receive funding for levee improvements and rehabilitation projects before funding levee projects in lower priority categories. Based on Table 1, Delta Levees Investment Strategy Priorities of the proposed changes to Title 23, Section 5012, Jones Tract, Palm-Orwood Tract, and Woodward Island which are three of the five islands/tracts the aqueducts cross have been identified "High" priority. Lower Roberts Island has been identified as "Other Priority". Sargent-Barnhart Tract levees are not included in these lists because they are outside of the Sacramento – San Joaquin Delta boundaries.

Based on DWR's priorities, we request that Jones Tract, Palm-Orwood Tract, Woodward Island and Lower Roberts Island be moved to the "Very High" priority list. Including these four will help ensure that the levees are reliable and continue to protect the critical water supply infrastructure for EBMUD's 1.4 million customers.

EBMUD remains committed to collaborating with our associated Reclamation Districts and DWR on Delta levee maintenance and rehabilitation projects.

If you have any further questions, you can contact me at (510) 287-1035.

Thank you again.

Sincerely,



Roberto C. Cortez

Manager of Water Supply

RCC:gb

cc: D. Briggs, Manager of Water Operations
D. Nomellini, Secretary and Attorney, Reclamation Districts 684, 2024, 2038 and 2072