

TERRA LAND GROUP, LLC

November 27, 2019

VIA EMAIL

California Water Commission
901 P Street, Room 314
P.O. Box 924836
Sacramento, CA 94236
(cwc@water.ca.gov)

Re: Public Comment Submitted in Relation to the California Water Commission Public Hearing for Consideration of the Adoption of the Procedure for Water Infrastructure Improvements for the Nation Act Determination Regulations; Proposed Adoption of the California Code of Regulations, title 23, new article 2, which contains new sections 6100, 6101, 6102, and 6103.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG is located in Manteca and Lathrop, and as an organization, dedicates a significant amount of its efforts to ensure the safety of our communities by soliciting local, state, and federal agencies to protect our area from the effects of flooding. TLG believes that as more and more people move into California and as more land is being developed or farmed, there needs more water storage to accommodate those increased needs. However, there also needs to be safe ways of conveying that water to avoid flood impacts for the people who live in the areas that may be affected.

TLG is writing this letter to express public concerns relating to what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 ("SB 5") requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, and draining water. **(See Enclosures 1-3)**

TLG believes that storing, delivering, and draining water in and along the South Delta becomes complicated when it is considered that the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/EIR/EIS: (LSJRFS") includes the following:

1. Page ES-1 of the LSJRFS states: *The study area also includes the distributary channels of the San Joaquin River in the southernmost reaches of the Delta; Paradise Cut and Old River as far north as Tracy Boulevard, and Middle River as far north as Victoria Canal.*

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2. Page 3-31 of the LSJRF states: *Currently, the levee safety program has defined the levee system that incorporates RD 17 as bounded on the north by Walker Slough, west by the San Joaquin River and south by the Stanislaus River. This includes RD 17, RD 2096, RD 2094, RD 2075 and RD 2064.*
3. Page 5-17 of the LSJRF states: **Stanislaus River to Paradise Cut.** *The confluence of the San Joaquin and Stanislaus Rivers defines the upstream extent of the hydraulic model used for this study.*
4. Page ES-2 of the LSJRF states:
Analysis of the study area is challenged by the presence of three sources of flooding, the Delta Front, Calaveras River and San Joaquin River. This results in commingled floodplains for the North and Central Stockton areas. The distributary nature of the Delta also affects Delta water levels, because high flows from the Sacramento River may “fill” the Delta prior to a peak inflow on the San Joaquin River as occurred in 1997, raising water levels on the Delta front levees.
5. Page 5-27 of the LSJRF states: **2.1.1 FLOODING Problem: There is significant risk to public health, safety and property in the study area associated with flooding.** *The study area is located in the Central Valley of California which has very little topographic relief, resulting in potential flooding of areas far from water courses... (See Enclosure 1)*

Potential upstream and downstream impacts that may be created resulting from state and/or federal flood management project funding assistance programs currently being considered:

An Environmental Impact Assessment section is included in the last paragraph of the California Water Commission California Code of Regulations, Title 23, Waters Division 7, California Water Commission Chapter 2: Procedure for Water Infrastructure Improvements for the Nation Act Determination. This paragraph states:

The purpose of the regulations is to implement a process to make a determination finding. While the storage projects the Commission evaluates will need to comply with all environmental laws of California, the activities from these regulations are solely the evaluation of the materials presented to the Commission. These activities will not have an impact on the state's environment. Specific environmental impacts resulting from evaluated projects will be subject to permitting and will be analyzed by each project's lead agency in accordance with applicable law.

TLG believes that any water storage project proponent has more resources available to mitigate any and all potential impacts created because they are able to participate and apply for funds offered through the Water Infrastructure Improvements for the Nation (“WIIN”) Act. What funding will be provided to mitigate any flood and other hydrology related impacts that may be created to the upstream and downstream urbanizing and non-urbanizing rural areas affected? **(See Enclosures 1-3)**

Further, TLG believes that California Senate Bill No. 1000 (Environmental Justice) (“SB 1000”) was enacted to give due consideration to disadvantaged communities. What protections does the WIIN Act offer to prevent any and all projects to be funded from adversely affecting and creating impacts that result in

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transforming any currently prosperous areas to be affected into the disadvantaged communities that SB 1000 was enacted to protect?

Isn't this what happened to certain areas in and around New Orleans following the devastating flood impacts associated with Hurricane Katrina?

In November 2015, TLG representative Martin Harris visited New Orleans. He found many homes and even a large school surrounded by cyclone fencing and unoccupied, existing in the same flood-damaged conditions that the flood waters left those residences and facilities in following the 2004 flood.

What provisions will be required in association with any WIIN Act funding provided to ensure that mitigation measures shall be required as part of any funding application approval to ensure that any and all flood impacts created will be reduced to less than significant levels?

Can the affected public count on meaningful environmental studies and flood modeling to be conducted as required under CEQA and NEPA?

Most important, will the restitution and liability protections offered under California Assembly Bill No. 70 and SB 1000 apply to everyone that may be adversely affected?

Finally, if offsetting flood protection infrastructure impact funding is also considered and approved to mitigate flood impacts to those upstream and downstream areas affected, can the affected public count on those same mitigated flood protection improvements to be performed in a timely manner to offset any short term as well as long range exposure to flooding?

TLG requests the entire WIIN Act program management team to take our concerns into consideration before approving any regulations that serve to provide increased water storage facilities with no regard for what appears to be very significant impacts to the upstream and downstream areas that may be affected. **(See Enclosures 1-3)**

Thank you for your attention to this very important matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

These Enclosures can be downloaded as needed via Dropbox through the provided hyperlinks.

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1. 2018-02-26 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26_LTR_SJAFCA_LSJR%20EIR_PublicComm_wEncl.pdf?dl=0)
2. 2019-03-04 letter from TLG to the Manteca City Council
(https://www.dropbox.com/s/a8ldad6e6or9c6p/2019-03-04_LTR_MCC_AgltD3.pdf?dl=0)
3. 2019-11-20 letter from TLG to the Delta Conveyance Design and Construction Authority
(https://www.dropbox.com/s/tlnfyrrri524q6gq/2019-11-20_LTR_DCDCA_Aglt7b.pdf?dl=0)

cc:

San Joaquin Flood Control and Water Conservation District, % Fritz Buchman
American Rivers, Attn: Aysha Massell, Associate Director
Central Valley Flood Protection Board, Attn: Leslie Gallagher, Executive Officer
Central Valley Flood Protection Board, Attn: Ryan Jones
South San Joaquin Irrigation District Board of Directors, Attn: Danielle Barney, Executive Assistant/Clerk of the Board
San Joaquin Area Flood Control Agency, Attn: Marlo Duncan, Project Manager
Eastern San Joaquin Groundwater Authority
South San Joaquin Groundwater Sustainability Agency, % Danielle Barney
Delta Conveyance Design and Construction Authority Board of Directors
Michael Mierzwa, Lead Flood Management Planner, California Department of Water Resources
Jon Ericson, Hydrology and Flood Operations Officer, California Department of Water Resources
California Department of Water Resources, Attn: Mary Jimenez
San Joaquin Council of Governments, % Diane Nguyen