

TERRA LAND GROUP, LLC

May 18, 2020

VIA EMAIL

California Water Commission
P.O. Box 942836
Sacramento, California 94236-0001
(cwc@water.ca.gov)

Re: May 20, 2020 Meeting of the California Water Commission (“CWC”) Agenda Item 9: Action Item: Annual Review of the State Water Project; Item 10: Priorities for California’s Water; and Item 11: State Role in Financing Regional Conveyance Infrastructure.

Dear Commission Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC (“TLG”). TLG owns property and operates business in the Lathrop and South Manteca areas. Over the past few years, TLG representative Martin Harris has:

- (i) Attended many public and private meetings; and
- (ii) Reviewed thousands of pages of environmental documents; and
- (iii) Written over seven hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area.

TLG believes as more and more people move into California and as more land is being developed or farmed, there needs to be more water storage and reuse opportunities to accommodate those increased needs. This is especially important as local city, county, state, and federal authorities take various actions to divert or hold back an increasing amount of water (from all sources) to make more water available to the public they serve. However, there also needs to be safe ways of storing, delivering, conveying, draining, and discharging that water to avoid flood and other hydrology-related impacts for the people who live in the areas that may be affected.

TLG is writing this letter to make the CWC members members aware of 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, reusing, and draining water. (**See Enclosure 1**)

TLG believes that storing, delivering, reusing, 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 LSJRFSS 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 LSJRFSS 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 LSJRFSS 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 LSJRFSS 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 Impacts to Consider:

TLG believes that all Mossdale Tract Flood modeling and Adequate Progress reports that have been publicly released to date have failed to fully consider and provide mitigation measures for:

- (i) Unresolved and continuing sedimentation issues that continue to reduce channel flow capacity in and along the South Delta Lower San Joaquin River System.
- (ii) Climate change and continued uncertainty relating to its effect on increasing the total potential volumes of channel flows to be expected in and along the South Delta Lower San Joaquin River System.

COMMENT: Martin Harris and several other South Manteca rural neighbors attended a Central Valley Flood Protection Board Workshop on February 14, 2020. Although a number of climate change presentations were made by staff, flood models and associated drainage flow volumes related to climate change do not appear to have been fully determined.

QUESTION: What effect will this have on determining the total amount of reservoir storage water that can be safely stored in higher elevations throughout the Sacramento and San Joaquin River Reservoir System(s)?

COMMENT: The Paradise Cut Expansion project, in the form presented in the “Conceptual Design Technical Memo/Paradise Cut Expansion Project/April 9, 2019,” may or may not prove adequate in offsetting the full range of development and other hydrology-related impacts that may be created. Also, TLG believes that the Paradise Cut Expansion Stage reductions called for between the Paradise Weir and the Airport Way (Vernalis Bridge)

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may not fully address the potential for additional drainage impacts to be created. (See Enclosures 1-8)

This is especially concerning when considering pages 4 and 5 of the Mossdale Tract Program: 2019 Annual Adequate Progress Report Update for Urban Level of Protection-Final Report (included as Attachment 2 to the 8/20/2019 MCC Meeting Agenda Item B.3), which states that, *“the Urban Flood Risk Reduction Study remains incomplete and the Climate Adoption Policy is underway. As such, a new determination that the project meets the appropriate Standard of Protection will need to be made in conjunction with the 2020 Annual Report.”*

QUESTION: How will what appears to be a very real potential for unresolved and continuing sedimentation and climate change issues in and along the South Delta be considered and allowed for in the final Mossdale Tract Drainage Plan? (See Enclosures 1-8)

(iii) A Stanislaus River right bank levee breach in the areas west of the City of Ripon.

(iv) Limited topographic relief to ground surface areas in and along the South Delta.

QUESTION: Will mitigation measures be included to prevent any potential for reverse channel flows and associated backwater effects that may impede the natural flow of Old River as identified on pages 3A-28 and 3A-29 of the Bay Delta Conservation Plan California WaterFix Final EIR/EIS (December 2016)?

QUESTION: Will limited topographic relief to ground surface areas in and along the South Delta slow down San Joaquin River (and Paradise Cut) channel flows and promote continuing sedimentation?

(v) Various federal and state-funded Manteca and Lathrop area highway construction and other state, federal, and/or county transportation improvement projects as presented in (a) the 2014 San Joaquin Council of Governments Sustainable Communities Strategy, Draft EIR and 2015 FTIP Conformity Document.

QUESTION: Have all roadway-related floodwater and other hydrology-related drainage impacts to the areas south of Manteca been properly considered (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064, and the South San Joaquin Irrigation District (“SSJID”))?

(vi) Unresolved plans as to how the cities of Manteca and Lathrop can reasonably drain what appears to be ever-increasing amounts of stormwater and effluent wastewater from the residential, commercial, and industrial-zoned developing areas into non-developing areas that flooded in 1997.

COMMENT: TLG believes that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta have not been adequately determined and may be different than what the narrow scope of existing flood models may indicate. (See Enclosures 1-8)

QUESTION: What potential increased flood water, stormwater, and effluent wastewater, irrigation water, potable water delivery, traffic circulation, emergency vehicle services response and private property road access impacts and changes to drainage patterns may

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be created due to the construction (and/or expansion) of 100-year flood protection infrastructure as appears to be called for due to a recent May 21, 2019 San Joaquin County Board of Supervisors approval of Morning Hearing item #1: Development Title Text Amendment No. PA 1900067 allowing revisions to the Definition of Structure?

QUESTION: What increased flood and back-water impacts may occur when that same 100-year infrastructure (as referenced in the previous question) is subjected to a 200-year flood event?

(vii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with the ACE train and Valley Link rail expansions.

COMMENT: TLG believes that decisions related to rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modifications in and along the areas crossing the South Delta (Mossdale) may affect both 100-year and 200-year California Senate Bill No. 5 (“SB5”) flood water drainage and other hydrology-related impacts in the areas around the Manteca and Lathrop communities.

(viii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with RD 17 planned improvements associated with any and all Phase II, Phase III, and California Senate Bill No. 5 200-year projects to be considered.

(ix) Flood and other hydrology-related impacts that may occur in conjunction with anticipated changes to the Tri-Dam Project, the South San Joaquin Irrigation District, South San Joaquin Groundwater Sustainability Agency (“SSJGSA”), South Delta Water Agency (“SDWA”), and the Eastern San Joaquin Groundwater Authority water master plans.

COMMENT: TLG believes that any Tri-Dam Project, SSJID, SSJGSA, SDWA, or Eastern San Joaquin Groundwater Authority water master plan needs to consider flood and other hydrology-related impacts associated with SSJID drain #11 (and SSJID drain #10) for all areas extending to their origin.

(x) Short-term and long-range flood and other hydrology-related impacts that may occur in conjunction with what is anticipated to be a continuing series of approvals of water transfer agreements between the SDWA and SSJID (or SSJGSA). (For an example, see SSJID 5/12/2020 meeting agenda items 9 and 10).

QUESTION: When considering the potential water supply needs in the areas of southwest Manteca and Lathrop, isn’t it likely that a combination of one or more future SSJID/SDWA water transfer agreements will eventually over time result in water supply, conveyance, conservation, and drainage infrastructure being modified or constructed to transfer water to southwest Manteca as well as other SDWA users located downstream?

QUESTION: If so, what drainage and other hydrology-related impacts should be considered? (See Enclosures 1-8)

(xi) Flood and other hydrology-related impacts that may occur in conjunction with the anticipated expansion of River Islands as proposed in the Notice of Preparation for the River Islands Phase 1 or 2 Project/Update for the West Lathrop Specific Plan.

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(xii) Flood and other hydrology-related impacts that may occur in conjunction with the adoption of the City of Lathrop's Integrated Water Resources Master Plan (See LCC 12/9/19 meeting agenda item 5.1 and associated project description figures 2.0-7 and 2.0-8).

(xiii) Flood and other hydrology-related impacts that may occur in conjunction with the SJAFCA's Lower San Joaquin River Project. TLG has been informed that this project has won a coveted "New Start" designation in Fiscal Year 2020 along with \$27.225 million in federal funding for preconstruction, engineering, design, and construction of the project's first increment. SJAFCA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract.

An informational briefing was conducted in association with the April 24, 2020 CVFPB meeting agenda item 8D: San Joaquin Area Flood Control Agency Projects Update.

QUESTION: What mitigation measures will be provided as part of SJAFCA's Lower San Joaquin River Project to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

QUESTION: When considering the anticipated economic downturn that many are expecting to occur due to the COVID-19 health crisis, will sufficient drainage district maintenance assessments and other drainage infrastructure construction funding be made available to construct (in a timely manner) all phases of the SJAFCA Lower San Joaquin River Project? This includes the Paradise Cut Expansion Project and other flood drainage protection project phases deemed necessary to protect the high-risk areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID). What potential impacts may occur if funding is either suspended or exhausted? **(See Enclosure 8)**

With these concerns in mind, TLG urges the CWC members to consider the comments and concerns stated in this letter before approving any state water project, conservation project, drainage or conveyance plan, or other agenda item with the potential to affect drainage patterns and total flow volumes in and along the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID). **(See Enclosures 1-8)**

Thank you for your attention to this very important matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

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MH/cm

Enclosures:

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

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_Public_Comm_wEncl.pdf?dl=0)
2. 2018-03-05 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/tl0ir7soookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0)
3. 2017-04-20 letter from TLG to the San Joaquin County Board of Supervisors
(https://www.dropbox.com/s/7dy40jz1qeotw56/2017-04-20_LTR_SJCBS_Re04-25-17MtgPubComm_MHcm.pdf?dl=0)
4. 2019-03-18 letter from TLG to the City of Lathrop Public Works Department
(https://www.dropbox.com/s/musf61jmz7azjvy/2019-03-18_LTR_LPW_EIRWaterResPlan.pdf?dl=0)
5. 2019-08-21 letter from TLG to the Eastern San Joaquin Groundwater Agency
(https://www.dropbox.com/s/srnfonfc2rbj1j1/2019-08-21_LTR_ESJGA_GSP.pdf?dl=0)
6. 2019-10-07 letter from TLG to the San Joaquin Local Agency Formation Commission
(https://www.dropbox.com/s/snkctx3dvn8obbz/2019-10-07_LTR_LAFCo_Aglts4.pdf?dl=0)
7. 2020-05-11 letter from TLG to the South San Joaquin Irrigation District
(https://www.dropbox.com/s/c7plzfs56gvf1b/2020-05-11_LTR_SSJID_Aglts9.pdf?dl=0)
8. 2020-05-16 Manteca Bulletin news article "California Budget Cutbacks Threaten Environmental Spending Plans"

cc:

San Joaquin Area Flood Control Agency, Attn: Chris Elias
Central Valley Flood Protection Board, Attn: Ryan Jones

California budget cutbacks threaten environmental spending plans

SACRAMENTO (AP) — California Gov. Gavin Newsom's proposed budget cuts include canceling billions of dollars in climate change spending, a blow to environmental advocates who look to the state as a stopgap for the Trump administration's weakening of federal protections.

In January, Newsom proposed a \$12 billion "climate budget" that, over the next five years, would offer incentives for companies to convert to electric vehicles, give low-interest loans to businesses to clean up their practices and spend billions on projects preparing for floods, droughts and wildfires.

But Thursday, Newsom proposed eliminating most of the foundation for those programs to balance a budget that will have an estimated \$54.3 billion deficit. The economic downturn has been brought by a statewide stay-at-home order to limit the spread of the coronavirus. The order has closed most businesses for two months, putting more than 4.5 million people out of work and sending state tax collections plummeting.

The proposed cuts come as the state is battling the Trump administration over water quality and auto emissions, among other environmental issues.

"At a time when the Trump administration is mounting an unprecedented assault on environmental and public health protection, it's absolutely devastating and horrifying," said Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity.

The Newsom administration says the cuts represent "unprecedented times" that have forced the state to "make sacrifices that we didn't think six months ago we would have to do." The administration chose to protect programs to clean up the air in disadvantaged communities and to provide safe drinking water.

"All the leaders around the world from Germany to Denmark to Japan are all suffering similar economic fates," said Jared Blumenfeld, secretary of the California Environmental Protection Agency. "What California is doing is prioritizing and making sure, as the governor said, our values come first."

The biggest cut was scrapping a proposal to borrow \$4.75 billion to prepare the state for climate-change disasters like sea level rise that threatens the coastal cities and devastating wildfires that have destroyed

to convince Newsom not to veto it over cost concerns.

Newsom canceled a \$250 million contribution to the "climate catalyst fund," aimed at jump starting investment in technology to help clean up private sector polluters.

But the most ironic impact is on the state's "cap and trade" program, which requires big businesses to purchase credits that allow them to pollute.

Coronavirus-related closures since mid-March have shut down most businesses and kept cars off the road, leading to a dramatic improvement in air quality. But it's also reduced the demand for credits, meaning the state is likely to make less money when it sells them.

That means less money for a host of programs offering incentives for companies to convert their diesel-powered fleets — one of the largest sources of air pollution — to electric vehicles.

"The good news is emissions are decreasing. However, there is a lot of funding that has occurred in the past that may not occur in the future as a result of that," Blumenfeld said.

The Newsom administration canceled a plan to hire 53 more people to regulate the state's oil and gas industry. The cut surprised environmental advocates because the new employees would have been paid for not by state income tax collections, but by fees paid from the oil and gas industry itself.

California Department of Natural Resources Secretary Wade Crowfoot said the new hires were withdrawn because of "COVID-related economic issues impacting that sector."

"Oil and gas won," said Kathryn Phillips, director of Sierra Club California. "But people who breathe and live near ports are losing."

Western States Petroleum Association President Cathy Reheis-Boyd said "there are no 'winners' when the state or businesses have to make tough budget decisions."

"Even without these new positions, California will continue to have the toughest regulatory standards for oil production in the world," she said.

tens of thousands of buildings and killed more than 100 people.

That proposal could be revived in the Legislature, where lawmakers view it as a type of economic stimulus to create jobs during a coronavirus-induced economic downturn. But they would first have

