

3.4 Local and Regional Agency Comments and Responses



ROGER ABE

SUPERVISOR - FOURTH DISTRICT

Yuba County Government Center

915 8th Street, Suite 109 · Marysville, California 95901

(530) 749-7510 · Fax (530) 749-7353

L_ABE1

April 6, 2012

Central Valley Flood Protection Plan
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

Re: Comments to CVFPP

Dear Central Valley Flood Protection Board,

L_ABE1-0

As the Yuba County 4th District Supervisor, and a Director of the Yuba County Water Agency, I would like to submit the following comments to the CVFPP.

Yuba County appreciates creating a rural levee program to improve levee systems, and also protect small communities. While we have strong concerns about the proposed Cherokee Bypass, we recognize the benefits of the bypass system. It is crucial that we work together to make sure this bypass makes sense.

L_ABE1-02

Another element crucial to the success of the plan is to build trust and confidence within the agricultural community for the plan. That can only occur through the Board's commitment to minimizing adverse impacts to agriculture, and the completion of the rural levee program, including developing new funding mechanisms. Continued inclusion of local interests, especially landowners, is absolutely necessary to allay fears and concerns, and to allow input in the development and execution of the plan.

Thank you for the opportunity to comment on the plan.

Sincerely,

Roger Abe

CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING

Date April 6, 2012 Name Roger Abe
Phone (optional) _____ E-mail (optional) rabe@co.yuba.ca.us
Affiliation Yuba Co. Supervisor, Yuba Co. Water Agency
Address (optional) 915 8th Street, Suite 109, Marysville, CA 95901

☐ I wish to speak to the Board about agenda item number(s) _____ ☐ CVFPP ☐ DPEIR

☒ I prefer to submit written comments instead of addressing the Board. Please see my comments below.

If you would like to be added to the CVFPP e-mail list, please check this box. ☒

Verbal comments on both the CVFPP and the DPEIR can be presented to the Board at the hearing. Written comments can also be submitted to Board staff at the hearing or sent to the addresses below. If you would like to submit a comment electronically, please send them to the e-mail addresses below or see the Board's website for more information:
<http://www.cvpfb.ca.gov/>.

Central Valley Flood Protection Plan (CVFPP):

Central Valley Flood Protection Board

Attn: Nancy Moricz

3310 El Camino Ave., Room 151

Sacramento, CA 95821

E-mail: cvfppcom@water.ca.gov**Draft Program Environmental Impact Report (DPEIR):**

Department of Water Resources

Attn: Mary Ann Hadden, c/o MWH

3321 Power Inn Road, Suite 300

Sacramento, CA 95826

E-mail: DPEIRcomments@water.ca.govDPEIR Comments must be received by April 20, 2012 by 5 pm.

COMMENT CARD

Comments apply to:

☐ Central Valley Flood Protection Plan☐ Draft Program Environmental Impact Report (DPEIR)☐ BothSee attached.

Please continue on back of this card, if needed.

Roger Abe, Yuba County Supervisor, Fourth District

Response

L_ABE1-01

The commenter expresses support for the SSIA, which proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property. The commenter also expresses concern regarding the Cherokee Bypass. As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1.

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and

stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

L_ABE1-02

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and

support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) on pages 3.3-34 and 3.3-35 of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed. For additional details, see Master Response 3.

With regard to public input on development and implementation of the CVFPP, as stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect

the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

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The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds. For additional details, see Master Response 14.

L_BCDPW1

Moricz, Nancy

From: Moricz, Nancy
Sent: Thursday, February 23, 2012 9:20 AM
To: Cvfpp_Comments
Subject: FW: CVFPP-proposed feather River Bypass
Attachments: CVFPB-Proposed new Feather River Bypass.pdf

Sincerely,

Nancy C. Moricz, P.E. - Engineer, WR
Flood System Improvement Section
nmoricz@water.ca.gov

From: Marino, Len
Sent: Wednesday, February 22, 2012 4:39 PM
To: Butler, Eric R.
Cc: Moricz, Nancy; Porbaha, Mohammad (Ali)
Subject: FW: CVFPP-proposed feather River Bypass

Here's a CVFPP comment item to handle.

Len Marino, P.E.
Chief Engineer
Central Valley Flood Protection Board
Office: (916) 574-0608
Mobile: (916) 203-4432
lmario@water.ca.gov
<http://cvfpb.ca.gov/>

From: Crump, Mike [<mailto:MCrump@buttecounty.net>]
Sent: Wednesday, February 22, 2012 2:39 PM
To: Marino, Len
Subject: CVFPP-proposed feather River Bypass

L_BCDPW1-01

Hi Len;

I saw your name in the CVPPP Rollout Presentation (overview group) and hope you can help me. I would like to find someone who can come up to Butte County and meet with the farmers/landowners along the Cherokee Canal who have learned and are concerned (alarmed?) to find out about the proposed new Feather River Bypass (attached).

County Supervisor Lambert would like to try and get ahead of this and have a meeting to explain exactly what the proposal is and the process for the public to provide comments etc.

Can you help us with this request? If not who might be the best person to ask?

Thanks

Mike Crump, Director

Butte County, Dept of Public Works
7 County Center Drive Oroville CA 95965

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Yolo Bypass Expansion

Future studies to refine specific project elements related to bypass expansion should consider the following:

- Lengthening and/or lowering the Fremont Weir and incorporating features to facilitate fish passage through the upper bypass and at the weir.
- Increasing capacity in the upper portion of the Yolo Bypass (upstream from the Sacramento Bypass) by setting back levees and/or purchasing easements.
- As described under Urban Flood Protection above, evaluate the Cache Creek Settling Basin to identify a long-term program for managing sediment and mercury to sustain the flood conveyance capacity of the Yolo Bypass.
- Expanding the lower end of the Yolo Bypass upstream from Rio Vista by setting back levees.

About 42 miles of new levee could potentially be required to expand the Yolo Bypass.

Sacramento Bypass Expansion

As part of urban elements to reduce flood risks to the Sacramento/West Sacramento metropolitan area, future studies to refine specific project elements related to bypass expansion (also mentioned under Urban Flood Improvements) will consider the following:

- Widening the Sacramento Weir
- Automating the weir or eliminating gates
- Widening the Sacramento Bypass by constructing about two miles of new levee
- Making operational changes to the Sacramento Weir and Bypass, as necessary

8.5.2 New Bypasses

Two new bypasses are included in the SSIA. While they primarily provide benefits to the urban areas of Yuba City/Marysville and Stockton, they are described here with other system improvements because of their complexity and long lead time for construction.

Feather River Bypass

Evaluate the feasibility of constructing a new bypass from the Feather River to the Butte Basin to further contribute to improving overall urban, small community, and rural-agricultural flood protection in the planning area. The new bypass would require construction of about 16 miles of new levee on one side of the Cherokee Canal. A new bypass would have the potential to reduce flood stages by as much as one foot at Yuba City and Marysville during a 100-year (1 percent annual chance) flood. A new bypass would also provide greater system resiliency in accommodating future hydrologic changes in the planning area, including those due to climate change, and would be a relief path when Feather River flows are greater than 200-year (0.5 percent annual chance). The State will consider findings of ongoing studies by local entities when evaluating the potential system benefits of the bypass.

Lower San Joaquin Bypass

Evaluate the construction of a new bypass in the south Delta (expansion of Paradise Cut and/or other south Delta waterways), primarily for the purpose of reducing peak flood stages in the Stockton area. A south Delta bypass will include habitat components. A gate structure or weir at Paradise Cut will be considered as part of the project. The new bypass would require construction of about eight miles of new levee. In combination with the bypass, the State will consider purchasing easements in the south Delta from willing sellers to provide floodwater storage and reduce peak flood stages along the San Joaquin River.

8.5.3 Flood System Structures

Several flood system structures will require rehabilitation, rebuilding, or modifications. These structures are primarily associated with the bypass expansions and new bypasses described above. Structures include the following:

- Intake structure for the new Feather River Bypass
- Butte Basin small weir structures
- Upgrade and modification of Colusa and Tisdale weirs
- Modifications to bridges to reduce or eliminate flow constrictions
- Sacramento Weir widening and either automation or elimination of gates
- Gate structures and/or weir for new Lower San Joaquin Bypass.

**Butte County Department of Public Works, Mike Crump,
Director**

Response

L_BCDPW1-01

The comment expresses a desire for a meeting to discuss the proposed Feather River Bypass and the process for the public to provide comments. As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. A full list of participants and forms of engagement in plan development are available in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Flood Protection Plan.” The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP.

The Board provided various opportunities for members of the public and agencies to comment on the public draft CVFPP, released in December 2011. Hearings were held in 2012 on April 5 (Sacramento), April 6 (Marysville), April 9 (Stockton), and April 11 (Woodland), and public comments were heard and discussed at both regular and special Board meetings.

Anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the

performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. For additional details, see Master Response 13.

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide

feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. For additional details, see Master Response 14.



City of Biggs

465 C Street
P.O. Box 307
Biggs, California 95917
Telephone (530) 868-5493

L_BIGGS1

April 17, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Re: Comments on the Draft Central Valley Flood Protection Plan & Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

L_BIGGS1-01

I am writing on behalf of the City Council of Biggs, which at its public meeting April 16th considered the local and regional impacts of the draft Central Valley Flood Protection Plan. We are in agreement with Sutter Butte Flood Control Agency's comment letter to your office dated 4/13/12, and wish to add an additional important comment from our perspective:

L_BIGGS1-02

State regulatory agencies must begin to acknowledge and address the issue of piling on of regulations and plans on local communities, apparently without coordination or communication amongst themselves in Sacramento.

- To allow multiple State agencies to continue to attempt to enforce the Clean Water Act and FEMA flood control objectives is duplicative, cost inefficient, and counter-productive.
- The effect on local governments and economies is unnecessarily burdensome at best, more often outright onerous and untenable.
- In this case, one State agency is assisting us in strengthening our levees while another is planning to divert water away from the waterways that the levees contain – both efforts paid for by overburdened taxpayers.
- State plans would be better received by rural communities, and more effective in the accomplishment of their goals, if they were vetted between State agencies before being independently pushed upon and piled upon the rural communities.

Please contact me with any questions about this comment letter.

Sincerely,

Roger L. Frith
Mayor

cc: SBFCA Board of Directors, Assemblyman Dan Logue

Biggs City Council, Roger Frith

Response

L_BIGGS1-01

The comment expresses support for the comments submitted by Sutter Butte Flood Control Agency. Responses to comments submitted by Sutter Butte Flood Control Agency are contained in Section 3.4, “Local and Regional Agency Comments and Responses,” of this FPEIR.

L_BIGGS1-02

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.



BOARD OF SUPERVISORS **L_BUTTE1**

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
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BILL CONNELLY
First District

LARRY WAHL
Second District

MAUREEN KIRK
Third District

STEVE LAMBERT
Fourth District

KIM K. YAMAGUCHI
Fifth District

April 10, 2012

Mary Ann Hadden, Staff Environmental Scientist
Department of Water Resources, Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

**Re: Comments on the Draft Program Environmental Impact Report for the 2012 Central Valley
Flood Protection Plan (SCH # 2010102044)**

Dear Ms. Hadden:

L_BUTTE1-01 On behalf of the Butte County Board of Supervisors, I am writing this letter to provide the County's comments to Central Valley Flood Protection Board (CVFPB) and the Department of Water Resources on the Draft Program Environmental Impact Report (DPEIR) for the 2012 Central Valley Flood Protection Plan (CVFPP). The County is supportive of the process to develop a comprehensive plan for the provision of flood protection for the Sacramento-San Joaquin (Central Valley). It is important to the citizens of Butte County that proper facilities are provided to protect both people and their personal property from the effects of flooding.

On November 19, 2010 Butte County's Development Services Department submitted comments on the Notice of Preparation (NOP) for the Central Valley Flood Protection Plan Program EIR (SCH#2010102044) to Crystal Spurr of the Department of Water Resources.

L_BUTTE1-02 Because the CVFPP is what is termed a "high level planning document" similar to the County's General Plan, there are no projects or project locations in the plan that can be evaluated. Therefore, it is difficult to evaluate the environmental impacts from the Plan on specific locations in the County. The CVFPP anticipates more detail for specific projects will be developed as the Regional Plans are finalized in the next five years. At that time, the County will comment on the specific projects and how those projects will impact the local environment. In the mean time the County has evaluated the DPEIR based on our comments to the NOP we sent in 2010.

L_BUTTE1-03 **Housing Stock and Housing Affordability**

The DEIR correctly points out under the regulatory setting under Section 3.16.2, that California State law requires regional government councils to determine the existing and projected housing needs for people of all income levels and that many regional government councils conduct a regional housing needs assessment (RHNA) to determine the level of housing stock and to determine anticipated need based on projected growth. However, the DEIR fails to analyze and/or mitigate the impact of the project on local government's ability to provide adequate land inventory (e.g., sites zoned for high density residential development within a future bypass or overflow area) to meet RHNA.

L_BUTTE1-04 Public Safety

Because the primary goal of the CVFPP is public safety there needs to be considerable discussion on this topic. As the Regional Plans are developed, there needs to be more specific detail in the areas of emergency evacuation routes or alternative routes, early warning systems for specific locals and other safety issues on a region by region basis. The County is just beginning the update of our Multi Jurisdictional Multi Hazard Mitigation Plan; we would encourage the CVFPB and the DWR to participate in developing mitigation measures that would benefit both planning efforts.

L_BUTTE1-05 State Plan of Flood Control Flood Relief Structures (FRS)

The CVFPP does cover FRS but only in relative terms for some key areas in the Central Valley. The Butte Basin Overflow Area (BBOA) is a critical part of the FRS and weirs reduce the peak Sacramento River flood flows from Northern California to flows that can pass through the leveed section of the Sacramento River. The CVFPB requires permits for any change in the basin that is over 18" above existing grade through Title 23 CCR Section 135. 3Bs is an important FRS in the BBOA. However, it was never designed or constructed to State or Federal standards. Erosion to the 3Bs allow Sacramento River flows to enter Butte Basin when the river is well below flood stage, endangering the public, reducing the storage capacity of the BBOA and needlessly damaging agriculture and infrastructure. The DPEIR needs to evaluate the alternatives of this high frequency flooding of the BBOA, versus constructing the 3Bs FRS to Federal and State standards, preserving critical flood storage, reducing flood damage and protecting the public health and safety.

In addition the County recently received a letter from the M&T Chico Ranch dated April 4, 2012 directed to you (Copy attached) concerning issues with the levees and structures like the 3B's that provide flow splits from the Sacramento River to the BBOA. The County is in full support of the points raised in the M&T letter and thus incorporates them into our own recommendations.

L_BUTTE1-06 Operation and Maintenance (O&M)

Continued operation and maintenance (O&M) is critical to the functions of any facilities, especially flood control facilities. Throughout the system O&M has been shackled/delayed/inadequate primarily due to problems with O&M funding, timely issuance of permits from the regulatory agencies such as Department of Fish and Game, Army Corps of Engineers, National Marine Fisheries and U.S. Fish and Wildlife Service and conflicting permit requirements between these agencies. The DPEIR needs to address impacts/consequences related to the lack of O&M on an area wide and on a system wide basis.

L_BUTTE1-07 Consistent System wide Design Standards

The CVFPP sets out a framework of how projects should be designed to address specific issues in specific locations and how that needs to integrate within the system wide operation. The DPEIR should address impacts if the flood protection system is not properly designed or maintained. An example is the 3Bs FRS in the BBOA that has not been designed to restrict overflows to actual flood events, the result being that the BBOA is flooded more frequently, endangering the public and needlessly damaging infrastructure, agriculture and interstate commerce. This impacts the sustainability of all operations within the basin especially agriculture. The BBOA does not provide reliable protection to a certain frequency event (flooded twice in January 2010, which was a drought year); this impacts the economic viability of agricultural operations. Flooding also closes roads, interrupting interstate commerce and also impacting agricultural operations by making it harder, if not impossible, to get the goods to market. The CVFPP and DPEIR needs to establish criteria to accurately determine the benefits of sustained agriculture (remembering that impacts to agriculture go well beyond the farmer, food processor, vendor, equipment supplier, chemical industry, labor, local agencies, and etc.) to be used in evaluating the true benefit /cost ratio for projects.

L_BUTTE1-08 In addition to addressing our comments to the NOP, we have additional comments as follows:

Under Section 2.5.1 – Implementation in Accordance with Applicable Laws and Regulations, the DEIR indicates that specific permits and authorizations that would be required for future projects will vary depending upon the nature and location of the activities involved. Possible permits and authorizations required for future projects with implementation of the CVFPP are summarized in Table 2-2. Because this project is programmatic in nature and encompasses a large set of future projects/actions and covers a large geographic area with a multitude of local jurisdictions and entities, this list is wholly inadequate and represents only a minimal effort at identifying a few of the possible future permits and authorizations. The Project Description makes no effort to adequately identify projects successive to the DEIR. The programmatic draft EIR necessitates a full accounting of potential future projects that may rely on the DEIR's project description, environmental analysis, findings, and mitigations. For this reason, there is confusion regarding future projects in Butte County such as the proposed Feather River Bypass (Cherokee Canal) for example, and whether any additional review under CEQA, and/or further discretionary review by either the State or local agencies, or public input will be made available. Instead of the simple generic listing of various state and federal permits that may be applicable to future projects, Table 2-2 should be amended to also include a list of all the future projects (e.g., Feather River Bypass) contemplated under the project description set-forth within the DEIR along with a corresponding listing of future CEQA documents, entitlements, review processes, and local coordination/outreach strategies/future workshops with landowners and stakeholders, and permits and authorizations that are anticipated before their implementation.

Thank you for your consideration in this matter. The County appreciates the public outreach that DWR and the CVFPB staff have given this planning effort and the Board and Staff of the County look forward to continuing that same collaborative effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lambert". The signature is fluid and cursive, with the first name "Steve" being more prominent than the last name "Lambert".

Steve Lambert, Chair
Butte County Board of Supervisors

cc: Paul Hahn, Butte County Chief Administrative Officer
Bruce Alpert, Butte County Counsel
Tim Snellings, Director Butte County Department of Development Services
Mike Crump, Director Butte County Public Works Department
Richard Price, Butte County Agricultural Commissioner
Paul Gosselin, Director Butte County Water and Resource Conservation Department

Butte County Board of Supervisors, Steve Lambert

Response

L_BUTTE1-01

DWR appreciates the support of the Butte County Board of Supervisors for developing a comprehensive plan to provide flood protection to the Central Valley. Comments submitted by Butte County on the NOP were reviewed and considered by DWR during preparation of the DPEIR, as required by CEQA. (See DPEIR Appendix C, “Final Scoping Report.”)

L_BUTTE1-02

As discussed in Master Response 23, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. For additional details, see Master Response 23.

L_BUTTE1-03

As the commenter notes, DPEIR Section 3.16.2 explains that regional government councils are required to determine the existing and projected housing needs assessments to determine the level of housing stock and to determine anticipated need based on projected growth. The ability of local governments to provide adequate land inventory is not a project impact on the physical environment; rather, it is a land use planning decision. Moreover, the provision of land inventory is the responsibility of local

governments, not of the project proponents. Therefore, no changes to the DPEIR are required.

L_BUTTE1-04

Public safety issues are evaluated primarily in DPEIR Section 3.12, “Hazards and Hazardous Materials.” Impacts related to emergency evacuation routes are evaluated in DPEIR Section 3.19, “Transportation and Traffic.”

As discussed in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide

feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. For additional details, see Master Response 14. See also Master Response 23 for a discussion regarding the programmatic nature of the PEIR.

L_BUTTE1-05

As stated in Master Response 1, the Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1. See also Master Response 14 for a detailed discussion of additional planning activities that will occur after adoption of the CVFPP.

The SPFC Descriptive Document states “two flood relief structures and one natural overflow area (M&T Flood Relief Structure, Three B’s Natural Overflow Area, and Goose Lake Flood Relief Structure)” are in the Butte Basin Overflow Area. As stated in the letter from Mike Crump, P.E., on September 1, 2010, “...no state interest in construction at the 3B’s site, local concerns were addressed by providing specific ‘not to exceed’ elevations and dimensions...that private land owners might use to petition the Board for their construction of a private levee...”

L BUTTE1-06

O&M is a key component of the CVFPP. Levee vegetation management practices and procedures, in particular, are an important component of the Flood Protection Operations and Maintenance Program, and of numerous ongoing and proposed flood risk reduction projects. These practices and procedures require a careful balancing of public safety and environmental considerations. The State’s priority is to improve public safety by providing for levee integrity, visibility, and accessibility for inspections, maintenance, and floodfight operations. The Flood System Operations and Maintenance Program is a key component of the CVFPP as described on page 2-33 in the DPEIR.

Impacts of O&M activities are described throughout the DPEIR. For instance, Impacts BIO-A-1 (NTMA) and BIO-A-1 (LTMA) include impacts of O&M activities. O&M impacts from storage and conveyance actions are also described for different geographic areas. PDEIR Section 2.3.7, “Vegetation Management Strategy and Life Cycle Management,” is a key component related to O&M activities. As these examples indicate, O&M activities are an important component of the CVFPP, contrary to the commenter’s opinion. As discussed in Master Response 6, improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management.

These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

The SSIA promotes efficient and sustainable long-term O&M practices through the following:

- Reforming and consolidating State and local agencies' roles and responsibilities for O&M
- Standardizing criteria by which maintenance practices, procedures, and inspections are performed and reported
- Implementing strategies to adequately and reliably fund routine activities and streamline permitting

Some of the proposed activities may involve legislative action, new institutional arrangements involving local maintaining agencies, modifications to existing State programs, and additional or redirected funding. For additional details, see Master Response 6.

L_BUTTE1-07

CEQA requires an evaluation of the impacts that could occur on the physical environment from implementing a proposed project. DWR is the State agency with primary responsibility for implementing flood risk reduction projects. Such projects are implemented according to standard engineering design practices and published State design manuals. Also, see response to comment L_BUTTE1-05.

The comment also states that the DPEIR should establish criteria to “accurately determine the benefits of sustained agriculture...to be used in evaluating the true benefit/cost ratio for projects.” CEQA requires an evaluation of the impacts on the physical environment that could occur from implementing the proposed program. Impacts related to agricultural resources are evaluated in DPEIR Section 3.3, “Agriculture and Forestry Resources.” However, a determination of the benefits of sustained agriculture is an economic effect and is not an impact on the physical environment, as required for CEQA. With regard to the requested evaluation of a benefit/cost ratio, as stated in CEQA Guidelines Section 15131, “the economic or social effects of a project shall not be treated as significant effects on the environment.” The comment does not describe a connection between the cost-benefit analysis and physical effects on the environment. To the extent that a connection exists, potential impacts on

agriculture have already been evaluated adequately. Therefore, the DPEIR does not contain, and is not required to contain, an analysis of the potential cost impacts. No changes to the DPEIR are required.

L_BUTTE1-08

As discussed in Master Response 23, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. For additional details, see Master Response 23.

For the reasons discussed in detail in Master Response 23, DWR believes that the list of possible permits and authorizations contained in DPEIR Chapter 2.0 is adequate, and that a “full accounting of future projects” along with an analysis of site-specific impacts and mitigation measures is not feasible at this stage in the planning process. Therefore, no changes to the DPEIR are required.

Finally, as discussed in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and

benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. For additional details regarding activities that are anticipated to occur after adoption of the CVFPP, see Master Response 14.

L_CCBS1

Kim Dolbow Vann, DISTRICT I
Thomas A. Indrieri, DISTRICT II
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February 21, 2012

Benjamin F. Carter, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: 2012 Central Valley Flood Protection Plan Public Draft

L_CCBS1-01

Please find below our initial areas of concern of the 2012 Central Valley Flood Protection Plan (CVFPP) Public Draft. Colusa County staff is continuing to review the Plan and the detailed attachments and intends to provide more detailed comments during the public review process.

L_CCBS1-02

Colusa County is concerned that the state is usurping local land use authority as it develops this plan for the Central Valley without involvement of local landowners and elected officials. In particular, the widening of the Cherokee Canal, which received no public vetting, is an unacceptable solution to lowering flood risk in the Feather River by transferring up to 32,000 cfs to the Sacramento River watershed. **We are opposed to the widening of the Cherokee Canal and the associated measures that impact the Butte Basin and potentially the main stem of the Sacramento River.**

L_CCBS1-03

While we appreciate the system-wide approach to flood protection in the Central Valley that the Plan is trying to develop, the reality that investments in the rural area are likely to fall short of the current benefit/cost ratio process needs to be acknowledged. Rural Counties need a commitment from the State that this incremental project by project ration needs to be replaced by a system type approach to benefit cost. **Colusa County and other rural areas are bearing the burden to provide 200 year protection to urban areas.**

L_CCBS1-04

The future of agriculture is critically important to the long term economic viability of Colusa County. As the Plan points out, agriculture is a multi-billion dollar contributor to California's economy. The proposed Plan, including weir lowering, bypass widening, and modifications to Cherokee Canal is exacerbating the conditions for farming since the lands will be flooded sooner, longer and deeper. Without a strong system of flood protection there will be a decrease in land values, attracting capital will be more difficult, banks will see the area as a lending risk, these lands and improvements will not be eligible to use as collateral. Rural residents and agricultural operations are also facing significant increases in flood insurance rates along with permitting restrictions

because we are being mapped into a floodplain and do not have the economic resources to bring our levees to 100 year level. **There needs to be a State commitment to provide assistance for relief of the NFIP.**

L_CCBS1-05

Colusa County is particularly concerned with protection of the City of Colusa, as well as the small communities of Grimes and Princeton. The Draft CVFPP should include the specific flood control measures intended to be implemented and existing bond fund support to ensure 100 year protection. These communities support our agricultural businesses and have survived and thrived due to the understanding that the State Plan of Flood Control was providing protection. **The funding required to attain 100 year protection of small communities should be borne largely by the State/federal government.**

L_CCBS1-06

The Plan uses the wording "where economically feasible" when talking about rural areas. There is no clearly defined level of funding for rural levee improvements. In light of the fact that nearly all of the initial funding has gone to the Urban areas except planning dollars, recommend the balance of the 1E funds be allocated equally between Rural, Urban and Ecosystem work. **Establish a reasonable allocation of future funding that ensures rural areas have a clearly defined share to the planning, outreach and improvement funds.**

L_CCBS1-07

Colusa County takes exception to the rushed development and approval process of this plan. Until assurances and funding for County protection and our continued livelihood is developed, Colusa County cannot support the Plan as drafted. We look forward to working with the Board and the State to modify the Draft Plan such that we all can get better together.



Gary Evans, Chairman
Colusa County Board of Supervisors

Colusa County Board of Supervisors, Gary Evans

Response

L_CCBS1-01

The comment states that Colusa County staff members are continuing to review the program and they intend to provide more detailed remarks. The comment is noted; however, the 45-day public review and comment period of the DPEIR concluded on April 20, 2012.

L_CCBS1-02

As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP.

Phase 1 of the public engagement planning process focused on identifying problems and needs and crafting specific goals for the CVFPP. A variety of regional and topic-based work groups formed during this phase. Phase 2 focused on identifying individual actions that could be taken to achieve the CVFPP goals, and engaged stakeholders through continued regional and topic-based work groups and public workshops.

After Phase 2, stakeholders indicated that they preferred to review more developed materials and information before continuing with intense working meetings. With that understanding, DWR focused its efforts on content development (considering previously provided input and ongoing analyses) and developed a cohesive working draft document for stakeholder review in fall 2011. Outreach efforts included e-mail communications and updates, workshops, webinar briefings, and meetings with individuals and agencies. Work group members were also given an opportunity to review and comment on a working draft of the CVFPP. However, with a commitment to complete a public draft CVFPP within the legislated time frame, the degree of engagement provided in Phases 1 and 2 was not feasible for Phases 3 and 4.

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the SRFCP and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. The Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit rural-agricultural areas, small communities, and urban areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

L_CCBS1-03

The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events,

respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development

and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

L_CCBS1-04

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, and drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also

reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

The State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the FEMA NFIP.

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as

appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-

level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

The PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has

adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.

L_CCBS1-05

See responses to comments L_CCBS1_03 and L_CCBS1_04. In addition, as stated in Master Response 15, SB 5 does not commit the State to any specific level of flood protection, action, prioritization, or funding (CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

L_CCBS1-06

. Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the

next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_CCBS1-07

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential

contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP Update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and CVFED Program, are important to meeting the anticipated schedule.

Elements of the CVFPP are expected to be refined and modified based on regional flood management planning efforts and the two basin-wide feasibility studies. This is especially true for larger system elements that require more studies and feasibility evaluations to better understand their costs and benefits and to reduce the level of uncertainty. All applicable project-specific environmental review will be conducted before implementation of projects stemming from the CVFPP.

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L_CCBS2

Kim Dolbow Vann, DISTRICT I
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April 20, 2012

Colusa County Board of Supervisors
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Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821
Via Email: nmoriz@ca.water.gov

Subject: Comments on Draft Central Valley Flood Protection Plan

Colusa County appreciates the efforts that DWR and the CVFPB have made to develop a framework for flood protection in the Central Valley. It is an ambitious plan. The plan's primary focus needs to be public safety. In urban areas this is very explicit. The rural areas have much less clarity and the plan does not adequately address nor mitigate the far-reaching impacts to the agricultural economy.

Upon further review of the Plan, Colusa County, in general, feels it is irresponsible for the State to walk away from the SPFC protection that our county has relied on for over 60 years. We are now being portrayed as the relief valve for the urban areas, as well as being the area to make significant investments in ecosystem restoration activities for the State at the expense of agriculture.

Specifically we have the following comments

1. Chapter 1: Need to know what the goal of the system is in terms of flow to determine protection required. Recommend include maps of the proposed system capacity, similar to Fig. 1-4 and 1-5. What flow rates, etc, are we anticipating in the future?
2. Chapter 3.3 Small Community Flood Protection: Comment
 - a. The small communities in Colusa County have survived and thrived for the past century. They have grown modestly due to the SPFC. The plan acknowledges the need to preserve these communities to support the local agricultural economy. Regional planning efforts should focus on more accurate cost estimates for small community protection in the first five years of the plan. With the exception of our small communities of Colusa, Grimes and Princeton, our agricultural areas see no established level of protection. Recommend the Plan provide that rural areas levees have a minimum of 1957 design. Additionally, a

L_CCBS2-01

L_CCBS2-02

L_CCBS2-03

L_CCBS2-04

provision that the levees will be maintained to a rural levee standard. Modify the first paragraph as follows:

- i. Many small communities in the SPFC Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas, although some of these improvements may take many years to implement. The State, *in conjunction with local communities and levee maintaining agencies* will evaluate investments to preserve small community development *opportunities to reach 100 year level of protection*. State investments in small community protection will be prioritized based on relative community flood threat levels, considering factors such as population, likelihood of flooding, proximity to flooding source, and depth of flooding.

L_CCBS2-05

3. Chapter 3.4 Rural-Agricultural Area Flood Protection: Modify the paragraph as follows: Rural-agricultural area levee improvements included in the SSIA are not as extensive as for urban areas and small communities, *but will be maintained at the 1957 design profile*.

L_CCBS2-06

4. Chapter 3.5.2 New Bypasses
Delete all references to the Cherokee Canal bypass

L_CCBS2-07

5. Chapter 3.14.2 Enhanced agricultural sustainability: Comment
 - a. Although citizens will receive protection, most agricultural lands will not. There will be higher insurance costs for crops and property (flood). Additionally, agricultural loans will be more difficult to obtain.

L_CCBS2-08

6. Chapter 4.1.4: Rural Agricultural Area Flood Management: Comment
 - a. Need to establish a rural levee design standard for a measured level of protection. Cost sharing needs to be minimal for these areas: 10% would be more realistic, with that including in kind staff time. Also a defined part of exiting dollars and expected dollars must be dedicated to rural-agricultural areas and small communities.

L_CCBS2-09

7. Chapter 4.4.1: Regional Flood Management Plans: Comment
 - a. Page 4-20, first paragraph, revise to state "The regional plans will be prepared *by coordinated efforts* of local maintaining agencies.... DWR will *participate in and support* the planning process, will provide any available information, and *will provide all funding for preparation of the regional plans*.

L_CCBS2-10

- b. In rural-agricultural areas the focus would be on flood risk reduction supported by floodplain management. Local agencies, communities and counties should not be held to any sort of cost share for environmentally beneficial projects such as setback levees or bypasses. (Page 4-20, third paragraph, revise to state "*The state proposes to provide all funds for environmentally beneficial projects, such as setback levees and bypasses.*")

L_CCBS2-11

8. Chapter 4.5 2007 -2011 Accomplishments and Near-Term Priority Actions (2012 through 2017): Comment.
 - a. The State's active support of the Agricultural Floodplain Management Alliance (AFMA) is very important to achieving the needed changes to the NFIP. We hope DWR and CVFPB will make it a priority to support this effort.

L_CCBS2-12

As an example of the impact to our County, Setback levees in Colusa County alone, taking over 4,400 acres on our side of the river, will take \$44M off our tax rolls, equating to approximately \$440,000 in property tax loss. Add to that the economic loss of this land to our local farmers

who buy equipment and supplies in our county. I suppose you could say there is a "public" benefit, but certainly not a local one.

L_CCBS2-13

Dollars and Sense: It may be difficult to obtain funding for this ambition State Systemwide Investment Approach. Wherever possible, the Board and DWR needs to work with the local agencies, cities and counties to develop plans that keep agriculture viable in the Central Valley, keep property on the local tax roles, keep farmers farming, even if it is habitat. Priority should be placed on providing flood protection to people, not birds and bunnies.

L_CCBS2-14

Please also evaluate what needs to be adopted by the statutory deadline. Some of the appendices have not be properly vetted or reviewed, and we support not adopting them at this time. As has been stated at many of the public hearings, phase 3 and 4 of the development process were not completed due to time constraints.

We look forward to working with the Board and DWR as the Plan moves forward.



Denise J. Carter
Supervisor, District V

Colusa County Board of Supervisors, Denise Carter

Response

L_CCBS2-01

DWR and the Board appreciate the Board of Supervisors' recognition of the effort required to prepare the CVFPP. However, the comment that the CVFPP is not clear on addressing public safety needs in rural areas or inadequately addresses or mitigates impacts on the agricultural economy is incorrect. As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the DPEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) on pages 3.3-34 and 3.3-35 of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within

SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

The State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the NFIP.

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

L_CCBS2-02

The assertion that the State would “walk away” from SPFC protection in Colusa County is incorrect, and no evidence or information is provided to support this assertion. See response to comment L_CCBS2-01.

The comment’s reference to Colusa County being portrayed as a “relief valve” for urban areas presumably pertains to the potential for facility expansions in the county. As stated in Master Response 1, the CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting.

Additionally, as stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

The planning and coordination efforts described above also would incorporate ecosystem restoration activities.

L_CCBS2-03

The comment (as well as all comments in this letter) is about the CVFPP and does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR; however, a response is provided. The comment suggests that maps similar to Figures 1-4 and 1-5 in the CVFPP should be provided to show future target flow rates for elements of the SPFC. As stated in the “Notes” for each of these figures, the flow capacities are primarily from USACE O&M manuals and other materials developed in the 1950s. These capacities represent estimates made at the time the projects were implemented. In some cases, the existing system capacities may differ substantially.

Developing information on flow rates and target system capacities to achieve a desired level of flood protection is an ongoing process. As stated in Master Response 5, the 2012 CVFPP was prepared at a conceptual level.

Consequently, the plan does not include detailed floodplain mapping or data on local flood stages (both of which would require information on flow rates). This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the 100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

DWR will continue to share available data, tools, and other relevant information with cities and counties, including the following details that would be related to system capacity and flow rates:

- CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
- Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data

With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). The cities and counties are encouraged to consult the *Draft*

Urban Level of Flood Protection Criteria for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>.

For additional details, see Master Response 14.

L_CCBS2-04

For information about how flood protection for small communities and agricultural areas is addressed in the CVFPP, see response to comment L_CCBS2-01.

As stated in Master Response 15, as part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP.

The comment's suggestion that future regional planning efforts "focus on more accurate cost estimates for small community protection in the first five years of the plan" is noted. The specific text change to the CVFPP has been considered and is noted; however, no change to the CVFPP text has been made. As stated in Master Response 6, the Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the

floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

The commenter requests that levees be maintained to a rural level standard. DWR is currently working with local maintaining agencies to draft guidelines for nonurban levee repair criteria. Suggestions may be presented during various elements of future implementation of the CVFPP, as described in Master Response 14; however, no change to the current version of the CVFPP was made.

L_CCBS2-05

See response to comment L_CCBS2-04. The specific text change to the CVFPP has been considered and is noted; however, no change to the CVFPP text has been made. The 1957 design profile may not be the desired or most protective criterion in all cases.

L_CCBS2-06

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of

proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

Because of the substantial level of additional study that will be required before determinations are made as to whether a project will or will not be implemented as part of the SSIA, it would be premature to remove reference to any particular project at this time. The specific text change to the CVFPP has been considered and is noted; however, no change to the CVFPP text has been made.

L_CCBS2-07

See response to comment L_CCBS2-01 about flood protection for agricultural lands provided by the SSIA and potential action by DWR to encourage reform of the NFIP to better support agricultural interests. The comment does not clarify how increased flood protection for agricultural lands provided by the SSIA (or at worst, maintenance of existing levels of protection) would make agricultural loans more difficult to obtain. The comment is noted.

L_CCBS2-08

See response to comment L_CCBS2-04. As stated in Master Response 15, SB 5 does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

Also, as stated in Master Response 2, based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments

would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas. For additional details, see Master Responses 2 and 15.

L_CCBS2-09

The specific text change to the CVFPP has been considered and is noted; however, no change to the CVFPP text was made.

L_CCBS2-10

A blanket statement that local agencies, communities, and counties should not be held to cost sharing for any multipurpose flood risk reduction project that has environmental benefits cannot be agreed to by DWR.

Circumstances may arise where a project would not be financially feasible without local participation; State or federal laws or regulations may require local financial participation; or a project with environmental benefits (such as some setback levees) simply may be the best solution for flood risk reduction in an area and environmental benefits would be a secondary outcome. The specific text change to the CVFPP has been considered and is noted; however, no change to the CVFPP text was made.

L_CCBS2-11

See response to comment L_CCBS2-02. As indicated in response to comment L_CCBS2-01, the State continues to support reform of the NFIP.

L_CCBS2-12

See response to comment L_CCBS2-01 regarding the CVFPP, SSIA, PEIR, agriculture, and agricultural communities. See response to comment L_CCBS2-06 regarding the considerable future evaluation and analysis that will be required before the specifics regarding any bypasses or other large projects are known.

L_CCBS2-13

See responses to comments L_CCBS2-01, L_CCBS2-06, and L_CCBS2-08.

L_CCBS2-14

The Board currently is evaluating which CVFPP appendices to adopt and not adopt. The Board's anticipated approach will be made available before the adoption hearing. The comment is noted.

As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development began in January 2009 and continues now and into the future.

As stated in Master Response 22, the State Legislature required DWR to prepare the first public draft CVFPP by January 1, 2012, for adoption by the Board by July 1, 2012, or as such other date as may be provided by the Legislature. The Public Draft CVFPP was released, on time, on December 30, 2011. Several of the attached supporting documents, specifically the *State Plan of Flood Control Descriptive Document* (November 2010) and the *Draft Flood Control System Status Report* (December 2011), were published before the Public Draft CVFPP and informed its development. Most CVFPP attachments were released with the Public Draft or in early February 2012; exceptions include the “Flood Damage Analysis,” “Riverine Channel Evaluations,” “Cost Estimates,” and “Reservoir Analysis” attachments, which were released between mid-February and the publication of the DPEIR. For additional details, see Master Responses 13 and 22.

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April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Ms. Mary Ann Hadden, Staff Environmental Scientist
California Department of Water Resources
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Subject: *Comments on the Central Valley Flood Protection Plan (Public
Draft December 2011);*

and,

*March 2012 Central Valley Flood Protection Plan, Draft Program
Environmental Impact Report*

Dear Ms. Moricz and Ms. Hadden:

Thank you for the opportunity to comment on both the Central Valley Flood Protection Plan (Public Draft, December 2011) and the Draft Program Environmental Impact Report (EIR), the Central Valley Flood Protection Plan (March 2012). Contra Costa County appreciates the efforts of Central Valley Flood Protection Board and the California Department of Water Resources in responding to the legislative mandate under Senate Bill (S.B.) 5 to prepare a comprehensive plan for the management of flood risk along the Sacramento River and San Joaquin River systems.

While there are no lands within Contra Costa County that are currently receiving protection from the State Plan of Flood Control (California Water Code section 9651(g)), which appears to be the plan's primary focus, the proposed Central Valley Flood Protection Plan (CVFPP) would nevertheless have both direct and

L_CCCDCD1-01

L_CCCDCD1-02

indirect affects on Contra Costa County, particularly those areas of the county that are within the Primary and Secondary Zones of the Legal Delta. Staff from the County's departments of Conservation & Development and Public Works, Flood Control Division, has reviewed the proposed CVFPP and the accompanying Draft Program EIR and offer the following comments for your consideration.

L_CCCDCD1-03

1. Compliance with S.B. 5 Provisions Affecting Cities and Counties and Lack of 200-year Flood Mapping and Data

S.B. 5 was part of a suite of flood control legislation enacted in 2007 addressing flood risk management and flood protection in California. Specifically, S.B. 5 establishes new requirements of cities and counties within the jurisdiction of the Central Valley Flood Protection Board to update their General Plan within 24 months of the CVFPP's adoption and amend their zoning ordinance within 36 months of the CVFPP's adoption by incorporating the CVFPP. Additionally, S.B. 5 requires that cities and counties under the Central Valley Flood Protection Board's jurisdiction cannot approve development agreements for property, discretionary permits/entitlements/ministerial permits for a project, or a tentative subdivision map in an urban or urbanizing area unless it can be determined that there is protection or adequate progress toward protection from a 200-year flood. Also, under S.B. 5, as part of the CVFPP, the Department of Water Resources is to establish criteria to determine if an area meets or exceeds the required 200-year urban level of food protection.

Unfortunately, the proposed CVFPP indicates that implementation of the plan will extend well beyond the Year 2015 deadline for cities and counties to begin implementation as required under S.B. 5, and it does not discuss how cities and counties are to comply with S.B. 5 in the interim period, nor does it discuss the ramifications and impacts on cities and counties if they are unable to do so.

In order for cities and counties to comply with S.B. 5 provisions related to the 200-year flood protection findings for new development, Contra Costa County will need access to hydrologic, hydraulic and floodplain data well in advance of the mandated timelines to update the County's General Plan and Zoning Ordinance Code. It was our expectation that in preparing the CVFPP the state would provide much if not all such needed data for cities and counties to comply with S.B. 5. We were disappointed to realize that the CVFPP did not contain this much needed data for S.B. 5 compliance. At a minimum, the following data elements are needed for Contra Costa County:

- 200-year without project and with project design hydrographs and water surface profiles along the leveed rivers and streams (both “project” and “non-project” levee systems); and,
- 200-year floodplain maps showing with project and without project.

L_CCCDCD1-04

2. Make Funding Available to Cities and Counties to Comply with S.B. 5

To facilitate compliance with S.B. 5, the State needs to make funding available to each city and county under the Central Valley Flood Protection Board’s jurisdiction to prepare the required 200-year floodplain maps and to amend their respective General Plan and Zoning Code. The CVFPP needs to expressly address what, if any, grant funding or technical assistance will be made available to support the cities and counties with these efforts. The CVFPP also needs to address how cities and counties are to fund these efforts in the absence of such funding, and the ramification if they are unable to do so.

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3. Implementation of New Levee Design Standards and Urban Level of Flood Protection Criteria

As required under S.B. 5, the Department of Water Resources has prepared new levee design standards and findings procedures for implementation of the law by cities and counties. We note that while local officials have been involved in the development of these standards and criteria they have consistently expressed real concerns that many of the requirements under consideration may not be implementable given S.B. 5 time constraints and significant funding constraints at the local level. An issue of particular concern is whether the proposed requirement that the 200-year flood protection finding requirement should be applied to interior drainage, or areas not protected by levees. The Central Valley Flood Protection Board should evaluate whether standards and criteria should apply to interior drainage given the practical constraints for local implementation as described by the local officials who have participated in the drafting of the new levee design standards and criteria. We have heard from several of these local officials who question the Department of Water Resources’ interpretation that S.B. 5’s requirements apply to interior drainage, and this is another matter the Board should evaluate.

Please note that Contra Costa County is in receipt of the draft Urban Level of Flood Protection Criteria released on April 10, 2012 by the Department of Water Resource, and intends to submit separate comments on that document by the May 4, 2012 deadline.

4. Environmental Stewardship and Vegetation Removal

Environmental stewardship should be a part of the CVFPP, and, as such, levee vegetation has significant ecosystem importance. Vegetation along levees provides critical fishery habitat and is ecologically significant to numerous Endangered Species Act (ESA) listed and protected species the winter run Chinook salmon, California steelhead trout, and green sturgeon. Enhancement of the remaining riparian corridors and providing connectivity is necessary for the survival and recovery of these listed fish species, and such concerns need to be addressed in the CVFPP and the accompanying Program EIR. More specifically, the CVFPP needs to acknowledge that removal of levee vegetation will have serious negative consequences on the aquatic environment. It appears that some CVFPP alternatives will result in direct loss of vegetation as a result of implementing the U.S. Army Corps of Engineers (ACE) vegetation policy. Contra Costa County is concerned that implementation based on the ACE vegetation policy would lead to significant impacts to the environment, ecosystems, and numerous species, including fish, plant and wildlife species. The Program EIR needs to address large scale removal or significant net loss of riparian vegetation that may result from CVFPP implementation and evaluate these vegetation removal impacts against existing baseline conditions to identify appropriate mitigation measures. Furthermore, the CVFPP needs to propose how vegetation will be replaced in areas where it may be removed.

5. Commitment Toward Rural Levee Standards and Rural Levee Grant Program

In order to respect and protect agriculture, and in recognition of the essential role of agriculture in the Central Valley and the State, the CVFPP should include the State's commitment to develop a rural levee standard that provides clear standards for those levee's providing protection for small, rural communities and agricultural lands, and to create a rural levee grant program which can be used to repair the most critically deficient rural levee segments.

At Section 3.3 Small Community Flood Protection, page 3-10, the CVFPP states that "*Many small communities in the Planning Area are expected to receive increased flood protection through implementation of system elements and improvements focused on adjacent urban areas*". The CVFPP should make parallel commitments and investments for small communities and rural levees as it does toward urban areas.

L_CCCDCD1-08

6. Downstream Impacts on Rural Levees in the Delta

The CVFPP proposes flood control bypass modifications, levee modifications, and levee setbacks projects upstream on the San Joaquin and Sacramento River systems that have the potential to create downstream hydraulic impacts on rural levees in Contra Costa County. The Sacramento and San Joaquin Rivers converge at the Sacramento and Contra Costa County line in the Delta. Increased levels of flood protection in the urban areas should not be achieved by redirecting higher peak flows to the rural levees in Contra Costa County, particularly in the Delta region. As a mitigation measure, a full hydraulic analysis should be completed to determine impacts to Contra Costa County Delta shorelines and islands for both the 100-year and 200-year floods for no project and project conditions.

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7. Maintain Vitality of Agriculture in FEMA Floodplain

Several Central Valley counties have previously commented that the CVFPP should include a commitment by the State to work with the Agricultural Floodplain Alliance to influence Federal floodplain laws and regulations to allow for the continued vitality of agriculture in a FEMA floodplain. Contra Costa County supports such goals. This may include State advocacy with FEMA on changes to the National Flood Insurance Program to ease some of the financial burden of flood insurance to rural areas and reducing building restrictions on non-residential agricultural buildings and related infrastructure.

L_CCCDCD1-10

Thank you in advance for your consideration of Contra Costa County's comments on the proposed CVFPP and the accompanying Draft Program EIR. These comments will be transmitted both electronically through the Central Valley Flood Protection Board's website and via U.S. Mail. Should you have any questions regarding these comments, please contact me by telephone at (925) 674-7807 or by email at patrick.roche@dcd.cccounty.us.

Sincerely yours,



Patrick Roche
Principal Planner

CC: Members, Contra Costa County Board of Supervisors
David Twa, County Administrator
Catherine Kutsuris, Director, Department of Conservation & Development, Contra Costa County
Julia Bueren, Director, Department of Public Works, Contra Costa County
Reclamation Districts (13) and Bethel Island Municipal Improvement District, Contra Costa County

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Contra Costa County Department of Conservation and Development, Patrick Roche

Response

L_CCCDCD1_01

DWR acknowledges this comment, which indicates appreciation for the efforts associated with the CVFPP and opportunity for review.

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As stated in Master Response 5, the flood legislation passed in 2007, including the Central Valley Flood Protection Act of 2008 (part of SB 5) and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

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As stated in Master Response 5, the requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property
- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* document (April 2012) to assist cities and counties in making findings

related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* document (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria* document.

State law (SB 5) requires each city and county in the Sacramento–San Joaquin Valley to amend its general plan within 24 months of the Board’s adoption of the CVFPP (see CGC Sections 65302.9 and 65860.1) to include consistent information. These cities and counties must also amend their zoning ordinances accordingly within 36 months of the Board’s adoption of the CVFPP. Cities and counties could consider incorporating the following information from the CVFPP into their general plan amendments:

- Data and analyses contained in the CVFPP, such as the locations of the SPFC and other flood management facilities, locations of property protected by those facilities, and locations of flood hazard zones
- Goals, policies, and objectives based on the CVFPP’s data and analyses, for the protection of lives and property and reduction of the risks of flood damage
- Feasible implementation measures designed to carry out the goals, policies, and objectives

The 2012 CVFPP was prepared at a conceptual level. Consequently, the plan does not include detailed floodplain mapping, data on local flood stages, or specifics about future on-the-ground projects. This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development. DWR has provided much of this information in the attachments to the CVFPP and will make further information available to assist local agencies.

The CVFPP focuses on SPFC facilities (including consideration of pertinent non-SPFC levee improvements in urban areas), which relate primarily to flooding of the mainstem Sacramento and San Joaquin rivers. DWR recognizes that in some circumstances, the information and planned improvements included in the SSIA may not be sufficient for cities and counties to make findings regarding an urban level of flood protection without additional analysis. Cities and counties should consider the criteria in the *Draft Urban Level of Flood Protection Criteria* document for more detail. Further, cities and counties outside the SPFC planning area may not

find pertinent geographic information in the CVFPP for their land use planning purposes, but could consider the goals, policies, and objectives for their actions.

DWR has made the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR completed its legislative responsibility by developing urban level of flood protection criteria consistent with current legislation, and in collaboration with cities and counties.
- DWR completed the draft CVFPP for the Board's adoption:
 - The CVFPP describes the State's investment approach and interests in SPFC facilities and the associated protected areas.
 - The *Draft Urban Level of Flood Protection Criteria* document is incorporated by reference.
 - The *Urban Levee Design Criteria* document, which describes the engineering criteria for levees and floodwalls, is incorporated by reference in the *Draft Urban Level of Flood Protection Criteria* document and the CVFPP.
- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
 - Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
 - Levee Evaluation Program (ongoing, with currently available preliminary data)

- Inspection and geotechnical data
- Levee integrity assessments and data
- Existing data and tools used to develop the 2012 CVFPP
- With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.
- DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010). This handbook covers more than the requirements of an urban level of flood protection. It describes how the 2007 flood risk management legislation affects cities' and counties' responsibilities to meet local planning requirements such as those for general plans, development agreements, zoning ordinances, and tentative maps.

State law (SB 5) requires cities and counties to make findings on certain land use decisions in relation to an urban level of flood protection (CGC Sections 65865.5, 65962, and 66474.5). Separately, the law required DWR to prepare preliminary 100-year and 200-year flood-frequency maps using available information and make them available to cities and counties in 2008 (CWC Sections 9610(a)(1), 9610(a)(2), and 9610(a)(3)). This requirement is not directly connected to the requirements for an urban level of flood protection or associated findings.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the 100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

Pursuant to CWC Section 9121 (enacted through AB 156), DWR established the Flood Risk Notification Program to increase flood risk awareness by effectively communicating about flood risk to individual property owners, other members of the public, and local, State, and federal agencies.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through

its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, these maps may or may not be sufficient to support cities and counties in making their findings related to an urban level of flood protection. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* document for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>.

State law (SB 5) did not provide any specific enforcement authority for requirements regarding the urban level of flood protection. The Board has review and comment authority in one situation related to the definition of “adequate progress”: CGC Section 65007(a)(2)(B) grants the Board the ability to make a finding that an agency is making adequate progress even when it is not meeting the time frame set in CGC Section 65007(a)(2)(A), if the requirements are not being met because of an insufficient State appropriation based on a prior agreement.

Other provisions enacted by the 2007 flood legislation package require cities and counties to consult with the Board when amending certain general plan elements. Please see *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* for additional detail.

As stated in Master Response 8, beginning in the 1850s, flood facilities were built in increments over many decades through the individual and combined efforts of local, State, and federal agencies. The facilities were constructed with the materials at hand over many decades, following evolving design standards and construction techniques. As a result, these flood facilities provide varying levels of protection, depending on when and how they were constructed and upgraded. Constructing these facilities has also resulted in the loss of natural floodplain habitats, including wetlands.

Construction of the Central Valley’s flood facilities was originally driven by the need to defend the developing valley floor against periodic floods while maintaining navigable channels for commerce. Over time, some facilities have become obsolete or have nearly exceeded their expected service lives, and they are in need of major modification or repair. Further, facilities originally constructed primarily for navigation, sediment transport, and flood management are now also recognized as important for water supply conveyance, ecosystem functions, recreation, and other beneficial uses.

Today, the SPFC must contend with a lack of stable funding and with concerns like deferred maintenance, changes to regulations and societal priorities, dated construction techniques, and imprudent development in deep floodplains, leaving almost a million people at risk.

In response to these realities, the State Legislature enacted comprehensive flood risk management legislation in 2007, including the Central Valley Flood Protection Act of 2008. This law set a clear directive for an integrated systemwide approach to Central Valley flood management, and provided detailed guidance for DWR to follow in formulating the CVFPP. The Central Valley Flood Protection Act of 2008 specifically requires the CVFPP to provide significant systemwide benefits, evaluate both structural and nonstructural improvements, provide a description of the entire system and its current performance, promote multipurpose projects, and leverage other funding sources. These requirements for the CVFPP are embedded in SB 5 and codified in CWC Sections 9600–9625.

DWR, in coordination with USACE, the Board, and multiple stakeholders, used this legislative direction to formulate the CVFPP’s primary and supporting goals.

In accordance with legislative direction and reflecting stakeholder input, DWR prepared the 2012 CVFPP to describe the State’s vision for flood management in the Central Valley. This vision for flood management in the Central Valley is for a sustainable flood management system that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems.

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel

effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project’s contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project’s contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond

funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

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The commenter claims the State needs to make funding available to each city and county under the Central Valley Flood Protection Board's jurisdiction to prepare the required 200-year floodplain maps and amend their respective General Plan and Zoning Code. As stated in Master Response 5, DWR has made the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR completed its legislative responsibility by developing urban level of flood protection criteria consistent with current legislation, and in collaboration with cities and counties.
- DWR completed the draft CVFPP for the Board's adoption:
 - The CVFPP describes the State's investment approach and interests in SPFC facilities and the associated protected areas.
 - The *Draft Urban Level of Flood Protection Criteria* is incorporated by reference.
 - The *Urban Levee Design Criteria*, which describes the engineering criteria for levees and floodwalls, is incorporated by reference in the *Draft Urban Level of Flood Protection Criteria* and the CVFPP.
- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - Central Valley Floodplain Evaluation and Delineation (CVFED) Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
 - Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)

- System hydrologic models and data
- Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data
 - Levee integrity assessments and data
- Existing data and tools used to develop the 2012 CVFPP
- With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.
- DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010) (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/docs/Oct2010_DWR_Handbook_web.pdf). This handbook covers more than the requirements of an urban level of flood protection. It describes how the 2007 flood risk management legislation affects cities' and counties' responsibilities to meet local planning requirements such as those for general plans, development agreements, zoning ordinances, and tentative maps.

200-Year Floodplain Maps (see Section 4.4.2 in Appendix A, “Central Valley Flood Protection Plan”; and *Draft Urban Level of Flood Protection Criteria* (2012))

State law (SB 5) requires cities and counties to make findings on certain land use decisions in relation to an urban level of flood protection (CGC Sections 65865.5, 65962, and 66474.5). Separately, the law required DWR to prepare preliminary 100-year and 200-year flood-frequency maps using available information and make them available to cities and counties in 2008 (CWC Sections 9610(a)(1), 9610(a)(2), and 9610(a)(3)). This requirement is not directly connected to the requirements for an urban level of flood protection or associated findings.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the

100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

Pursuant to CWC Section 9121 (enacted through AB 156), DWR established the Flood Risk Notification Program to increase flood risk awareness by effectively communicating about flood risk to individual property owners, other members of the public, and local, State, and federal agencies.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, these maps may or may not be sufficient to support cities and counties in making their findings related to an urban level of flood protection. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>.

If funding becomes available for local agencies to amend their respective General Plan and Zoning Code, the Governor's Office of Planning and Research (<http://www.opr.ca.gov/>) would have information on any funding as they are the agency who puts out the General Plan guidelines.

L_CCCDCD1_05

See response to comment L_CCCDCD1_03.

L_CCCDCD1_06

As stated in Master Response 16, USACE ETL 1110-2-571, Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures (2009), treats vegetation as introducing unacceptable uncertainties into levee performance. USACE direction in ETL 1110-2-571 states that these uncertainties must be addressed through vegetation removal and/or engineering works. A preliminary assessment of USACE's approach by DWR concluded that the complete removal of existing woody vegetation along the 1,600-mile legacy Central Valley levee system would be enormously expensive, would divert investments away from more critical threats to levee integrity, and would be environmentally devastating. State and federal resource agencies find that the ETL itself, and the potential impacts of widespread vegetation removal with strict enforcement of that regulation, pose a major threat to protected species and their recovery. Similarly, local agencies are concerned about negative impacts on public safety from rigid ETL

compliance if limited financial resources were redirected to lower priority risks. The CVFPP proposes the State's comprehensive, integrated VMS for levees to meet both public safety and environmental goals in the Central Valley.

USACE has proposed a policy for issuing variances from the strict vegetation removal requirements of the ETL. The State intends for the VMS, including LCM, to serve as the basis for a regional variance application that would generally allow vegetation to remain on the waterside of Central Valley levees up to a line 20 feet below the waterside levee crown. The State considers this vegetation to be particularly important for providing habitat while also promoting levee integrity. Although the most recent version of USACE's draft variance policy casts considerable doubt on the viability of such a regional variance that would achieve the State's objective of retaining most waterside vegetation, the VMS has been retained in the CVFPP to support a continued dialogue with USACE, including a likely variance application.

The State will implement a comprehensive, integrated VMS in the Central Valley that both meets public safety goals and protects and enhances sensitive habitats in the Sacramento and San Joaquin valleys. The CVFPP's VMS represents the State's current approach to addressing levee vegetation in the context of USACE ETL 1110-2-571 governing vegetation on federal flood management facilities. However, DWR continues to advocate having USACE participate as a true partner in addressing legacy levee vegetation issues, jointly considering the environmental and risk-reduction implications of vegetation remediation within the context of prudent expenditure of limited public funds. DWR will continue a dialogue with USACE regarding plan formulation concepts that recognize the agencies' shared responsibility for addressing vegetation issues (along with traditional levee risk factors), within a systemwide risk-informed context intended to enable continued progress on critical cost-shared flood system improvements.

The VMS in the CVFPP includes a long-term adaptive vegetation LCM strategy. As explained in the CVFPP and DPEIR, the LCM strategy generally will not apply to waterside vegetation up to a line 20 feet below the levee crown, and that waterside vegetation will be retained. Although it is true that implementing the LCM strategy will result in the gradual loss of important terrestrial and upper waterside riparian habitat throughout the SPFC levee system, the CVFPP's VMS includes the early establishment of riparian forest corridors that are expected to result in a net gain of this habitat over time. These riparian forest corridors will be established adjacent to existing and new levees such that riparian corridor functions and wildlife habitat will be maintained or improved for the system as a

whole. This approach will allow replacement habitat to develop and mature over time, while existing trees within the vegetation management zone are allowed to live out their normal life cycles on the levee slopes.

Levee vegetation subject to removal through LCM will be quantified using the best available information. Specific rates and species types for replanting and other details of implementation of LCM will be determined through collaboration with the appropriate agencies as part of the long-term Conservation Strategy. Appropriate compensation and/or mitigation for the loss of habitat will also be addressed, in consultation with the resource agencies, as the Conservation Strategy is developed.

The CVFPP's VMS is an adaptive approach, and ongoing and future research will include evaluating effects on riparian ecosystem functions from eliminating natural recruitment under LCM. This research may include a monitoring program to determine whether LCM affects species composition and recruitment, and the survival of lower waterside vegetation.

Also, the vegetation loss under the LCM strategy generally will occur passively, over a period of decades. The State is assuming that LCM will be a necessary, and generally sufficient, condition for USACE to issue a regional vegetation variance that will allow most waterside vegetation to be retained. If this assumption proves incorrect and an adequate vegetation variance is not forthcoming from USACE, the appropriateness of the LCM strategy could be reevaluated. Generally, the effects of applying the LCM strategy in the near term, while a vegetation variance is being pursued, should be fully reversible if the strategy is modified or eliminated at a later date.

Several sections of the CVFPP DPEIR include specific evaluations of the potential environmental effects of the VMS and LCM, while others, such as the discussions of air quality and climate change and GHG emissions, incorporate implementation of the VMS into their overall assessment of program effects. The following DPEIR sections and impact discussions within those sections directly relate to the VMS and LCM:

- Section 3.2, "Aesthetics"; Impact VIS-5 (NTMA and LTMA), "Effects of Other NTMAs/LTMAs on Aesthetic Resources"
- Section 3.3, "Agriculture and Forestry Resources"; Impact AG-6 (NTMA and LTMA), "Effects of Other NTMAs/LTMAs on Forest Land"

- Section 3.5, “Biological Resources—Aquatic”; Impact BIO-A-2 (NTMA and LTMA), “Effects on Special-Status Fish, Fish Movement, Nursery Ground Usage, Riparian Habitat, Designated Critical Habitat, and Essential Fish Habitat Caused by Loss of Overhead Cover and Instream Woody Material as Part of the Vegetation Management Strategy”
- Section 3.6, “Biological Resources—Terrestrial”; Impact BIO-T-7 (NTMA and LTMA), “Effects of the Vegetation Management Strategy on Sensitive Natural Communities and Habitats, Special-Status Plants and Wildlife, Wildlife Movement, and Local Plans and Policies”
- Section 3.18, “Recreation”; Impact REC-6 (NTMA and LTMA), “Decrease in Quality of Terrestrial and Water-Based Recreation as a Result of Removal of Woody Vegetation from Levees”

Potential impacts of the VMS and LCM on aesthetics and recreation were considered less than significant based on the thresholds of significance used for these resource categories. Consideration of the long-term gradual shift in vegetation conditions resulting from LCM and the fact that the VMS includes replacement plantings to compensate for riparian habitat losses both contributed to this significance conclusion.

However, the impacts of LCM on forestry resources (riparian forest), aquatic biological resources, and terrestrial biological resources were considered potentially significant because of the increased sensitivity of these resources to losses of riparian habitat and the thresholds of significance used to assess these impacts. These impacts were also considered potentially significant because it could not be assured that implementing the VMS would replace riparian habitat in sufficient quantities, at appropriate times, and/or in appropriate locations to fully replace the functions and values of the riparian vegetation removed. Two mitigation measures in the DPEIR address these potentially significant impacts:

- Mitigation Measure BIO-A-2a (NTMA), “Secure Applicable State and/or Federal Permits and Implement Permit Requirements”
- Mitigation Measure BIO-A-2b (NTMA), “Ensure Full Compensation for Losses of Riparian Habitat Functions and Values Caused by Implementing the Vegetation Management Strategy Along Levees”

These mitigation measures are described in detail in Section 3.5, “Biological Resources—Aquatic,” and then applied to LCM impacts on forestry and terrestrial biological resources in the respective sections.

Mitigation Measure BIO-A-2a (NTMA) requires that project proponents obtain any permits applicable to the activity of removing riparian vegetation and comply with all terms and conditions of these permits. Examples of permits would be a Section 1602 streambed alteration agreement from DFG, federal ESA authorization from USFWS and/or NMFS, and authorization under the CESA from DFG. Any mitigation plantings in the floodway will not be permitted if they would result in substantial increases in flood stage elevations, or alter flows in a manner that would have a substantial adverse effect on the opposite bank.

Mitigation Measure BIO-A-2b (NTMA) requires DWR to coordinate with the Board and levee maintenance agencies that implement the VMS to develop and implement a plan to record data on riparian vegetation lost or removed because of implementation of the VMS, and to ensure adequate compensation for losses of riparian habitat functions and values. The mitigation measure is written as if a single plan is prepared; however, multiple plans addressing individual regions, watersheds, river corridors, or other geographic subdivisions are also acceptable. The plan will be completed and suitable for implementation before the start of riparian habitat removal under the VMS. The plan will include mechanisms to, at a minimum, record and track the acreage, type, and location of riparian habitat to be removed through implementation of the VMS or lost over time through LCM. The plan will also address compensation for the loss and degradation of riparian habitat through the enhancement, restoration, or creation of riparian habitat in other locations.

DWR will track habitat compensation efforts and authorize implementation of vegetation removal under the VMS only at a rate and in locations consistent with the volume and type of compensation habitat that has been established. The plan must, at a minimum, meet the basic performance standard of “Authorized losses of habitat do not exceed the function and value of available compensation habitat.” DWR will coordinate with USFWS and DFG as the plan is prepared and implemented to incorporate into the plan appropriate compensation for effects on special-status species from vegetation management along the levee system. Any mitigation plantings in the floodway would not be permitted if they would result in substantial increases in flood stage elevations, or alter flows in a manner that would have a substantial adverse effect on the opposite bank.

In many cases, implementing Mitigation Measures BIO-A-2a (NTMA) and BIO-A-2b (NTMA) related to implementation of the VMS would reduce impacts to an overall less-than-significant level, and even sometimes to a beneficial level. This is particularly true for forestry resources because the overall acreage of riparian forest habitat would not be reduced, and a net overall increase would likely occur. Therefore, impacts on forestry

resources from implementing the VMS and LCM are considered less than significant after mitigation. However, removing riparian habitat in some locations and enhancing, restoring, or creating habitat elsewhere would result in overall relocation of riparian habitat within the Extended SPA. It is possible that although some stream or river reaches may benefit from compensatory habitat, habitat values in other stream or river reaches could be substantially reduced, adversely affecting special-status fish and wildlife species that benefit from, or are dependent on, waterside riparian vegetation in these river reaches. Potential adverse effects include increased predation risk, increased water temperatures for fish, and reduced food availability. In addition, planting vegetation in the floodway may not be authorized by the Board, USACE, or other agencies if the vegetation would impede floodflows sufficiently that a rise in water surface elevation would cause a significant increase in risk to public safety. Therefore, it cannot be assured that in all instances fisheries and wildlife impacts would be mitigated to a less-than-significant level. Therefore, impacts on these resources from implementing the VMS and LCM are considered potentially significant and unavoidable.

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As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The Central Valley Flood Protection Act of 2008 establishes legislative requirements for the CVFPP. For example, the legislation directs DWR to consider structural and nonstructural methods for providing an urban level of flood protection (200-year or 0.5 percent chance) to current urban areas (CWC Sections 9614(i) and 9616(a)(6)), and encourages wise use of floodplains through a better connection between State flood protection decisions and local land use decisions (CWC Section 9616(a)(5)). The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

L_CCCDCD1_08

As stated in Master Response 11, consistent with the Central Valley Flood Protection Act of 2008 (SB 5, CWC Section 9603(b)), the 2012 CVFPP focuses on reducing flood risks on lands protected by the SPFC, including those in the Delta. Approximately one-third of the Delta's levee system is part of the SPFC and thus is included in the CVFPP. Responsibilities for flood management in Delta areas outside the SPFC reside with a variety of local agencies and are supported by various State, federal, and local efforts (e.g., the State's Delta Special Flood Projects Program and Delta Levees Maintenance Subventions Program, Delta Plan development).

Additional information on the relationship of the CVFPP to other major programs in the Delta, such as the Delta Plan and BDCP, can be found in Master Response 14, below.

The CVFPP is one of many programs that could contribute to achievement of the management goals included in the Delta Stewardship Council's Delta Plan. The goals of the CVFPP support the Delta Plan's goals of improving water supply reliability and restoring the Delta ecosystem. The Delta Plan is a management plan that will include policies and recommendations, but no specific projects. The current draft Delta Plan (Delta Stewardship Council 2012) includes policies and recommendations related to reducing flood risks in the Delta, which appear to be consistent with or supportive of the major elements of the SSIA and associated State policies described in the 2012 CVFPP.

The State is sensitive to the potential effects that upstream actions may have on the Delta and is developing more detailed policies to minimize and

mitigate potential redirected hydraulic impacts. The results of preliminary systemwide evaluations indicate that implementing the SSIA as a whole would not result in significant adverse hydraulic impacts on the Delta (see Attachment 8c in Appendix A, “Central Valley Flood Protection Plan”). However, post-adoption implementation actions and studies to refine the SSIA will involve conducting more detailed reach- and site-specific studies, evaluating any potential temporary downstream impacts caused by the sequencing of SSIA implementation, and providing mitigation.

The issue of potentially redirecting hydraulic impacts is also addressed in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA) in Section 3.13, “Hydrology.” As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorizations from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

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As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

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DWR acknowledges this comment, which provides thanks for consideration of comments and invites any questions, which can be directed to the commenter.



Contra Costa County
Flood Control
& Water Conservation District

L_CCCFCWCD1

Julia R. Bueren,
ex officio Chief Engineer

R. Mitch Avalon,
Deputy Chief Engineer

April 20, 2012

California Department of Water Resources
Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Attn: Mary Ann Hadden, Staff Environmental Scientist
Via email: DPEIRcomments@water.ca.gov

RE: Central Valley Flood Protection Plan (CVFPP)
Draft Program Environmental Impact Report

Files: 4001-36-12, 4011-12 & 97-36

Dear Ms. Hadden:

Thank you for the opportunity to submit comments on the public draft of the 2012 Central Valley Flood Protection Plan dated December 2011, and the Draft Program Environmental Impact Report (Draft PEIR) dated March 2012. Below are our comments for your consideration:

A. Draft Program Environmental Impact Report

1. General Comment: The Central Valley Flood Protection Plan proposes flood control bypass modifications, levee modifications, and levee setbacks projects upstream on the San Joaquin and Sacramento River systems that have the potential to create downstream hydraulic impacts on rural levees in Contra Costa County. The Sacramento and San Joaquin Rivers converge at the Sacramento and Contra Costa County line in the Delta. Increased levels of flood protection in the urban areas should not be achieved by redirecting higher peak flows to the rural levees in Contra Costa County. A full hydraulic analysis should be completed prior to adoption of the Draft PEIR to determine impacts to Contra Costa County Delta shorelines and islands for both the 100-year and 200-year floods for no project and for project conditions. Additional mitigation measures should be identified for island flooding and levee overtopping where the implementation of this project has hydraulic impacts in Contra Costa County.
2. The implementation of the CVFPP projects could adversely impact the communities, flood control facilities and levees in the eastern part of Contra Costa County. Please include a discussion in the Draft PEIR that focuses on the impacts of the implementation of the CVFPP and SSIA to the communities, flood control facilities, levees and properties in Contra Costa County. We request that the proposed mitigation measures for the adverse impacts identify the funding sources to implement and maintain the proposed mitigation measures.

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3. We request that the hydraulic impacts of the implementation of the elements of the State System-wide Investment Approach (SSIA) to the Sacramento-San Joaquin River Delta (Delta), as well as the proposed mitigation measures, be included in the Draft PEIR.

L_CCFCWCD1-05

4. Mitigation Measures BIO-A-2b and BIO-A-3: The Draft PEIR stated that any mitigation planting in the floodway will not be permitted if flood stage elevations are increased. We recommend that this mitigation measure include a requirement for hydraulic analysis that evaluates downstream hydraulic impacts. The baseline of the hydraulic analysis should be based on the original design capacity if the floodway has sediment deposits or other impediments which have lowered existing hydraulic capacity.

L_CCFCWCD1-06

5. Mitigation Measure HYD-1: Vegetation, riprap placement and dredging are proposed to mitigate for increased erosion and siltation caused by modifying the flood conveyance system. In addition to these measures, we also recommend levee widening, levee raising, and rock installation on the land side of Delta levees to prevent erosion caused by overtopping during 200-year flood events, especially in the Delta areas where rural levees do not currently have 100-year flood protection.

L_CCFCWCD1-07

6. Impact HYD-2: The Draft PEIR is not currently proposing mitigation measures to address increased flooding due to the modification of the flood conveyance system. We request that the Draft PEIR include mitigation measures to address the flooding of agricultural lands and the Delta islands as a result of this project.

L_CCFCWCD1-08

7. Impact HYD-3 and Impact HYD-4: The Draft PEIR does not include mitigation measures for the placement of housing within the 100-flood hazard area, or the redirection of flood flows that could potentially put people and structures at risk. Please include a discussion of the hydraulic impacts to the existing housing on the Delta islands, where the structures are currently constructed above the 100-year floodplain, but could end up below the 100-year floodplain due to the modification of the flood conveyance system upstream of the Delta as part of this comprehensive project.

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B. Public Draft of the 2012 Central Valley Flood Protection Plan (CVFPP)

1. The maps provided in this document do not clearly show whether any portion of Contra Costa County is included in the CVFPP legal boundary. Please include a precise map in the public draft document that shows the limits of the planning area in the vicinity of the county limit lines for Contra Costa County.

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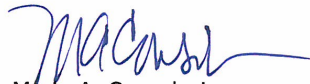
2. Section 3.9, page 3-24: The implementation of the elements of the State System wide Investment Approach (SSIA) could have hydraulic impacts to the

Sacramento-San Joaquin River Delta (Delta). The Contra Costa County Flood Control and Water Conservation District has at least three (3) regional flood control facilities that discharge storm runoff into or near the Delta. We request that the hydraulic impacts to the Delta for the implementation of the SSIA be determined. The results of the hydraulic analysis should be circulated for review. We would like to have the chance to review those impacts and submit comments.

3. Section 3.9, page 3-24: The SSIA includes management actions and budgets to lessen or mitigate the impacts of the implementation of the SSIA elements to the Sacramento-San Joaquin River Delta. Table 3-5 on page 3-31 shows the estimated high and low costs of the SSIA implementation. If these costs include the allowance to mitigate the impacts of the SSIA implementation to the Delta, we request that the estimated amount of that allowance be shown in a separate column in Table 3-5.
4. Section 3.10.1, page 3-25: The impacts of the Corps of Engineers' Levee Vegetation Policy on the SSIA and its ability to maintain eligibility for the Federal Public Law 84-99 rehabilitation assistance in the event of flooding is discussed in this section. The Corps recently circulated a second solicitation for comments on the revised Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls as well as a Draft Environmental Assessment document. We recommend that the discussion of the impacts of the Corps' Levee Vegetation Policy include the February 2012 updates of the revised variance process.

Please contact me at (925) 313-2283 if you have any questions.

Sincerely,



Mario A. Consolacion
Senior Engineering Technician
Flood Control Engineering

MC:MC
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c: R. Avalon, Flood Control
M. Carlson, Flood Control
T. Jensen, Flood Control
Pat Roche, DCD
John Greitzer, DCD

**Contra Costa County Flood Control & Water Conservation
District, Mario Consolacion**

Response

L_CCCFCWCD1-01

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_CCCFCWCD1-02

As stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan”), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross

section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. Additional hydraulic analyses will be conducted as necessary for project-level actions; full hydraulic analyses, as requested by the commenter, cannot reasonably be conducted at the conceptual level of detail contained in a program-level EIR. For additional details, see Master Response 12.

In addition, as stated in Master Response 23, as explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. For additional details, see Master Response 23.

G_CCCFCWCD1-03

As stated in Master Response 1, the CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management

facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass and most other projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new facilities will be refined during post-adoption implementation activities. These activities include regional flood management planning, development

of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

Additional hydraulic analyses and project-specific mitigation measures would be developed as part of this project-level CEQA compliance, and would be required prior to implementation of any bypass projects. Identifying and analyzing potential impacts on Contra Costa County at the program level would be too speculative for meaningful consideration and is unwarranted at this conceptual level. For additional details, see Master Response 1.

Regarding funding, as specified in Master Response 15, flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs. For additional details, see Master Response 15.

L_CCCFCWCD1-04

See response to comment L_CCCFCWCD1-02.

Downstream hydraulic impacts will be evaluated as necessary in project-level CEQA documents when there is a potential for a significant impact and as required by CEQA. It is unnecessary to modify mitigation measures to include a requirement for hydraulic analyses, as recommended by the commenter. The recommendation has been considered and is noted;

however, no change to the DPEIR was made. See response to comment L_CCCFCWCD1-02 for additional information relative to this comment.

G_CCCFCWCD1-05

Mitigation Measures BIO-A-2b and BIO-A-3 are proposed in DPEIR Section 3.5, “Biological Resources—Aquatic,” to address potentially significant impacts on riparian and SRA habitats. Potential hydraulic impacts associated with implementation of SSIA elements, including mitigation measures and habitat restoration, are addressed in Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan.” In addition, as described below, additional analysis and project-specific mitigation measures would be developed as part of the project-level CEQA compliance needed before implementation of SSIA elements.

As stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan”), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA and LTMA) and Impact HYD-4 (NTMA and LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and

encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. Based on the above, there is no need to augment existing Mitigation Measure HYD-1, as recommended by the commenter. The recommendation has been considered and is noted; however, no change to the DPEIR text was made. See response to comment L_CCCFCWCD1-01 for additional information relative to this comment.

L_CCCFCWCD1-06

Impacts associated with the potential for overtopping in 200-year flood events are addressed under Impact HYD-2, “Increased Flooding from Modifying the Flood Conveyance System,” in DPEIR Section 3.13, “Hydrology.” As stated in Impact HYD-2, individual NTMAs would not be implemented or approved if the water surface elevation, and thus flooding potential, would increase above the maximum allowed rise set by USACE. The project proponent for any NTMA would need to obtain permits and approvals, such as Section 408 and 208.10 and Board encroachment permits, to be able to implement the project. These permits require that there be no increase in flooding. Hence, any flooding impacts associated with a specific activity would need to be mitigated and the project would need to be modified before implementation. Implementing NTMAs would not appreciably alter precipitation amounts or intensities, evaporation rates, or the amount of precipitation that infiltrates into groundwater. Therefore, this impact would be less than significant. As described in CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects that are not found to be significant. Additional project-specific mitigation measures will be developed as part of future project-level CEQA compliance that will be considered before implementation of any SSIA elements, as applicable. The commenter’s recommendation has been considered and is noted; however, no change to the DPEIR was made. See response to comment L_CCCFCWCD1-02 for additional information relative to this comment.

L_CCCFCWCD1-07

Agriculture-related impacts and mitigation measures are addressed in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. In addition, as stated in Impact HYD-2, “Increased Flooding from Modifying the Flood Conveyance System,” in Section 3.13, “Hydrology,” individual

NTMAs would not be implemented or approved if the water surface elevation, and thus flooding potential, would increase above the maximum allowed rise set by USACE. The project proponent for any NTMA would need to obtain permits and approvals, such as Section 408 and 208.10 and Board encroachment permits, to be able to implement the project. These permits require that there be no increase in flooding. Hence, any flooding impacts associated with a specific activity would need to be mitigated and the project would need to be modified before implementation.

Implementing NTMAs would not appreciably alter precipitation amounts or intensities, evaporation rates, or the amount of precipitation that infiltrates into groundwater. Therefore, this impact would be less than significant. As described in CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects that are not found to be significant. Additional project-specific mitigation measures will be developed as part of future project-level CEQA compliance that will be considered before implementation of any SSIA elements, as applicable. See response to comment L_CCCFCWCD1-02 for additional information relative to this comment.

L_CCCFCWCD1-08

As stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan”), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4

(LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

For additional details, see Master Response 12 and L_CCCFCWCD1-02.

L_CCCFCWCD1-09

Please refer to the *State Plan of Flood Control Descriptive Document*, page 1-23, Figure 1-9. This figure provides descriptions of the area within the SPFC planning area, which is the focus of the CVFPP. The commenter's recommendation has been considered and is noted; however, no change to the CVFPP was made. In addition, the inclusion of a more detailed map does not change the analysis or conclusions of the DPEIR.

L_CCCFCWCD1-10

See response to comment L_CCCFCWDC1-02. Furthermore, as stated in Master Response 5, the 2012 CVFPP was prepared at a conceptual level. Consequently, the plan does not include detailed floodplain mapping, data on local flood stages, or specifics about future on-the-ground projects. This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development. DWR has provided much of this information in the attachments to the CVFPP and will make further information available to assist local agencies.

L_CCCFCWCD1-11

As stated in Master Response 23, as explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is "an EIR which may be prepared on a series of actions that can be characterized as one large project" and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can "[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility

to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161). For additional details, see Master Response 23.

Furthermore, as stated in Master Response 12, future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. For additional details, see Master Responses 12 and 23.

L_CCCFCWCD1-12

DWR is aware of USACE’s February 2012 variance proposal and has submitted extensive comments. The CVFPP and DPEIR provide pertinent information on USACE’s Levee Vegetation Policy in the context of the CVFPP. As stated in Master Response 16, the State will implement a comprehensive, integrated VMS in the Central Valley that both meets public safety goals and protects and enhances sensitive habitats in the Sacramento and San Joaquin valleys. The CVFPP’s VMS represents the State’s current approach to addressing levee vegetation in the context of USACE ETL 1110-2-571 governing vegetation on federal flood management facilities. However, DWR continues to advocate having USACE participate as a true partner in addressing legacy levee vegetation

issues, jointly considering the environmental and risk-reduction implications of vegetation remediation within the context of prudent expenditure of limited public funds. DWR will continue a dialogue with USACE regarding plan formulation concepts that recognize the agencies' shared responsibility for addressing vegetation issues (along with traditional levee risk factors), within a systemwide risk-informed context intended to enable continued progress on critical cost-shared flood system improvements. The commenter's recommendation has been considered and is noted; however, no change to the CVFPP was made. In addition, the inclusion of the requested information would not change the analysis or conclusions of the DPEIR.

As stated in Master Response 16, USACE ETL 1110-2-571, *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures* (2009), treats vegetation as introducing unacceptable uncertainties into levee performance. USACE direction in ETL 1110-2-571 states that these uncertainties must be addressed through vegetation removal and/or engineering works. A preliminary assessment of USACE's approach by DWR concluded that the complete removal of existing woody vegetation along the 1,600-mile legacy Central Valley levee system would be enormously expensive, would divert investments away from more critical threats to levee integrity, and would be environmentally devastating. State and federal resource agencies find that the ETL itself, and the potential impacts of widespread vegetation removal with strict enforcement of that regulation, pose a major threat to protected species and their recovery. Similarly, local agencies are concerned about negative impacts on public safety from rigid ETL compliance if limited financial resources were redirected to lower priority risks. The CVFPP proposes the State's comprehensive, integrated VMS for levees to meet both public safety and environmental goals in the Central Valley.

USACE has proposed a policy for issuing variances from the strict vegetation removal requirements of the ETL. The State intends for the VMS, including LCM, to serve as the basis for a regional variance application that would generally allow vegetation to remain on the waterside of Central Valley levees up to a line 20 feet below the waterside levee crown. The State considers this vegetation to be particularly important for providing habitat while also promoting levee integrity. Although the most recent version of USACE's draft variance policy casts considerable doubt on the viability of such a regional variance that would achieve the State's objective of retaining most waterside vegetation, the VMS has been retained in the CVFPP to support a continued dialogue with USACE, including a likely variance application. For additional details, see Master Response 16.

L_CCCFCWCD1-13

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_CCDAG1

COLUSA COUNTY
DEPARTMENT OF AGRICULTURE

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April 16, 2012

Central Valley Flood Protection Board,

L_CCDAG1-01 As the Agricultural Commissioner for Colusa County, I speak on behalf of my constituents, the farmers of my County. I am concerned about the loss of agricultural lands due to the proposed setback levees and bypass expansions outlined in the Central Valley Flood Protection Plan draft. The plan proposes 40,000 acres of predominantly agricultural land that will be periodically flooded. Because of this increase in flooded acres, the increase in the depth of water released to this acreage and the length of time this land will be flooded, it may have very limited use agriculturally.

Permanent crops which are often high value producers will not be planted in these areas due to the risk of prolonged flooding. Crops requiring a long growing season will not be planted in many years due to flood waters being present into late spring. Processors desiring long term contracts may not be interested in dealing with growers in these areas due to the uncertainty of the farmers' ability to produce in any given year that the land needs to be flooded. This will greatly de-value the land in these areas as well as the local economies. If you consider an average crop in these areas that typically produces a gross value per acre of only \$2,500 (a very low average) and multiply that out over 40,000 acres, that equals to 100 million dollars that has the potential to be lost in any given year from the agricultural economy.

The de-valuation of the farmland in these areas will affect the ability for farmers to secure production loans, and expansion loans. This is another burden which will be imposed on farmers.

L_CCDAG1-02 Is it necessary to expand the capacity of our existing flood control systems or can we clean up the bypasses, canals, drains, weirs, etc. to bring the system back to the original flow capacities?

L_CCDAG1-03 Can we strengthen and improve the existing levees in the entire system to protect all the communities? And, can we be more careful in the future to not build and expand communities

L_CCDAG1-04 in flood prone areas and not ask the farming communities to then pay the price to protect them?

L_CCDAG1-05 California's agriculture, our food production, and the farmers who produce it are a valuable resource and one that should be protected.

Where is our food going to come from in the future? As we develop farmland and plant houses we take land out of production. Then, to protect the new communities you are proposing to take more farmland out of production. When will it stop? Our communities promote local food and local production which has been very popular in our state, and then our state wants to take our agricultural lands away from us.

L_CCDAG1-06 I have attended meetings on this plan and have heard from the Department of Water Resources representatives that we as farmers and small communities "need not worry" and that once this plan is implemented "our interests will be taken care of". I find it hard to trust DWR since we have not been allowed to be as involved in the process as we would like to be, and have not been listened to in most cases. I do not find the plan as it exists to take into account the interests of farmers and our rural communities. It is not appropriate to put the burden of flood control on the backs of the farmers and the rural communities. I cannot support this plan and think that it should be restructured after adequately addressing the needs of the rural communities and the local farmers.



Joseph J. Damiano
Agricultural Commissioner
Colusa County

Colusa County Department of Agriculture, Joseph Damiano

Response

L_CCDAG1_01

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

The PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA) in Section 3.3, "Agriculture and Forestry Resources." Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in DPEIR Section 3.3 calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

L_CCDAG1_02

As stated in Master Response 1, the CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

L_CCDAG1_03

As stated in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits). This is highlighted in the evaluation conducted for the preliminary approach called “Achieve SPFC Design Flow Capacity.”

The Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

Investments in SPFC reconstruction would initially reduce SPFC O&M costs, but long-term costs to maintain the system would remain high. Thus, this approach would only partially contribute to the goal of improving O&M. Opportunities to integrate ecosystem restoration and enhancement would be limited and would not contribute to improved ecosystem functions on a systemwide scale. There would also be few opportunities to promote multipurpose benefits including incorporating new groundwater recharge or other water-related benefits, and promoting ecosystem functions, recreation, or agricultural sustainability. Consequently, an approach focusing on maintenance, repair, and reconstruction of existing facilities would contribute in only a minor way to the supporting goals of multi-benefit projects.

L_CCDAG1_04

As stated in Master Response 5, the flood legislation passed in 2007, including the Central Valley Flood Protection Act of 2008 (part of SB 5) and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

The requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property
- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria* document.

State law (SB 5) requires each city and county in the Sacramento–San Joaquin Valley to amend its general plan within 24 months of the Board’s adoption of the CVFPP (see CGC Sections 65302.9 and 65860.1) to include consistent information. These cities and counties must also amend their zoning ordinances accordingly within 36 months of the Board’s adoption of the CVFPP. Cities and counties could consider incorporating the following information from the CVFPP into their general plan amendments:

- Data and analyses contained in the CVFPP, such as the locations of the SPFC and other flood management facilities, locations of property protected by those facilities, and locations of flood hazard zones
- Goals, policies, and objectives based on the CVFPP’s data and analyses, for the protection of lives and property and reduction of the risks of flood damage
- Feasible implementation measures designed to carry out the goals, policies, and objectives

The 2012 CVFPP was prepared at a conceptual level. Consequently, the plan does not include detailed floodplain mapping, data on local flood stages, or specifics about future on-the-ground projects. This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development.

DWR has provided much of this information in the attachments to the CVFPP and will make further information available to assist local agencies.

The CVFPP focuses on SPFC facilities (including consideration of pertinent non-SPFC levee improvements in urban areas), which relate primarily to flooding of the mainstem Sacramento and San Joaquin rivers. DWR recognizes that in some circumstances, the information and planned improvements included in the SSIA may not be sufficient for cities and counties to make findings regarding an urban level of flood protection without additional analysis. Cities and counties should consider the criteria in the *Draft Urban Level of Flood Protection Criteria* document for more detail. Further, cities and counties outside the SPFC planning area may not find pertinent geographic information in the CVFPP for their land use planning purposes, but could consider the goals, policies, and objectives for their actions.

DWR has made the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR completed its legislative responsibility by developing urban level of flood protection criteria consistent with current legislation, and in collaboration with cities and counties.
- DWR completed the draft CVFPP for the Board's adoption:
 - The CVFPP describes the State's investment approach and interests in SPFC facilities and the associated protected areas.
 - The *Draft Urban Level of Flood Protection Criteria* document is incorporated by reference.
 - The *Urban Levee Design Criteria* document, which describes the engineering criteria for levees and floodwalls, is incorporated by reference in the *Draft Urban Level of Flood Protection Criteria* document and the CVFPP.
- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data

- System hydraulic models and data
- Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
- Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data
 - Levee integrity assessments and data
 - Existing data and tools used to develop the 2012 CVFPP
- With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.
- DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010). This handbook covers more than the requirements of an urban level of flood protection. It describes how the 2007 flood risk management legislation affects cities' and counties' responsibilities to meet local planning requirements such as those for general plans, development agreements, zoning ordinances, and tentative maps.

State law (SB 5) requires cities and counties to make findings on certain land use decisions in relation to an urban level of flood protection (CGC Sections 65865.5, 65962, and 66474.5). Separately, the law required DWR to prepare preliminary 100-year and 200-year flood-frequency maps using available information and make them available to cities and counties in 2008 (CWC Sections 9610(a)(1), 9610(a)(2), and 9610(a)(3)). This requirement is not directly connected to the requirements for an urban level of flood protection or associated findings.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the

100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

Pursuant to CWC Section 9121 (enacted through AB 156), DWR established the Flood Risk Notification Program to increase flood risk awareness by effectively communicating about flood risk to individual property owners, other members of the public, and local, State, and federal agencies.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, these maps may or may not be sufficient to support cities and counties in making their findings related to an urban level of flood protection. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>.

State law (SB 5) did not provide any specific enforcement authority for requirements regarding the urban level of flood protection. The Board has review and comment authority in one situation related to the definition of “adequate progress”: CGC Section 65007(a)(2)(B) grants the Board the ability to make a finding that an agency is making adequate progress even when it is not meeting the time frame set in CGC Section 65007(a)(2)(A), if the requirements are not being met because of an insufficient State appropriation based on a prior agreement.

Other provisions enacted by the 2007 flood legislation package require cities and counties to consult with the Board when amending certain general plan elements. Please see *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* for additional detail.

As stated in Master Response 8, beginning in the 1850s, flood facilities were built in increments over many decades through the individual and combined efforts of local, State, and federal agencies. The facilities were constructed with the materials at hand over many decades, following evolving design standards and construction techniques. As a result, these flood facilities provide varying levels of protection, depending on when and how they were constructed and upgraded. Constructing these facilities has also resulted in the loss of natural floodplain habitats, including wetlands.

L_CCDAG1_05

See response to comment L_CCDAG1_01.

L_CCDAG1_06

See response to comment L_CCDAG1_01. In addition, as stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. A full list of participants and forms of engagement in plan development are available in Attachment 5, "Engagement Record," in Appendix A, "Central Valley Flood Protection Plan." The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP.

Phase 1 of the public engagement planning process focused on identifying problems and needs and crafting specific goals for the CVFPP. A variety of regional and topic-based work groups formed during this phase. Phase 2 focused on identifying individual actions that could be taken to achieve the CVFPP goals, and engaged stakeholders through continued regional and topic-based work groups, including an agricultural stewardship scope definition subcommittee and public workshops.

After Phase 2, stakeholders indicated that they preferred to review more developed materials and information before continuing with intense working meetings. With that understanding, DWR focused its efforts on content development (considering previously provided input and ongoing analyses) and developed a cohesive working draft document for stakeholder review in fall 2011. Outreach efforts included e-mail communications and updates, workshops, webinar briefings, and meetings with individuals and agencies. Work group members were also given an opportunity to review and comment on a working draft of the CVFPP. However, with a commitment to complete a public draft CVFPP within the legislated time frame, the degree of engagement provided in Phases 1 and 2 was not feasible for Phases 3 and 4.

The Board provided various opportunities for members of the public and agencies to comment on the public draft CVFPP, released in December 2011. Hearings were held in 2012 on April 5 (Sacramento), April 6

(Marysville), April 9 (Stockton), and April 11 (Woodland), and public comments were heard and discussed at both regular and special Board meetings. DWR also accepted comments on the DPEIR, which was released in early March 2012. More information on the Board's process for public review and plan adoption can be found on its Web site, <http://www.cvpfb.ca.gov>.

Anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form "alternatives" for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

3.0 Individual Comments and Responses
3.4 Local and Regional Agency Comments and Responses

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Mike Azevedo	Colusa County Public Works	mjazevedo@countyofcolusa.org	Technical Attachments	All	All	Many of the attachments and appendices were not published until as late as four weeks ago, well beyond the December 31, 2011 deadline for the plan. Neither the CVFPB nor the public have had the statutory and intended six months to review and comment on the details of the CVFPP provided in the attachments and appendices. AS has been stated at many of the public hearings, phase 3 and 4 of the development process were not completed due to time constraints.	We suggest that the CVFPB require DWFR to complete the process it designed and started

L_CCPW1-01

Commentor	Commentor Agency	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 7	Urban areas are targeted for 200 year protection while rural areas are targeted for 100 year protection	provide an equitable level of protection for rural small communities
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 9	the plan notes levels of protection would generally not improve in rural-agricultural areas	consider providing a greater level of flood protection to the rural-agricultural areas
Mike Azevedo	Colusa County Public Works	CVFPP	2	2 12	there is no mention of the sites reservoir as transitory storage	include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 3	the plan indicates 200,000 af easements in the Sacramento watershed	please indicate if these are addition easements and if so where are they located and by what method would they be acquired.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 4	the plan mentions fish passage east of butte basin	what is the nature of the improvement
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 10	23 small communities receive improved flood protection	please identify the communities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 10	it would appear that rural communities are not receiving equitable flood protection consideration	at a minimum bring levees up to minimum design standards
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 11	economically feasible is mentioned thru-out the document	consider providing a greater level of economic consideration to the rural communities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 11	the plan indicates the State will prioritize the improvements addressing the greatest need first	consider a more proactive engagement of local entities in determining these priorities
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 13	the flexibility to shift water between watersheds is understandable	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir as it would potentially assist in mitigating additional flows to the Sacramento watershed, a watershed already recognized as being impacted.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 14	mod to moulton Colusa tisdale	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 16	there is no mention of the sites reservoir as transitory storage	please include an analysis and discussion of additional off system storage, specifically Sites Reservoir.
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 18	what improvements how much lower how much more water don't flow march 1	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering"
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 18	whole heartedly agree with the increased impacts to ag practices	Please provide an analysis of the impacts to agricultural interests that may result from the proposed 'lowering
Mike Azevedo	Colusa County Public Works	CVFPP	3	3 22	we applaud the notion of system self mitigation	please address the apparent disparity between 'habitat establishment' and flood control functionality (i.e. trees in the
Mike Azevedo	Colusa County Public Works	CVFPP	4	4 31	The State's active support of the Agricultural Floodplain Management Alliance (AFMA) is very important to achieving the needed changes to the NFIP.	boass restrict the capacity of the boasss
Mike Azevedo	Colusa County Public Works	CVFPP	General Comment entire document		AS the Plan is intended to be a "frame work" or "over view" of flood control in the Central Valley, it would seem more appropriate to not specifically identify projects within the plan.	Fully Engage AFMA in discussions relative to the Flood Plain Risk Management Plan Remove references to project specifics throughout the document. It is also recommended that the Plan be adopted WITH OUT Technical Appendices.

L_CCPW1-02

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L_CCPW1-11

L_CCPW1-12

L_CCPW1-13

Colusa County Public Works, Mike Azevedo

Response

L_CCPW1_01

As stated in Master Response 22, the Public Draft CVFPP was released, on time, on December 30, 2011. Several of the attached supporting documents, specifically the *State Plan of Flood Control Descriptive Document* (November 2010) and the *Draft Flood Control System Status Report* (December 2011), were published before the Public Draft CVFPP and informed its development. Most CVFPP attachments were released with the public draft or in early February 2012; exceptions include the “Flood Damage Analysis,” “Riverine Channel Evaluations,” “Cost Estimates,” and “Reservoir Analysis” attachments, which were released between mid-February and the publication of the DPEIR.

As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. A full list of participants and forms of engagement in plan development are available in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Flood Protection Plan.” The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP.

Phase 1 of the public engagement planning process focused on identifying problems and needs and crafting specific goals for the CVFPP. A variety of regional and topic-based work groups formed during this phase. Phase 2 focused on identifying individual actions that could be taken to achieve the CVFPP goals, and engaged stakeholders through continued regional and topic-based work groups and public workshops.

After Phase 2, stakeholders indicated that they preferred to review more developed materials and information before continuing with intense working meetings. With that understanding, DWR focused its efforts on content development (considering previously provided input and ongoing analyses) and developed a cohesive working draft document for stakeholder review in fall 2011. Outreach efforts included e-mail

communications and updates, workshops, webinar briefings, and meetings with individuals and agencies. Work group members were also given an opportunity to review and comment on a working draft of the CVFPP. However, with a commitment to complete a public draft CVFPP within the legislated time frame, the degree of engagement provided in Phases 1 and 2 was not feasible for Phases 3 and 4.

The Board provided various opportunities for members of the public and agencies to comment on the public draft CVFPP, released in December 2011. Hearings were held in 2012 on April 5 (Sacramento), April 6 (Marysville), April 9 (Stockton), and April 11 (Woodland), and public comments were heard and discussed at both regular and special Board meetings. DWR also accepted comments on the DPEIR, which was released in early March 2012. More information on the Board's process for public review and plan adoption can be found on its Web site, <http://www.cvfpp.ca.gov>.

L_CCPW1_02

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The Central Valley Flood Protection Act of 2008 establishes legislative requirements for the CVFPP. For example, the legislation directs DWR to consider structural and nonstructural methods for providing an urban level

of flood protection (200-year or 0.5 percent chance) to current urban areas (CWC Sections 9614(i) and 9616(a)(6)), and encourages wise use of floodplains through a better connection between State flood protection decisions and local land use decisions (CWC Section 9616(a)(5)). The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at

risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

L_CCPW1_03

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches—Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However, no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP.

Ongoing investigations are being conducted to determine the feasibility of surface storage and consider potential environmental effects. The analyses included in these surface-storage studies are more detailed than those conducted at a systemwide scale for the 2012 CVFPP. Consequently, these studies are developing more comprehensive information about the potential costs and benefits of site-specific increases in flood storage.

DWR recognizes the importance of developing additional water storage capacity in California to support an increasing population, to help compensate for the anticipated loss of snowpack storage as a result of climate change, and to maintain the important role of Central Valley agriculture for the nation and the world. For these reasons, multipurpose reservoir projects will likely continue to be proposed and, if successful, may help to meet needs for flood storage capacity.

However, these proposals face daunting challenges. Despite their benefits, new or expanded reservoirs generally face considerable opposition given their environmental effects, costs, perceived risks, and other factors. Also, environmental laws established mostly in the 1970s now apply to these proposals. Among these laws is the requirement under Section 404 of the CWA that any project affecting waters of the United States can be approved only if it is demonstrated to be the least environmentally damaging practicable alternative. Many other laws also present permitting challenges.

It is significant that no new major onstream reservoir has been constructed in the Central Valley watershed since New Melones Dam was completed in 1978. The Auburn Dam project, which commenced construction in 1968, was never completed because of several factors, including its cost, geologic

problems with the site, and potential harm to recreational and ecological values. Recently, successful projects have consisted largely of projects to provide offstream storage (such as Los Vaqueros Reservoir), which can provide only limited flood control benefits outside their watersheds given the need for pumping, and projects to increase the capacity of existing reservoirs (which by their nature are only incremental).

Moreover, to serve as a substitute for floodway conveyance and storage, upstream reservoir capacity would have to be developed throughout the Central Valley watershed. The extreme weather events (i.e., atmospheric rivers) that create the greatest risk of a severe flood are often localized. Floodplain storage protects against floodwaters originating from all upstream areas, but by definition, upstream reservoirs can store only the floodwaters that originate from a particular area or tributary watershed. For example, an increase in the capacity of Shasta Lake would provide little or no benefit in the event of a major atmospheric rivers event focused on the central or southern Sierra Nevada. There is simply no reasonable scenario under which an array of new reservoir projects spread throughout the Central Valley watershed would be feasible and could serve as an effective substitute for floodplain storage. Suitable and feasible remaining sites do not exist, the costs would likely be prohibitive and the opposition substantial, and environmental permits would be difficult if not impossible to obtain. It would be both speculative and imprudent for the CVFPP to rely on such an approach. None of the comments on the topic have addressed, much less rebutted, the substantial evidence that such an alternative could not feasibly meet the objectives of the CVFPP as directed by SB 5.

Failing to reserve adequate floodway conveyance and storage capacity now would leave future generations with limited options for addressing their flood protection needs. The current generation has benefited from the existing bypass system, and expanding that system would benefit both current and future residents.

It is recognized that in certain cases and to some degree, upstream floodway conveyance and storage could reduce the need for (or scale of) some types of downstream flood management actions associated with the SPFC. However, opportunities to reduce flood risks on lands protected by the SPFC by increasing floodway conveyance and storage are limited, and depend on a variety of factors:

- The location of a reservoir (or multiple reservoirs) with respect to the downstream actions or target area is important. Multipurpose reservoirs are present along many major tributaries to the Sacramento and San Joaquin rivers, but the hydrology (magnitude of rainfall and timing of

peak flows from a watershed) and the operations of these reservoirs are very complex. Flood flows in downstream reaches of mainstem rivers are often influenced by the operation of multiple reservoirs, and peak flood stages may result from a combination of hydrologic events on different tributaries. Consequently, increasing flood storage in one reservoir may not reduce peak flood stage along a mainstem river reach because of the operations of other reservoirs, contributions from unregulated streams, or hydrology of the various tributary watersheds.

- The volume of floodway conveyance and storage that could be achieved is related to the size of the watershed and flood flows it generates, which can limit the effectiveness of expanding reservoirs or constructing new reservoirs. Expanding a reservoir is typically most effective when the existing reservoir has a small flood storage allocation compared with its tributary watershed. Similarly, it may not be effective to construct or expand a reservoir that controls a relatively small watershed.
- Opportunities to expand a reservoir are typically limited by the existing dam's location, size, and type of construction (concrete versus earthen, for example). A reservoir expansion sufficient to achieve the desired flood risk reduction benefits downstream may not be physically possible at all locations.
- The cost and potential impacts of enlarging a reservoir or constructing a new reservoir vary substantially from location to location. The CVFPP is a conceptual plan, and the PEIR is a program-level document; the site-specific analyses that would be needed to assess feasibility were not conducted as part of the CVFPP or PEIR, and will occur at the project level. See Master Response 24.
- Reservoir ownership varies, and studies of specific opportunities to expand reservoirs must be conducted in partnership with owners and operators.

The above factors indicate that a feasible and cost-effective surface-storage project could be developed only under specific circumstances, and that even if it is feasible, additional surface storage may not provide meaningful flood management benefits. These factors, combined with the conceptual systemwide focus of the 2012 CVFPP, precluded DWR from identifying specific reservoir storage elements to include in the SSIA at this time. These factors limited the ability to formulate an approach/alternative to include in the PEIR that focused primarily on increasing flood storage. Further, increasing storage alone would not achieve many of the CVFPP goals or fulfill legislative intent, such as improving ecosystem functions

within the flood management system or achieving an urban level of flood protection for all urban areas.

Studies showed that combining bypass expansion, regional levee improvements, and coordinated operations in the SSIA did not result in systemwide hydraulic impacts that would be substantial enough to require including additional surface storage as a hydraulic mitigation measure. However, the plan does not preclude future consideration of new or additional flood storage by State, federal, or local agencies in the regional flood management planning or two basin feasibility studies, or as independent projects. (See Section 3.5.4 in Appendix A, “Central Valley Flood Protection Plan.”)

L_CCPW1_04

As stated in Master Response 2, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State’s flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been

estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

The PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that

particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

L_CCPW1_05

The table on Page 3-4 of the CVFPP is a high-level summary, and “east of Butte Basin” refers to fish passage opportunities on the Butte Creek system. More information on fish passage improvements can be found on page 3-22. Also, Attachment 2, “Conservation Framework,” describes fish passage in this area in more detail, listing Big Chico Creek, Lindo Channel, and Butte Creek (page 4-28).

L_CCPW1_06

Section 3.3 of the CVFPP indicates that based on planning-level estimates, 15 small communities would receive 100-year (1 percent annual chance) flood protection from about 80 miles of levee improvements or new levee construction. Another five small communities would receive 100-year (1 percent annual chance) flood protection, at a minimum through implementation of urban and system improvements included in the SSIA. Another seven small communities would receive flood protection through floodplain management actions such as floodproofing or raising structures. The communities shown on CFVPP Figures 3-1 and 3-2 are a representative sample based on the preliminary small community assessment conducted as part of the Protect High Risk Communities Approach. However, no specific communities are listed in the SSIA; rather, CVFPP Section 3.3 describes the types of investments and priorities the State will consider with respect to small community protection. The flood protection needs of individual small communities within the SPFC planning area will be considered as part of post-adoption regional planning and basin-wide feasibility studies. Members of small communities will have opportunities to participate in regional planning and help define specific small community needs and priorities (see Master Response 14). Through post-adoption activities, the State will evaluate and prioritize specific State investments in small community flood protection, consistent with the SSIA.

L_CCPW1_07

See response to comment L_CCPW1_02.

L_CCPW1_08

See response to comment L_CCPW1_02. In addition, as stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin Basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management

activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_CCPW1_09

See responses to comments L_CCPW1_02 and L_CCPW1_08. In addition, as stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in

identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

State-led feasibility studies are intended to support State decision making, regardless of the corresponding level of federal participation. They do not necessarily cover the scope of a federal feasibility study; however, these State-led studies will be conducted to minimize, to the extent possible, additional federal study needed to determine federal participation and facilitate subsequent authorization by Congress, if appropriate.

The basin-wide feasibility studies will be conducted in two primary phases. The first phase will be conducted concurrently with regional planning, and will focus on developing specific objectives and analyzing physical options for system elements (such as bypass expansion and new bypasses). The second phase will combine the most promising options for system elements with the prioritized list of regional elements identified in the regional flood management plans. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale, representing refined alternatives for implementing the SSIA.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

L_CCPW1_10

As stated in Master Response 23 and as explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

Contrary to the assertions by several commenters, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements.

L_CCPW1_11

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

The SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important shaded riverine aquatic habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

Appendix E, “2012 Central Valley Flood Protection Plan Conservation Framework,” provides a preview of a long-term Conservation Strategy that

DWR is developing to support the 2017 CVFPP Update. The Conservation Framework focuses on promoting ecosystem functions and multi-benefit projects in the context of integrated flood management for near-term implementation actions and projects. The Conservation Framework provides an overview of the floodway ecosystem conditions and trends and key conservation goals that further clarify the CVFPP's ecosystem goal. For additional details, see Master Response 7.

As stated in Master Response 16, any mitigation plantings in the floodway will not be permitted if they would result in substantial increases in flood stage elevations, or alter flows in a manner that would have a substantial adverse effect on the opposite bank.

L_CCPW1_12

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

L_CCPW1_13

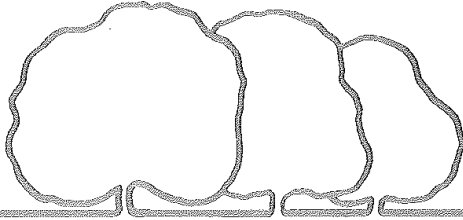
As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

As stated in Master Response 2, specific project features ultimately implemented for the SSIA will depend on a host of factors. These factors include the results of detailed project feasibility studies; designs and cost estimates; environmental benefits and impacts; interaction with other local projects and system improvements; participation by local, State, and federal agencies in project implementation; and changing physical, institutional, and economic conditions. Costs presented in the 2012 CVFPP are preliminary planning-level estimates. The actual costs of these elements

will depend on the specific projects that are justified by feasibility studies, project scopes, implementation times, future economic and contractor-bidding conditions, and many other factors. Funding sources for SSIA projects will vary according to factors such as the type of project or program, beneficiaries, availability of funds, and project or program urgency. Cost-sharing among State, federal, and local agencies may also change depending on project objectives and agency interests. Post-adoption activities (regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will further develop and refine additional project-specific details on cost, feasibility, funding, cost sharing, and local capacity to pay.

I_COW1



City of Woodland

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April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft Programmatic
Environmental Impact Report.

Dear Ms. Moricz:

The City of Woodland (City) has reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and *not* a list of projects to be approved now for implementation.

We support the CVFPP's prioritization for improving the urban levees. We are especially appreciative that the CVFPP states that DWR will continue its participation in the Cache Creek Feasibility Study, and will evaluate programs for managing sediment and mercury in the Cache Creek Settling Basin. We also believe that the State should prioritize the actions included in Attachment 7A to the CVFPP, including the "Cache Creek Settling Basin Floodway Bypass" and "Stabilize Cache Creek through grade control structures and other measures." We look forward to working with the CVFPB and DWR to determine the appropriate local cost-share for these projects in light of the increased flooding created for Woodland for the design storm as a result of the construction of State facilities such as the Settling Basin and Interstate-5.

We also support the concept of system improvements, such as modifications to the Yolo Bypass. However, modifications to the flood control system of this scale can have significant adverse effects to Yolo County, agriculture and property owners that need to be carefully considered and mitigated. Keep in mind that any action that affects agriculture in the region may adversely affect the local economy and potentially reduce employment opportunities for our citizens. We therefore encourage the CVFPB and DWR to partner with local agencies such as the City in

L_COW1-01

L_COW1-02

L_COW1-03

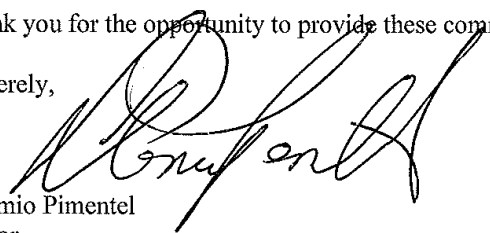
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implementation of the CVFPP to ensure local concerns are addressed. We believe giving local agencies an option of leading the system improvements process (planning, design, construction) will significantly increase the chances that we will be successful in carrying out the vision contained in the plan.

We appreciate both DWR and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to continued cooperation as we implement the Plan.

Thank you for the opportunity to provide these comments.

Sincerely,


Artemio Pimentel
Mayor

City of Woodland, California, Artemio Pimentel, Mayor

Response

L_COW1-01

The comment indicates the City of Woodland's understanding that the CVFPP is a framework for establishing a vision for flood management in the Central Valley and is not a list of projects to be approved now for implementation. The comment is noted.

L_COW1-02

As stated in Master Response 4, cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

In addition, as stated in Master Response 14, as part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

The State has a strong interest in coordinating and implementing integrated projects that achieve multiple benefits. Effective integration across planning efforts means that all programs and projects, when implemented, work together to achieve key goals in a cost-effective manner; are sequenced and prioritized appropriately; and do not adversely affect or interfere with intended benefits. Although effectively integrating planning across programs while considering multiple benefits can be challenging, doing so can also provide opportunities to share knowledge and identify mutually beneficial solutions that might not have been considered otherwise, thus minimizing duplication and reducing costs.

DWR will continue to coordinate with other flood management and ecosystem enhancement efforts during implementation of the CVFPP. A few key examples include the Delta Stewardship Council's Delta Plan, the San Joaquin River Restoration Program, and the BDCP.

L_COW1-03

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

In addition, the PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central

Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes.

As further stated in Master Response 14, as part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

The State has a strong interest in coordinating and implementing integrated projects that achieve multiple benefits. Effective integration across planning efforts means that all programs and projects, when implemented, work together to achieve key goals in a cost-effective manner; are sequenced and prioritized appropriately; and do not adversely affect or interfere with intended benefits. Although effectively integrating planning across programs while considering multiple benefits can be challenging, doing so can also provide opportunities to share knowledge and identify mutually beneficial solutions that might not have been considered otherwise, thus minimizing duplication and reducing costs.

L_COW1-04

The City of Woodland's comment regarding public participation is appreciated. As discussed in Master Response 14, upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds. For additional details, see Master Response 14.

County of Placer Board of Supervisors

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JACK DURAN
District 1

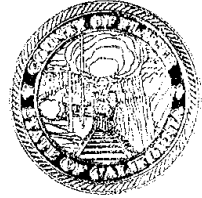
ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5

L_CPBS1



April 24, 2012

Also sent via e-mail to attention: cvfppcom@water.ca.gov

Ms. Nancy Moricz
The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Subject: Central Valley Flood Protection Plan (CVFPP) and Public Draft Urban Level of Flood Protection Criteria (ULFPC)

Dear Ms. Moricz:

Thank you for the opportunity to review the above referenced documents. Placer County covers a very geographically diverse area that stretches from the Central Valley, over the Sierra Nevada crest, to the Nevada State line, including parts of Lake Tahoe. The Placer County Community Development Resource Agency regulates the private land development projects in the unincorporated areas of Placer County, administers the advance planning work programs, and supervises the County's environmental review process.

In an effort to better understand these documents and how they may affect the citizens and businesses in the County, our development community, the County's capital improvement projects, and staffing needs and budget, we respectfully request a 30-day extension to the current comment periods for the various plans associated with the Central Valley Flood Management Program (CVFPP, and ULFPC).

Our staff recently received notice of these documents and deadlines, however we require more time to conduct a comprehensive review and provide you better feedback of this important program. In the event an extension is not provided, we offer the following general comments:

1. For Placer County to comply with the provisions of SB 5 regarding the 200-Year flood protection requirements, hydrologic and hydraulic information is needed well in advance of the mandated timeframes. Will the CVFPB be providing this information? If local agencies are required to produce this mapping, what source of funding is anticipated to be utilized and will the State offer grant programs to assist with funding? At a minimum, the following 200-Year event data would be necessary:

E-mail: bos@placer.ca.gov — Web: www.placer.ca.gov/bos

L_CPBS1-01

L_CPBS1-02

L_CPBS1-03

- Without-project and with-project design hydrographs and water surface profiles along any pertinent levied rivers (Bear River) and streams (both project and non-project systems).
- Without-project and with-project floodplain maps.
- Detailed identification of the Preferred Plan for System-wide Improvements that will provide urban and urbanizing areas 200-Year flood protection by 2025.
- Detailed implementation plan for the Preferred Plan for System-wide Improvements that identifies all funding sources, in particular those available to the County.

L_CPBS1-04

2. Portions of the 200-Year flood protection plan depend on the completion of the major "System Improvements" as identified in the CVFPP. However, these improvements are under the control of State and Federal governments and will not likely be completed until after the 2015 mandate of SB 5. In the event this occurs, will Placer County be required to expend public funds to construct "interim" improvements that will ultimately be discarded once the "System Improvements" are completed?

L_CPBS1-05

3. Figure 2-2 of the Draft CVFPP entitled "Urban Areas and Small Communities Included in Protect High Risk Communities Approach" does not include Placer County. Does that mean that the new levels of flood protection that apply to urban and urbanizing areas as defined in the Draft CVFPP and ULFPC do not apply to Placer County?

L_CPBS1-06

4. Is there any available data of the hydraulic benefits DWR anticipates will be realized downstream within the State's Central Valley Planning Area corresponding with the change from the current 100-year level of flood protection to the new 200-Year urban level of flood protection? The hydraulic benefits would appear to be insignificant but should be verified and provided for our information.

L_CPBS1-07

5. Does the new urban level of flood protection standard apply to proposed modifications or alterations to existing development within or associated with FEMA Special Flood Hazard Areas (SFHA), and specifically how these standards may apply. For instance, will a modification of a Use Permit or Subdivision application be a criterion for determining whether the new urban level of flood protection standard may or may not apply to existing entitlements (Vesting Tentative Map) or structures?

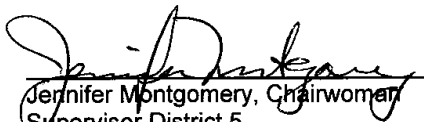
Ms. Nancy Moricz
Central Valley Flood Protection Plan and
Public Draft Urban Level of Flood Protection Criteria
April 24, 2012
Page 3

L_CPBS1-08

Thank you for your consideration of the request for an extension as well as the issues raised in this letter. We are prepared to work with you and your staff to successfully implement this program and provide the citizens of the State a high level of protection from catastrophic flood events.

Sincerely,

COUNTY OF PLACER



Jennifer Montgomery, Chairwoman
Supervisor District 5
Placer County Board of Supervisors

cc: Board of Supervisors
Holly L. Heinzen, Interim County Executive Officer
Ken Grehm, Director of Public Works
Brian Keating, Placer County Flood Control
Carl Walker, Roseville DPW

Placer County Board of Supervisors, Jennifer Montgomery

Response

L_CPBS1-01

The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR. The comment is noted.

L_CPBS1-02

As stated in Master Response 22, the CVFPP SSIA is a complex integrated flood management plan that covers a large geographic area. The State Legislature required DWR to prepare the first public draft CVFPP by January 1, 2012, for adoption by the Board by July 1, 2012, or as such other date as may be provided by the Legislature. DWR believes that the CVFPP and DPEIR speak for themselves regarding the magnitude of the required effort in light of these statutory deadlines, and appreciates the compliments from a number of commenters in that regard.

The Public Draft CVFPP was released, on time, on December 30, 2011. Several of the attached supporting documents, specifically the *State Plan of Flood Control Descriptive Document* (November 2010) and the *Draft Flood Control System Status Report* (December 2011), were published before the Public Draft CVFPP and informed its development. Most CVFPP attachments were released with the public draft or in early February 2012; exceptions include the “Flood Damage Analysis,” “Riverine Channel Evaluations,” “Cost Estimates,” and “Reservoir Analysis” attachments, which were released between mid-February and the publication of the DPEIR.

CEQA Guidelines Section 15105(a) states that when a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days. The DPEIR was made available for public comment on March 6, 2012; however, as described above, most attachments (the CFVPP and attachments) were publicly available several months before.

Four comments that were received on the last day of the noticed comment period requested an extension of the time to comment. No requests for extension were made before then. DWR decided not to extend the 45-day public comment period after considering several factors: (1) Many of the key documents had been available for more than 45 days; (2) the vast majority of commenters did not see a need to request an extension; (3) a number of commenters had already responded in a timely manner, many with very detailed comments; (4) the commenters requesting extensions

were simultaneously filing comments reflecting a thoughtful review; (5) a highly publicized outreach and engagement program was initiated with stakeholders; and (6) it was necessary to ensure compliance with the rapidly approaching July 1 statutory deadline. DWR appreciates the diligent efforts made by all of those who have participated in the development of the CVFPP, including those who submitted timely comments on the DPEIR.

L_CPBS1-03

As stated in Master Response 5, State law (SB 5) requires cities and counties to make findings on certain land use decisions in relation to an urban level of flood protection (CGC Sections 65865.5, 65962, and 66474.5). Separately, the law required DWR to prepare preliminary 100-year and 200-year flood-frequency maps using available information and make them available to cities and counties in 2008 (CWC Sections 9610(a)(1), 9610(a)(2), and 9610(a)(3)). This requirement is not directly connected to the requirements for an urban level of flood protection or associated findings.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the 100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

DWR will continue to share available data, tools, and other relevant information with cities and counties, including the following details that would be related to system capacity and flow rates:

- CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
- Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data

With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, these maps may or may not be sufficient to support cities and counties in making their findings related to an urban level of flood protection. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>. For additional details, see Master Response 5.

L_CPBS1-04

It is not yet confirmed what portions of Placer County may or may not meet the criteria for an urban level of flood protection. Obtaining this information will be dependent on the continuing study and analysis described above in response to comment L_CPBS1-03, and studies that may be completed by Placer County and/or others. It is unknown at this time whether the County or others may need to implement flood system improvements to comply with the requirements of SB 5. There are various options for local jurisdictions to comply with requirements of SB 5. As stated above, cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>. In addition, the DWR publication *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (DWR 2010) is a valuable resource.

L_CPBS1-05

As stated in Master Response 5, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take various actions. For additional details, see Master Response 5. Portions of Placer County are within the Sacramento–San Joaquin Valley and would be subject to the elements of SB 5 related to that area. It is yet to be confirmed whether any urban and urbanizing areas are located within a “flood hazard

zone” as defined by SB 5. This would be determined as part of the floodplain mapping described above in response to comment L_CPBS1-03.

L_CPBS1-06

Full implementation of the SSIA is expected to provide flood protection benefits to much of the overall system. As stated in Master Response 12, implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system. Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic effects from planned improvements within the system. For additional details, see Master Response 12. Hydraulic modeling results will be made available by various means (e.g., as part of data distributed by the State, as part of the analysis of specific project proposals), and Placer County and others will have access to this information.

L_CPBS1-07

As stated in Master Response 5, the flood legislation passed in 2007, including the Central Valley Flood Protection Act of 2008 (part of SB 5) and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

The requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property

- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*. For additional details, see Master Response 5.

L_CPBS1-08

DWR and the Board appreciate Placer County's participation in this process and look forward to continuing to work with the County as the CVFPP is implemented.



City of
Gridley

685 Kentucky Street

Gridley, CA 95948

April 26, 2012

L_GRIDLEY1

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

L_GRIDLEY1-01 I cannot imagine the huge undertaking your agency has gone through to get this document to this point. Looking at the list of stakeholders, this task looks overwhelming and you and your staff are to be commended for the level of effort and outreach that clearly has gone into this project at point.

The City Council did meet on April 16, 2012 to discuss this matter and wanted to voice our support for the Sutter Butte Flood Control Agency letter dated April 13, 2012 that was sent to your board (attached).

L_GRIDLEY1-02 The City is part of the Sutter Butte Flood Control Agency (SBFCA) and has worked with this agency to ensure the levees in this area are properly evaluated to ensure the needed improvements are identified and repairs are planned for. We have also assisted with the public outreach effort to ensure our citizens were provided with the specifics of the plans as it relates to this area and how important the assessments were to funding these repairs to the levees, and were pleased to see the assessment passed when put to a vote.

We are concerned with the Cherokee Canal Bypass as a potential project. It may be that this project is needed and should be planned for, but we hope it does not slow up or impede the levee projects studied and planned for by SBFCA. We are concerned that it has not gone through the same rigorous process that the current planned improvements have had to go through. We believe the existing projects need to be constructed and that the Cherokee Canal Bypass should continue to be studied and if warranted, be a separate project to be funded and constructed at a later date.

I understand your agency wanted comment to be received by April 20th and would hope this simple letter could still find its way into the record.

Very truly yours,


Jerry Fichter, Mayor
City of Gridley

City of Gridley, Jerry Fichter

Response

L_GRIDLEY1-01

The comment notes that the City of Gridley joins with the comments submitted by SBFCA. Responses to comments submitted by SBFCA are located in Section 3.5, “Group Comments and Responses,” of this FPEIR.

The comment is noted.

L_GRIDLEY1-02

As stated in Master Response 1, several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of

proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

For additional details, see Master Response 1.

L_KLRDDETAL1

Knights Landing Ridge Drainage District Reclamation District No. 108 Sacramento River West Side Levee District

February 24, 2012

Mr. Benjamin F. Carter, President
Central Valley Flood Protection Board
3310 El Camino Ave, Room 151
Sacramento, CA 95821

RE: Draft 2012 Central Valley Flood Protection Plan (Plan)

The following comments are submitted jointly by Reclamation District No. 108, the Sacramento River West Side Levee District and the Knights Landing Ridge Drainage District. Collectively the three agencies maintain nearly 90 miles of Federal Project Levees in both Colusa and Yolo Counties adjacent to the Sacramento River and the Colusa Basin Drain. These levees provide flood protection to the communities of Colusa, Grimes and Knights Landing as well as more than 100,000 acres of amazing farm ground and rich habitat. I have personally invested considerable time in the development of the Plan, serving on many of the committees and workgroups over the past several years. While the Plan covers many issues, the following observations are solely focused on treatment of the rural areas.

Our fundamental concern is that the Plan delivers no guaranteed flood control improvement for the rural areas. This is an absolute necessity in light of the Plan's implementation of SB5's directive to provide different levels of flood protection for rural and urban areas. By dramatically raising the urban level of protection, the State has created a de-facto transitory storage system that will flood the rural areas providing substantial flood protection benefits to the urban areas. In spite of this reality, the Plan clearly does not make any certain commitments to invest in the rural areas. Instead, all rural investments are conditioned by "if funding available" or "where feasible". If you consider that the State of California only has approximately \$2 billion left in funding to implement a \$17 billion dollar Plan, I think we can already see that the "if funding available" condition will most likely result in no funding available. The rural areas comprise more than 75% of the miles of levees and yet less than 15% of the Plan investment is even "conditionally" dedicated to the rural areas. **The Plan needs to clearly commit the only funds "in-hand" from Prop 1E and 84 in a balanced manner.**

L_KLRDDETAL1-01

L_KLRDDETAL1-02

L_KLRDDDETAL1-03

Our second concern relates to the fundamental paradigm shift which is the underlying foundation of the Plan. This is illustrated in Table 3.2 where the State describes abandoning the Flood Control System's previous approach which was to Target Design Capacity. In both the Urban and Small Communities, this is replaced by a higher level of flood protection as the goal. In the rural-agricultural areas the Plan proposes to provide site-specific rural-agricultural improvements based on levee inspection and other identified critical levee integrity needs. **This program needs definition so that the rural area can understand what is being promised, how it would operate until a new program or standard is developed and what existing funding will be committed for this program.**

L_KLRDDDETAL1-04

The Plan suggests a system-wide approach in a physical sense but falls very short in pointing out the challenges in carrying out this vision. This is highlighted by the fact that the Plan repeatedly relies on substantial federal funding yet it is clear that federal funding is provided on a project by project basis, not a system-wide basis. This is especially problematic for the rural areas as federal investment will naturally prioritize repairs in the urban areas with higher benefit to cost ratios. **Without a transparent approach to this issue, committing a balanced investment to all Plan elements regardless of federal financial interest, the result of the Plan will not be a true System-Wide Investment Approach, but rather an urban flood protection plan.**

L_KLRDDDETAL1-05

A major challenge for the rural areas will be the imposition of the National Flood Insurance Program on the rural areas. **It is appreciated that the Plan touches on this issue, but I would encourage the Central Valley Flood Protection Board to strengthen this commitment to providing leadership on this issue which long term will ensure a vibrant agricultural economy which is less vulnerable to urbanization.**

L_KLRDDDETAL1-06

The Plan refers to several other programs that include emergency preparedness planning, "limited" flood recovery funding and erosion repair programs. **Each of these programs needs to be strengthened by providing certain funding and near term implementation.**

L_KLRDDDETAL1-07

Lastly, the Plan asks the rural area to provide up to 35,000 acres of productive agricultural land without recognizing the impact to the local communities. The Plan needs to recognize this "taking" will create third party impacts that affect landowners, local agencies and counties. In particular, conversion of this land to habitat creates the need to address adjacent landowner impacts. **This needs to include a comprehensive program that would compensate landowners for predation and other production impacts. We would also like to encourage the Plan to leverage local engagement related to habitat development. This approach doesn't displace the local community and minimizes the concerns raised above for third party impacts. Lastly, habitat development should focus on opportunities to integrate with agriculture instead of displacing it.**

L_KLRDDDETAL1-08

It is important to recognize the circumstances under which the final development of the Plan occurred. The Plan was to be developed using a 4-step process, however, Step 3 and 4 never occurred. This resulted in many items either being added or removed without any local input. Clear examples of this are the removal of Management Action #82 which very clearly considered urban areas compensating the rural areas for receiving a lower level of protection; i.e. de-facto transitory storage, and secondly the

inclusion of the expansion of the Cherokee Canal. **Both of these items need to be reconsidered for the final Plan due to their significance and lack of local input.**

In closing, we believe that the next four months are critical to the long-term success of the Plan. If this opportunity is not used to modify the Plan in a way that can be supported by the rural areas, most of the goals of the Plan simply cannot be achieved. We look forward to working with you to create a final Plan that meets this balanced goal.

Sincerely,

Lewis Bair
General Manager

**L_KLRDDETAL1, Knights Landing Ridge Drainage District,
Reclamation District No. 108, Sacramento River West Side
Levee District, Lewis Bair Response**

Response

L_KLRDDETAL1-01

The comment is noted.

L_KLRDDETAL1-02

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The Central Valley Flood Protection Act of 2008 establishes legislative requirements for the CVFPP. For example, the legislation directs DWR to consider structural and nonstructural methods for providing an urban level of flood protection (200-year or 0.5 percent chance) to current urban areas (CWC Sections 9614(i) and 9616(a)(6)), and encourages wise use of floodplains through a better connection between State flood protection decisions and local land use decisions (CWC Section 9616(a)(5)). The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

L_KLRDDETAL1-03

As stated in Master Response 6, the Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

See response to comment L_KLRDDetal1-02. With respect to further definition of the program, as stated in Master Response 14, DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process. For additional details, see Master Response 14.

L_KLRDDetal1-04

As stated in Master Response 4, cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully

implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

Furthermore, as stated in Master Response 3, the State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

L_KLRDDETAL1-05

As stated in Master Response 3, the State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the NFIP.

L_KLRDDETAL1-06

Section 4.1.1 of the CVFPP details the responsibilities of the Flood Emergency Response Program—that is, to prepare for floods, effectively respond to flood events, and quickly recover when flooding occurs. The SSIA supports enhanced emergency response, particularly for rural-agricultural areas where physical improvements are not anticipated to be as extensive as in more populated areas. Program enhancements include providing flood hazard information, real-time flood data, more frequent and timely flood forecasts, and state-of-the-art flood emergency information dissemination. In addition, the SSIA includes a State cost-shared program for improving levee crowns, to provide all-weather access roads that allow agencies to quickly respond to flood emergencies. This is a one-time State-local cost-shared program. The program also provides real-time flood information to assist local agencies in deciding whether and how to conduct flood emergency response and evacuation actions for the public.

L_KLRDDETAL1-07

Local HCPs can be countywide initiatives or can be implemented in response to proposed development. The main objectives of these plans are to protect natural resources, including species and habitat, and to enhance coordination and collaboration of development stakeholders.

If a place-based project should be defined and pursued as part of the proposed program, and if the CEQA lead agency should be subject to the authority of local jurisdictions, the applicable county and city policies and ordinances would be addressed in a project-level CEQA document as necessary. Planting vegetation in the floodway may not be authorized by the Board, USACE, or other agencies if the vegetation would impede floodflows sufficiently that a rise in water surface elevation would cause a significant increase in risk to public safety.

Regarding Mitigation Measure LU-5a (NTMA and LTMA), “Provide Financial Compensation for Property Loss and Relocation Assistance to Compensate for the Removal and Displacement of Residential Land Uses,” the project proponent will provide financial compensation for property loss and relocation expenses to any person displaced because of the acquisition of real property, as required by the State of California Relocation Assistance Act (CGC Section 7260 et seq.). Before an offer is made to each property owner, all real property to be acquired will be appraised to determine its fair market value. The project proponent will assist property owners in finding comparable replacement housing and will pay for actual, reasonable moving costs, consistent with applicable State and federal law.

As stated in Master Response 2, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State’s flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction,

including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land

uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

The DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.

L_KLRDDETAL1-08

As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. A full list of participants and forms of engagement in plan development are available in Attachment 5, "Engagement Record," in Appendix A, "Central Valley Flood Protection Plan." The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP. For additional details, see Master Response 13.

Anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the

conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments.

These post-adoption activities are discussed in greater detail in Master Response 14.

L_KLRDDETAL1-09

See response to comment L_KLRDDETAL1-08.

**L_LD11**

April 19, 2012

Via Email: cvfppcom@water.ca.gov

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Central Valley Flood Protection Plan

Dear Ms. Moricz:

This firm serves as General Counsel to Levee District One of Sutter County (LD1). LD1 was established and is authorized to protect landowners in Sutter County from flooding along the Feather River. The purpose of this letter is to provide LD1's comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). LD1 is very concerned that the Plan, as currently drafted, will not result in any tangible flood protection benefits to the public, will divert resources away from much needed levee improvement projects, and will sacrifice critical flood protection facilities in order to provide for environmental restoration.

While LD1 supports a comprehensive approach to flood control and flood protection, we are concerned that the Plan, as currently drafted, will not provide the protection needed. For example, a portion of the lands protected by LD1, and the people that reside behind those levees, are in rural areas. The Plan, as currently drafted, proposes significant improvements in levees protecting more urban areas, with no real improvements for levees in rural areas. There are several problems associated with this approach. First, it does not appear that the Plan, or the DPEIR, discusses whether such a strategy would increase the risk of levee failure and flooding in rural areas. Secondly, this strategy does not consider the remaining risk to urban areas that border rural areas, which could experience flooding if the rural levees fail. The Plan must make parallel investments in urban, small community, and rural levees, ensuring that all have an opportunity to "get better together." The Plan must also prioritize development of a rural levee standard, and recommend a grant program to provide necessary funds for critical levee repairs.

L_LD11-01

L_LD11-02

L_LD11-03

L_LD11-04

Ms. Nancy Moricz
Re: Central Valley Flood Protection Plan
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Page 2

L_LD11-05

The Plan must recognize flood damage reduction as the primary goal of the Plan. Any ecosystem uses must be incidental to the primary purpose of flood control facilities. The State, in conjunction with the many local agencies that protect the public, must work to maximize and enhance flood flows through existing channels and bypasses and should not "restore" habitat in any area where doing so could have any chance of reducing flood protection or increasing the risk of floods. The DPEIR does not adequately discuss the nature and scope of restoration and, without that critical information, the DPEIR does not serve the purpose of disclosing potential environmental impacts of the proposed project.

L_LD11-06

L_LD11-07

The Plan must include a significant role for local agencies, such as LD1, to participate in regional workgroups to develop and influence which projects should be pursued for the region. DWR should provide adequate funding for the activities of these workgroups and must also ensure prompt adoption of new guidelines to fund construction (both urban and rural) for projects to be implemented under the Plan. Development and selection of these projects must be done through a "bottom-up" process, and not a "top-down" process that resulted in the current version of the Plan.

Very truly yours,



Daniel Kelly

General Counsel to Levee District
One of Sutter County

DK:yd

Levee District One, Daniel Kelly

Response

L_LD11-01

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. SB 5 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The focus of the CVFPP is guided by State legislation which required the protection of urban areas. Because it is responsive to this legislation and the comment provides no new information, no change is required to the CVFPP or DPEIR.

L_LD11-02

As stated in Master Response 4, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code.

As stated in Master Response 6, improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements

include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance.

As stated in Master Response 12, the issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

This comment does not raise any issues not already addressed, and therefore, no change is necessary to the CVFPP or the DPEIR.

L_LD11-03

As stated in Master Response 12, the issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

Post-adoption efforts include extensive localized planning and stakeholder involvement; see response to comment L_LD11-07. This comment does not raise any issues not already addressed, and therefore, no change is necessary to the CVFPP or the DPEIR.

L_LD11-04

As stated in Master Response 4, the CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

Furthermore, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code.

L_LD11-05

As stated in Master Response 7, SB 5 sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

Furthermore, the SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important shaded riverine aquatic habitat along riverbanks and help restore the regional continuity/connectivity of such habitats.

Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy,

State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

L_LD11-06

The comment states an opinion regarding the adequacy of analysis in the DPEIR but neither provides supporting documentation of the concern raised nor cites data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts to support the comment.

As stated in Master Response 23, as explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

Contrary to the assertions by several commenters, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Because this is a programmatic document, additional analysis, including any applicable CEQA review, of some elements would be undertaken before implementation. A more detailed analysis would be based on speculation that is not required under CEQA (CEQA Guidelines, Section 15145).

L_LD11-07

As stated in Master Response 14, post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State’s locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide

feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

Furthermore, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

As stated in Master Response 13, these efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Although stakeholders and the public will have additional opportunities to provide input, active participation in the planning efforts is encouraged. If

the CVFPP is to be successful in meeting its ambitious goals, stakeholder engagement will be a critical and complex component of the basin-wide feasibility studies. Levee District One is encouraged to remain involved in the process. No changes are required to the CVFPP or DPEIR as a result of this comment.

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
David Lamon, City Services Director	City of Marysville	dlamon@marysville.ca.us	CVPPP	Appendix A, Attachment 8J	Table 4-12, page 4-14	<p>The City of Marysville and Marysville Levee District have reviewed the overall plan and portions specific to the Marysville Ring Levee Urban flood control improvements. Overall we commend the plan and feel that it is a good framework for future flood control projects and System improvements. However, we are concerned with information related to the Marysville Ring Levee Improvements range of costs provided in Appendix A, Attachment 8J, Table 4-12 (page 4-14). This table shows a range of costs from \$161.9 million to \$194.3 million. According to the text, "A project cost was provided by DWR Flood Projects Office for each urban area. For purposes of this cost estimate, these were estimated to be low cost. In most cases, the low project cost estimate was increased by 20 percent to provide the high end of the cost estimate. For projects that have advance design studies, or are in progress or completed, the low and high costs are the same (i.e. 0 percent increase between low and high estimate). These projects also have a higher level of engineering already completed compared to other urban improvement projects, so there are no additional risk assessment, feasibility, engineering, and permitting costs included in the estimates."</p> <p>However, the Marysville Ring Levee Project is currently being implemented by the USACE through the Federal Yuba River Basin, California Project. Construction began in 2010 and is scheduled to be completed in 2016. According to the Yuba River Basin, California, Marysville Ring Levee Engineering Documentation Report (USACE, April 12, 2010), the total estimated project cost, including contingency and inflation through the midpoint of construction, is \$92.5 million. Further, we have worked with DWR and the Corps to further refine the design and necessary improvements and have realized approximately 50% cost savings on Phase 1 alone. Therefore, we suggest that this table be revised to reflect a range of costs between \$70 and \$92.5 million per the USACE published Engineering Documentation Report to avoid contradictory cost information causing confusion for project stakeholders.</p>	

City of Marysville, David Lamon

Response

L_MARYSVILLE1-01

The commenter suggests revising Table 4-12, “Flood Risk Reduction Projects Included in Urban Improvements,” in Attachment 8J, “Cost Estimates,” in Volume IV of the CVFPP to reflect a range of costs between \$70 million and \$92.5 million. DWR and the Board wish to make clear that the cost estimates shown in Attachment 8J are purely estimates that will be refined during future stage of the planning process. Therefore, no changes to the CVFPP are required.



**Mosquito and Vector Control
Association of California**
1215 K Street, Suite 2290
Sacramento, CA 95814
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www.mvcac.org

April 20, 2012

L_MVCAC1

California Department of Water Resources
California Department of Flood Management
Mary Ann Hadden, Staff Environmental Scientist
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Re: Central Valley Flood Protection Plan Draft PEIR

- L_MVCAC1-01 The Mosquito and Vector Control Association of California (MVCAC) appreciates this opportunity to comment on vector control issues and concerns as they pertain to the proposed Central Valley Flood Protection Plan and the Programmatic Environmental Impact Report (PEIR). MVCAC also supports comments submitted by the California Department of Public Health.
- L_MVCAC1-02 MVCAC is a professional association composed of 66 agencies that provide local mosquito and vector control services throughout California. Vector control efforts within the state accomplish effective reductions of mosquitoes and other vectors to below annoyance and disease transmission levels through implementation of Integrated Vector Management (IVM), which includes cultural control, including public education and outreach efforts, source reduction, biological control, and, as necessary, application of registered pesticides at recommended label rates and in compliance with the National Pollutant Discharge Elimination Systems (NPDES) Permit (Order No. 2011-0002-DWQ, General Permit No. CAG 990004) to reduce mosquito populations. MVCAC is part of a larger national coalition of public health and vector control affiliations concerned about the potential regulatory constraints and increase in flooded lands that will result from this plan.
- L_MVCAC1-03 **General Comment 1:**
MVCAC commends the Flood Protection Board for including language that requires property owners to consult with Vector Control Districts and Agencies during the planning process of any site-specific project that may involve standing water and the potential to breed mosquitoes. While all new projects will ultimately have impacts of unknown magnitude, it is essential that these impacts be reduced to the lowest possible.
- L_MVCAC1-04 California mosquito and vector control agencies are facing new challenges with shrinking revenues, coupled with the costs of NPDES, Endangered Species Act (ESA) and other local, state, and federal environmental compliance and regulatory issues. If not properly designed and managed, restored aquatic habitats may result in an adverse impact to the public and wildlife because of increased mosquito production.
- L_MVCAC1-05 As stated in Appendix E of the PEIR, there are numerous habitat based restoration projects currently completed or underway. While many of these projects, proponents, or landowners have or are working with local vector control districts, the long term impacts are not always realized until many years later.

L_MVCAC1-06

General Comment 2:

It would be appropriate to address the affects on public health and public health agencies concerns in a separate section entitled, "Public Health." Mosquito and vector control language should be removed from section 3.12 and inserted into this new section. The following language should be included into the new section:

L_MVCAC1-07 •

Mitigate increased mosquito breeding habitats by integrating mosquito control Best Management Practices (BMPs) into project planning for any project that may create areas of overland flooding and/or temporary or permanent areas of shallow standing water. Projects must also insure ongoing access to new or existing vector producing areas for routine vector surveillance and control activities.

L_MVCAC1-08 •

Failure to address vector production during the planning and construction process may result in enforcement actions to the landowner after any project has been completed. Vector control districts have the authority to abate a public nuisance as defined in the California Health and Safety Code (HSC) Section § 2010 and may pursue enforcement actions pursuant to Sections § 2060 of the HSC which can involve civil fines of up to \$1000/per day. Allowing production of vectors as defined by the California Health and Safety Code section 2002 (K) constitutes a public nuisance in California.

L_MVCAC1-09 •

The creation and addition of new aquatic habitats create long term impacts on public health agencies unless appropriate mosquito control BMPs are implemented and properly maintained. Therefore, the design and implementation of a long-term, routine maintenance plan is essential for the consistent control of mosquitoes and for enhancing public health protection.

L_MVCAC1-10

The following comments pertain to the current organization of the PEIR

Section 2.3.8 Local Planning Objectives

- **Comment:** Drawing on previous work by the Central Valley Joint Venture Working Group, the California Department of Public Health (CDPH) has compiled a list of Mosquito Reduction Best Management Practices (BMPs) for a variety of land uses including managed wetlands and habitats. The Best Management Practices for Mosquito Control in California manual can be found on the CDPH website at http://www.westnile.ca.gov/downloads.php?download_id=2264&filename=BMPforMosquitoControl06-11.pdf.

L_MVCAC1-11 •

The following language should be added to this section:

"Mitigate increased mosquito breeding habitats by integrating mosquito control Best Management Practices (BMPs) into project planning for any project that may create areas of overland flooding and/or temporary or permanent areas of shallow standing water. Projects must also insure ongoing access to new or existing vector producing areas for routine vector surveillance and control activities. The local vector control district must be consulted with during the planning process to ensure that impacts are minimized to the greatest extent possible. The BMP manual referenced in section 3.12.33 should be modified to read "Implement applicable BMPs from the CDPH publication entitled *Best Management Practices for Mosquito Control in California* (CDPH)."

- **Rationale:** While section 3.12 Hazards and Hazardous Materials suggests that all site-specific project planning involve the local vector control district it must be understood that failure to address vector production during the planning and construction process may still result in enforcement actions to the landowner after any project has been completed. Vector control districts have the authority to abate a public nuisance as defined in the

California Health and Safety Code (HSC) Section § 2010 and may pursue enforcement actions pursuant to Sections § 2060 of the (HSC) which can involve civil fines of up to \$1000/per day.

Allowing production of vectors as defined by the California Health and Safety Code section 2002 (K) constitutes a public nuisance in California.

L_MVCAC1-12

Section 3.12.4-5 Environmental Impacts and Mitigation measures

- **Comment:** Include the language “implementing Best Management Practices for Mosquito Control (BMPs) such as unimpeded site access, routine vegetation, water conveyance and drainage maintenance, and any other physical limitations to vector control activities.”
- **Rationale:** BMPs are an acceptable mitigation measure for reducing the impacts to public health; however they may not provide long term reductions to mosquito breeding unless sites are properly maintained over the life of the habitat. The design and implementation of a long-term, routine maintenance plan is essential for the consistent control of mosquitoes and for enhancing public health protection.

L_MVCAC1-13

Section 3.12.19 Hazards and Hazardous Materials

- **Comment:** Change the term “abatement” to “control measures such as sound Integrated Vector Management (IVM).”
- **Rationale:** The term abatement in this case is a control-related term. One of the means of resolving mosquito production is to authorize legal abatement proceedings as authorized by the Health and Safety Code section 2000.

L_MVCAC1-14

Section 4.0 Cumulative Impacts

- **Comment:** The plan must recognize that even when site-specific projects such as new flood plain surface areas, habitat expansions, and similar projects are designed and managed with proper BMP implementation, significant impacts on public health and the local vector control district will remain. Local districts have an obligation to protect public health by preventing mosquito production throughout the life of the site, even while being adversely effected by existing ESA regulations, revenue reductions, and future regulatory restrictions; therefore, the potential impacts of these projects must consider and ensure long term mosquito mitigation measures are sustained.

L_MVCAC1-15

Thank you for the opportunity to provide these comments on behalf of the MVCAC member agencies. We will continue to work collaboratively with the local landowners, regulatory agencies, and easement holders to develop workable solutions to the increasing habitat needs with the California Delta and related watersheds.

Sincerely,



Kenneth L. Bayless
President

Mosquito and Vector Control Association of California, Kenneth Bayless

Response

L_MVCAC1-01

This comment states that MVCAC supports comments submitted by DPH. DWR notes that it has no record of any comments on the CVFPP DPEIR submitted by DPH.

L_MVCAC1-02

This comment notes that MVCAC implements integrated vector management and complies with the NPDES Permit (Order No. 2011-0002-DWQ, General Permit No. CAG 990004) to reduce mosquito populations. DWR appreciates the information provided by the commenter.

L_MVCAC1-03

The comment expresses support for Mitigation Measure HHM-6 (NTMA and LTMA) in DPEIR Section 3.12, “Hazards and Hazardous Materials,” which requires property owners to consult with vector control districts and agencies during the planning process of any site-specific project that may involve standing water and the potential to breed mosquitoes. DWR appreciate the support expressed by the commenter.

L_MVCAC1-04

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_MVCAC1-05

DWR notes that the analysis provided in the DPEIR was conducted at a broad program level, and believes that the analysis related to vector-borne diseases and the requirement to implement Mitigation Measure HHM-6 (NTMA and LTMA) in DPEIR Section 3.12 are appropriate given the nature of the CVFPP.

L_MVCAC1-06

The comment suggests adding a new section entitled “Public Health.” DWR considers potential impacts associated with new or increased exposure to vector-borne diseases to be an issue related to hazards; therefore, the analysis of vector-borne diseases is appropriately considered in Section 3.12 of the DPEIR. Furthermore, moving the analysis to a new

section of the DPEIR with a different section title would not alter the analysis, impact conclusions, or mitigation measures contained therein. Therefore, no changes to the DEIR are required.

L_MVCAC1-07

Implementing Mitigation Measure HMM-6 (NTMA and LTMA), described in DPEIR Section 3.12, “Hazards and Hazardous Materials,” would require coordination with local vector control districts in implementing their vector control activities at the time of future site-specific projects, as appropriate and feasible. Mitigation Measure HMM-6 states “Inform the appropriate vector control district about implementation of site-specific projects” and “Implement applicable BMPs from the DPH publication entitled *Best Management Practices for Mosquito Control on California State Properties* (DPH 2008).” As noted in Section 3.12 of the DPEIR, vector control districts also review, comment on, and make recommendations regarding federal, State, and local land use planning and environmental quality processes, documents, permits, licenses, and entitlements for projects with respect to vector production. Therefore, the change requested by the commenter is already part of the DPEIR.

L_MVCAC1-08

The DPEIR already contains a suite of mitigation measures that would be implemented at the construction sites of future site-specific projects to reduce the potential for vector-borne diseases; see Mitigation Measure HMM-6 (NTMA and LTMA) in Section 3.12, “Hazards and Hazardous Materials.” Mitigation Measure HMM-6 also states “Inform the appropriate vector control district about implementation of site-specific projects” and “Implement applicable BMPs from the DPH publication entitled *Best Management Practices for Mosquito Control on California State Properties* (DPH 2008).” DWR notes that the project proponents of the CVFPP are not developers, where site-specific landowners would be subject to enforcement actions. Rather, the suite of options contemplated in the CVFPP would take place primarily on State-owned land.

As discussed in Section 3.12 of the DPEIR, vector control districts are responsible for controlling specific disease vectors on both private and public properties in their jurisdictions, as authorized by Chapter 5 of Division 3 of the California Health and Safety Code. Vector control districts also review, comment on, and make recommendations regarding federal, State, and local land use planning and environmental quality processes, documents, permits, licenses, and entitlements for projects with respect to vector production. Furthermore, implementing Mitigation Measure HMM-6 as described in Section 3.12 of the DPEIR would require

coordination with local vector control districts in implementing applicable BMPs.

L_MVCAC1-09

As discussed in response to comment L_MVCAC1-07 above, implementing Mitigation Measure HMM-6 (NTMA and LTMA) as described in Section 3.12, “Hazards and Hazardous Materials,” of the DPEIR would require coordination with local vector control districts in implementing applicable BMPs identified during review of project-level site-specific CEQA documents. Therefore, no changes to the DPEIR are required.

L_MVCAC1-10

DWR thanks MVCAC for providing the Internet link to the *Best Management Practices for Mosquito Control in California* manual located on the DPH Web site.

L_MVCAC1-11

The commenter has requested the reference to the 2008 DPH publication entitled *Best Management Practices for Mosquito Control on California State Properties* in Mitigation Measure HMM-6 (NTMA and LTMA) in Section 3.12, “Hazards and Hazardous Materials,” be revised to *Best Management Practices for Mosquito Control in California* (DPH 2011). The DPH 2011 publication describes mosquito-control BMPs that should be implemented by on private property by those landowners. However, land on which CVFPP options would be implemented would be owned primarily by the State, and the 2008 DPH publication identifies appropriate BMPs for mosquito control on State-owned land.

Furthermore, as discussed in response to comment L_MVCAC1-07 above, implementing Mitigation Measure HMM-6 as described in Section 3.12 of the DPEIR would require coordinating with local vector control districts in implementing applicable BMPs, regardless of which publication those BMPs are taken from, to be identified during review of project-level CEQA documents. Therefore, no changes to the DPEIR are required.

L_MVCAC1-12

As discussed in response to comment L_MVCAC1-07 above, implementing Mitigation Measure HMM-6 as described in Section 3.12, “Hazards and Hazardous Materials,” of the DPEIR would require coordinating with local vector control districts in implementing applicable BMPs identified during their review of project-level CEQA documents. DWR believes that the mitigation measures contained in the DPEIR are

appropriate given the broad, program-level nature of the CVFPP. Therefore, no changes to the DPEIR are required.

L_MVCAC1-13

The commenter points out that the term “abatement” on page 3.12-19, line 37 in the DPEIR is a control-related term that is not used correctly in the context of this sentence. This text has been revised as shown in Chapter 4.0, “Errata.”

L_MVCAC1-14 and L_MVCAC1-15

As stated in DPEIR Chapter 4.0, “Cumulative Impacts,” the creation of mosquito-breeding habitat and the associated increase in mosquitoes and mosquito-borne diseases affect each regional area covered by applicable mosquito and vector control districts. When necessary, each district employs biological vector controls to reduce populations of mosquitoes throughout its service area. Mosquito habitat could increase with implementation of NTMAs and LTMAAs because increasing floodplain size could cause areas of standing water to increase. Implementing Mitigation Measure HHM-6 (NTMA and LTMA) would reduce the CVFPP’s impact to a less-than-significant level.

The related projects, particularly those water-related planning efforts that would increase areas of surface water (e.g., increasing floodplain size), could also cause mosquito habitat to increase. There is no way to determine whether related projects would include mitigation measures to reduce those impacts. However, mosquito and vector control districts typically take an active role in reducing the risk of mosquito-borne diseases, by working with project proponents to minimize risk through project design modifications or by minimizing risk after project implementation (e.g., planting mosquito fish (*Gambusia* sp.) or utilizing other vector controls). Therefore, a significant cumulative impact related to hazards from increased risk of mosquito-borne diseases is unlikely, and after mitigation, implementing the proposed program would not result in a cumulatively considerable contribution to a significant cumulative impact related to this issue.

The comment states an opinion that the cumulative impact related to vector-borne diseases should have been identified as significant and unavoidable. However, the comment provides no supporting documentation of the concern raised, nor does the commenter provide data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts to support the comment. DWR agrees with the commenter that local vector control districts have an obligation to protect public health by preventing mosquito production, and the DPEIR

includes mitigation that would require coordinating with local vector control districts to implement applicable BMPs (see Section 3.12, ““Hazards and Hazardous Materials ,” of the DPEIR). Therefore, the proposed program would not result in a cumulatively considerable incremental contribution to a cumulatively significant impact, and no changes to the DPEIR are required.



PLACER COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Ken Grehm, Executive Director
Brian Keating, District Manager
Andrew Darrow, Development Coordinator

April 20, 2012

L_PCFCW1

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
Attention: Ms. Nancy Moricz

Also sent via e-mail to attention:
DPEIRcomments@water.ca.gov

Subject: Comments to DWR's Draft Central Valley Flood Protection Plan (CVFPP), Draft Program Environmental Impact Report (DPEIR) (SCH # 2010102044) and Public Draft Urban level of Flood Protection Criteria (ULFPC)

Dear Ms. Moricz:

The Placer County Flood Control and Water Conservation District (District) appreciates the opportunity to review and provide comment on the Department of Water Resources, CVFPP, DPEIR, and ULFPC documents. Collectively, our District's member agencies consist of six cities and townships (the Cities of Roseville, Rocklin, Lincoln, Auburn, Colfax and the Township of Loomis) as well as the County of Placer. Please consider the following set of comments:

L_PCFCW1-01

1. The District, and its member agencies, respectfully request a 30 day extension to the current comment periods for the various plans associated with the Central Valley Flood Management Program (i.e., the Draft CVFPP, the associated DPEIR and the ULFPC). In most cases, appropriate staff within our member agencies have not received adequate notice of the availability and review of these plans and it is suggested that improved outreach to affected local agencies occur.

L_PCFCW1-02

2. Please note that there are no urban or urbanizing areas within Placer County protected by State Plan of Flood Control (SPFC) facilities. Additionally, within Figure 2-2 of the Draft CVFPP entitled "Urban Areas and Small Communities Included in Protect High Risk Communities Approach", no portions of Placer County are included. Page 2-7 of the Draft CVFPP states that urban areas would achieve protection from a 200-year flood event "accomplished via structural repairs, reconstruction, or improvements to about 160 miles of urban SPFC levees". The District requests that DWR confirm that new urban levels of flood protection are intended to apply to urban and urbanizing areas of Placer County and if so, please provide the State's rationale for doing so.

L_PCFCW1-03

3. Please provide any available data of the hydraulic benefits DWR anticipates will be realized downstream within the State's Central Valley Planning Area corresponding with the change from the current 100-year level of flood protection to the new urban level of flood protection, if implemented within western portions of Placer County. The hydraulic benefits would appear to be insignificant but should be verified and provided to local agencies. This is particularly true within the Placer County watersheds that drain to the Natomas Cross Canal since known backwater effects from high stages on the Sacramento River travel far upstream through Sutter County to within close proximity of the Placer County line. These backwater effects will continue to exist even with full implementation of the recommended actions in the CVFPP and would not appear to be affected by future implementation of the new urban level of flood protection within Placer County.

L_PCFCW1-04

4. Please clarify whether DWR assumes the 200-year floodplain mapping limit and accompanying hydrologic studies are to be produced by local agencies or private developers, or whether DWR intends to produce this mapping itself prior to required adoption of the CVFPP standards by local agencies. If local agencies are required to produce this mapping, what source of funding is anticipated to be utilized and does DWR consider this a feasible requirement? This is a potentially significant impact to local agencies that should be analyzed.

L_PCFCW1-05

5. The District requests clarification on whether the new urban level of flood protection standard will apply to proposed modifications or alterations to existing development within or associated with FEMA Special Flood Hazard Areas (SFHA), and specifically how these standards may apply. For instance, will a percentage increase in existing structural square footage or impervious surface area be identified as possible criteria for determining whether the new urban level of flood protection standard may or may not apply to existing structures? Retrofitting existing communities to the urban level of flood protection may not be feasible in Placer County. This is a potentially significant impact that should be analyzed.

L_PCFCW1-06

6. Please clarify whether future public works or public improvement projects proposed within SFHA's (i.e., bridges, utility facilities, open space improvements, etc.) will be subject to the new urban level of flood protection standards. If so, this is a potentially significant impact that should be analyzed.

L_PCFCW1-07

7. The District has developed specific watershed wide flood control plans within Placer County that contain recommendations for mitigating the impacts of increasing runoff from new development. The mitigation recommendations within our plans are specific to the particular types of foothill watersheds and hydrologic concerns that exist in Placer County and have been implemented to fully address our impacts downstream through Sacramento and Sutter Counties. The District is concerned that our local mitigation recommendations and regulations for specific detention, retention and low impact development standards have not been recognized within the CVFPP. Our local standards have the potential to conflict with proposed urban levels of flood protection that are more appropriately suited to downstream communities within and protected by SPFC facilities. Since this conflict represents a potentially significant impact to our member agencies, we ask that it be appropriately analyzed and a mitigation measure included to ensure that

these communities are not held to infeasible regulations nor regulation intended for urban and urbanizing areas in lower watershed areas.

L_PCFCW1-08

8. It appears that the CVFPB and its staff will be reviewing applications for future permit requests and findings made by local agencies for conformance with new flood protection standards resulting from the adopted Plan. This will place an additional burden on the Board and its staff and we are concerned it could result in lengthy review and approval periods.

L_PCFCW1-09

9. The District supports proposed actions within the Plan (such as the recommended State Systemwide Investment Approach) which would have the benefit of lowering water surface elevations on the Sacramento River and reducing backwater pressures through the Natomas Cross Canal and further upstream into Sutter County. We feel these actions, if implemented, must consider and appropriately mitigate for impacts to the local agricultural community within the affected areas.

Thank you for the opportunity to review and comment on these important plans and should you have any questions please contact Mr. Brian Keating, District Manager, at 530-745-7592.

Sincerely,



Ken Grehm
Executive Director

Cc: File
Member Agency Contacts

**Placer County Flood Control and Water Conservation District,
Ken Grehm**

Response

L_PCFCW1-01

The comment is noted. As stated in Master Response 22, CEQA Guidelines Section 15105(a) states that when a draft EIR is submitted to the State Clearinghouse for review by State agencies, the public review period shall not be less than 45 days. The DPEIR was made available for public comment on March 6, 2012; however, the CVFPP and most of its attachments were made publicly available several months before. DWR decided not to extend the 45-day public comment period after considering several factors: (1) Many of the key documents had been available for more than 45 days; (2) the vast majority of commenters did not see a need to request an extension; (3) a number of commenters had already responded in a timely manner, many with very detailed comments; (4) the commenters requesting extensions were simultaneously filing comments reflecting a thoughtful review; (5) a highly publicized outreach and engagement program was initiated with stakeholders; and (6) it was necessary to ensure compliance with the rapidly approaching July 1 statutory deadline. DWR appreciates the diligent efforts made by all of those who have participated in the development of the CVFPP, including those who submitted timely comments on the DPEIR.

As stated in Master Response 13, the Board provided various opportunities for members of the public and agencies to comment on the public draft CVFPP, released in December 2011. Hearings were held in 2012 on April 5 (Sacramento), April 6 (Marysville), April 9 (Stockton), and April 11 (Woodland), and public comments were heard and discussed at both regular and special Board meetings. DWR also accepted comments on the DPEIR, which was released in early March 2012. More information on the Board's process for public review and plan adoption can be found on its Web site, <http://www.cvpfb.ca.gov>.

L_PCFCW1-02

The CVFPP describes the facilities required to achieve the urban level of flood protection for urban and urbanizing areas protected by the SPFC. The flood legislation passed in 2007, including SB 5 and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. As stated in Master Response 5, the land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some

requirements, however, apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

The requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property
- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*.

State law (SB 5) requires each city and county in the Sacramento–San Joaquin Valley to amend its general plan within 24 months of the Board’s adoption of the CVFPP (see CGC Sections 65302.9 and 65860.1) to include consistent information. These cities and counties must also amend their zoning ordinances accordingly within 36 months of the Board’s adoption of the CVFPP. Cities and counties could consider incorporating the following information from the CVFPP into their general plan amendments:

- Data and analyses contained in the CVFPP, such as the locations of the SPFC and other flood management facilities, locations of property protected by those facilities, and locations of flood hazard zones

- Goals, policies, and objectives based on the CVFPP's data and analyses, for the protection of lives and property and reduction of the risks of flood damage
- Feasible implementation measures designed to carry out the goals, policies, and objectives

The 2012 CVFPP was prepared at a conceptual level. Consequently, the plan does not include detailed floodplain mapping, data on local flood stages, or specifics about future on-the-ground projects. This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development. DWR has provided much of this information in the attachments to the CVFPP and will make further information available to assist local agencies.

The CVFPP focuses on SPFC facilities (including consideration of pertinent non-SPFC levee improvements in urban areas), which relate primarily to flooding of the mainstem Sacramento and San Joaquin rivers. DWR recognizes that, in some circumstances, the information and planned improvements included in the SSIA may not be sufficient for cities and counties to make findings regarding an urban level of flood protection without additional analysis. Cities and counties should consider the criteria in the *Draft Urban Level of Flood Protection Criteria* for more detail. Further, cities and counties outside the SPFC Planning Area may not find pertinent geographic information in the CVFPP for their land use planning purposes, but could consider the goals, policies, and objectives for their actions.

L_PCFCW1-03

The data and models used in conducting the technical analysis for the CVFPP are conceptual and were used to broadly compare existing (No-Project) conditions against the preliminary approaches and SSIA, on a systemwide scale. The CVFPP and its supporting analyses focus on lands protected by the SPFC; consequently, they may not provide pertinent information to areas outside the lands protected by the SPFC. In early April, DWR provided PCFCWCD with stage-frequency curves comparing the No-Project condition and the SSIA at the following locations: Natomas Cross Canal downstream from Pleasant Grove Canal; East Side Canal downstream from Coon Creek, downstream from Markham Ravine, and downstream from Auburn Ravine; Pleasant Grove Canal downstream from Pleasant Grove Creek and downstream from Pierce Roberts Creek; Coon Creek upstream from East Side Canal; and Curry Creek upstream from Pleasant Grove Canal. The curves show that the SSIA generally reduces stages at each of the locations for all return periods (10-year to 500-year).

As stated in Master Response 12, future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

L_PCFCW1-04

As stated in Master Response 5, DWR has made and will continue to share available data, tools, and other relevant information related to CVFPP implementation with cities and counties, including the following:

- CVFED Program (anticipated in 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
- Central Valley Hydrology Study (anticipated in 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
- Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data
 - Levee integrity assessments and data
- Existing data and tools used to develop the 2012 CVFPP

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, the CVFED maps may or may not be sufficient to support cities and counties in making their findings

related to an urban level of flood protection. All other urban and urbanizing areas in the Sacramento—San Joaquin Valley are required to develop 200-year floodplain mapping as part of their responsibilities for making findings related to an urban level of flood protection. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at www.water.ca.gov/floodsafe/leveedesign/.

As stated in Master Response 5, State law (SB 5) requires cities and counties to make findings on certain land use decisions in relation to an urban level of flood protection (CGC Sections 65865.5, 65962, and 66474.5). Separately, the law required DWR to prepare preliminary 100-year and 200-year flood-frequency maps using available information and make them available to cities and counties in 2008 (CWC Sections 9610(a)(1), 9610(a)(2), and 9610(a)(3)). This requirement is not directly connected to the requirements for an urban level of flood protection or associated findings.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento—San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the 100-, 200-, and 500-year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

L_PCFCW1-05

As stated in Master Response 5, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento—San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento—San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property
- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments and remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed

above. The cities and counties are encouraged to consult the *Draft Urban Level of Flood Protection Criteria* at <http://www.water.ca.gov/floodsafe/leveedesign/>.

L_PCFCW1-06

As stated in Master Response 5, DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010) (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/docs/Oct2010_DWR_Handbook_web.pdf). This handbook covers requirements related to an urban level of flood protection, as well as cities' and counties' responsibilities to meet local planning requirements, such as those for general plans, development agreements, zoning ordinances, and tentative maps. See also responses to comments L_PCFCW1-03 through L_PCFCW1-05. The recommendation for further analysis has been considered and is noted; however, no change to the CVFPP or DPEIR text was made.

L_PCFCW1-07

The comment provides no specific documentation of the concern raised, regarding the potential conflict between local standards for managing floods and runoff within upstream watersheds and urban flood protection requirements applicable within the Sacramento–San Joaquin Valley. Cities and counties are encouraged to refer to the DWR guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010) (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/docs/Oct2010_DWR_Handbook_web.pdf) and the *Draft Urban Level of Flood Protection Criteria* (<http://www.water.ca.gov/floodsafe/leveedesign/>) for additional details. See also responses to comments L_PCFCW1-01 and L_PCFCW1-05. The recommended analysis and mitigation measure has been considered and is noted; however, no change to the CVFPP or DPEIR text was made.

L_PCFCW1-08

The Board will continue to fulfill its statutory role in reviewing and approving applications for permits within its authority and jurisdiction. The Board appreciates the concern about the potential effects of new land use planning requirements triggered by adoption of the CVFPP on its workload and staff, and will continue to monitor the situation. The comment has been considered and is noted; however, no change to the CVFPP or DPEIR text was made.

L_PCFCW1-09

The comment is noted. As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of

physical improvements and nonstructural actions to support sustainable rural-agricultural enterprises. Based on initial planning-level cost estimates, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including rural-agricultural areas.

In addition, the DPEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) on pages 3.3-34 and 3.3-35 of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

Alpine Amador Butte Calaveras Colusa Del Norte
 El Dorado Glenn Imperial Inyo Lake Lassen
 Madera Mariposa Merced Modoc



Mono Napa Nevada Placer Plumas San Benito
 Shasta Sierra Siskiyou Sutter Tehama
 Trinity Tuolumne Yolo Yuba

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 Chief Financial Officer - Karl Dolk

L_RCRC1

April 20, 2012

Central Valley Flood Protection Board
 California natural Resources Agency
 Attn: Ms. Nancy Moricz
 3310 El Camino Avenue, Room 151
 Sacramento, CA 95821
 Transmitted via email to: cvfppcom@water.ca.gov

RE: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

L_RCRC1-01

On behalf of the Regional Council of Rural Counties, which represents 26 of the 33 counties within the Sacramento-San Joaquin Valley, we are respectfully submitting additional comments to our previous joint letter dated February 24, 2012 on the Draft Central Valley Flood Protection Plan (CVFPP). Upon further review and discussions with our member counties we have several key concerns that we implore the Central Valley Flood Protection Board (Board) to take into consideration prior to adoption of the plan.

It is evident and commendable that the Department of Water Resources (DWR) has put a tremendous amount of effort and thought into this plan. RCRC believes the State System-wide Investment Approach is an appropriate means to achieve the goals articulated in the plan. At the public hearings held in April 2012, both the DWR and the Board emphasized that the Draft CVFPP is a framework, from which to move forward into implementation planning that will require subsequent regional planning and economic studies. It was stressed that the plan was not a commitment to and does not permit any specific projects.

We share the concerns voiced by others that many of the attachments contain enough detail that if incorporated as part of the plan could be construed to later be perceived justification to proceed with the identified projects. We recognize that DWR was under a statutory requirement to submit the plan to the Board by December 31, 2011, and had to delay that portion of the planned process that included regional planning (and local stakeholder input) prior to submittal of the Draft CVFPP to the Board. And, we understand that DWR is committed to engage local agencies in the regional planning subsequent to the Board's plan approval. Since the regional planning did not occur as part of the plan approval, we believe it is the basis not to include the

attachments as part of the plan. We request the Board adopt the framework plan and include the attachments as reference documents, not as part of the plan.

L_RCRC1-02

There is also concern with a lack of commitment and standards for the rural agricultural areas. The plan's primary purpose is public safety, as is supported by its primary goal to improve flood risk management. However, there is not a sense of commitment to the rural-agricultural areas and some small communities for improved flood protection. There is no levee design standard proposed in the rural agricultural areas, as there are for the small communities or urban areas. It is understood that many of these levees were not built to the 100 Year flood protection and it may not be feasible as a standard, but the Corps' 1957 design profiles could be maintained as the standards for these levees. There needs to be a stronger commitment for future rural improvements.

L_RCRC1-03

We understand our members that feel the urban areas are receiving the benefits of public safety on the backs of the rural agricultural areas. There appears to be a disproportional share of restoration activities in the agricultural areas without proportional flood protection benefits. The costs associated with restoration needs to be compared to flood improvements and the benefits to the rural communities needs to be considered. The restoration activities will take agricultural lands out of production, reduce property values, and decrease property taxes collected by the counties. The costs associated with environmental restoration projects should not be borne by the rural areas. When there is limited funding, public safety needs to be the first priority.

RCRC looks forward to working with our member counties, DWR, and the Board in the upcoming drafts of the CVFPP. We again thank you for this opportunity to comment and appreciate your consideration. If you have any questions, please contact me at (916) 447-4806.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Pitto". The signature is fluid and cursive, with the first name "Mary" and the last name "Pitto" clearly distinguishable.

Mary Pitto
Regulatory Affairs Advocate

cc: RCRC Board of Directors

Regional Council of Rural Counties, Mary Pitto

Response

L_RCRC1_01

As stated in Master Response 1, the analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders. The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

L_RCRC1_02

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels

that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing

agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

As stated in Master Response 4, the CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

L_RCRC1_03

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to

floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

L_RD4791

Reclamation District No. 479

April 16, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Board Members:

L_RD4791-01

We would like to express our opposition about the currently proposed Central Valley Flood Protection Plan. We have a number of reservations about the actions, projects, and measures laid out in the presentation on April 12, 2012 in Colusa, California. The most alarming concern is reengineering the natural hydrology of the Northern Sacramento Valley, specifically, the Cherokee Canal project, which moves Feather River Basin flood water to the Sacramento River Basin. Although this measure may give relief to the east side of the Valley, it magnifies the dangers and impact of flood water to the west side, specifically the Colusa area.

These impacts include:

1. More pressure on east side levees; and
2. Areas will be flooded longer and deeper than they have been historically.

L_RD4791-02

On the webcast meeting of the CVFPB, several speakers talked about willing sellers, but at no point during the presentation did it address the acquisition of land by unwilling sellers. Also, the plan does not address where agricultural interests are made whole or compensated from damages from the increased environmental mitigation that the plan calls for. Since the plan calls for addressing increased damages to airports caused by enhanced habitat, it seems that the plan should call for addressing the increased damages to agricultural operations caused the increased amount of habitat.

L_RD4791-03

Noel Lerner gave a general outline of levee improvements, all weather roads, and other flood fighting measures that would be funded in part by this plan and a cost sharing component that would be funded by Prop 218 measures. Since he didn't expand on this, I am left to assume that local governments would need to fund or put a ballot measure in front of voters for an increase in taxes - passage of which is doubtful at best. What happens if local agencies do not have the funds to cost share these proposals, and ballot measures do not pass to raise this additional funding?

L_RD4791-04

We understand the need for flood protection. Many families live on the west side of the Mormon Basin, The response by the Board's personnel, when these questions and other have been asked, has been that we need to get started as soon as possible on this multiyear project. We appreciate the need for the State to take action to protect our citizens; however a hasty plan can be worse than no plan.

Our suggestion/question is why we do not utilize the present bypasses and enhance their capacity by clearing out the debris that has grown in them over the years? Let's ensure local planning agencies do not endanger the public by allowing development in areas that do not presently have proper flood protection. This has been allowed to occur all around the Yuba City/Marysville and Sacramento city areas.

We should slow the plan down and let all the stakeholder's concerns and impacts be evaluated. If there are some adverse impacts, those being impacted need to be made whole and justly compensated, if there is no other alternative.

Let's not rush to finish a plan just to meet a deadline when we citizens who live in the area will be living with and paying for the results forever.

Sincerely,

Charles Marsh, President

Cc: Reclamation District No. 479 Board Members

Reclamation District No. 479, Charles Marsh

Response

L_RD4791-01

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. In the San Joaquin River Basin, the bypass system includes the Chowchilla, Eastside, and Mariposa bypasses.

The Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency. For additional details, see Master Response 1.

L_RD4791-02

As discussed in Master Response 2, in addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example

is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

As discussed in Master Response 3, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, "Agriculture and Forestry Resources," of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The PEIR also recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. For additional details, see Master Responses 2 and 3.

Mitigation Measure HHM-6 in DPEIR Section 3.12, "Hazards and Hazardous Materials," related to mosquitoes is intended to help prevent the widespread human health issue related to transmission of vector-borne diseases. Mitigation Measure HHM-4 to prepare wildlife hazard management plans is required by the FAA under 14 CFR Part 139 (related to bird strikes, which have been shown to cause plane crashes and resulting loss of human life). The comment suggests that the plan should "address the increased damages to agricultural operations caused [by] the increased amount of habitat." The commenter states an opinion but provides no supporting documentation of the concern raised, nor does the commenter provide data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts to support the contention that

implementing the plan would result in increased damages to agricultural operations from increased habitat.

L_RD4791-03

As discussed in Master Response 3, the State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

L_RD4791-04

As discussed in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits). This is highlighted in the evaluation conducted for the preliminary approach called “Achieve SPFC Design Flow Capacity.”

The Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities

compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

As further discussed in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

DWR and the Board believe that the physical environmental impacts of the proposed program have been thoroughly evaluated in the DPEIR as required by CEQA. As stated in Section 15002(f)(1) and 15002(g) of the CEQA Guidelines, an EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. A significant effect on the environment is defined as a substantial adverse change in the physical conditions that exist in the area affected by the proposed project. Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. Section 15093 states that CEQA requires the decision-making agency to balance, as applicable, the

economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” In such cases, the lead agency must prepare a statement of overriding considerations. DWR is preparing a statement of overriding considerations for the proposed program, which will be included in the record of project approval.

Reclamation District #777

P.O. Box 876
Gridley, CA 95948

L_RD7771

April 20, 2012

Central Valley Flood Protection Board
Attn. Ms. Nancy Moricz
3310 El Camino Ave., Room 151
Sacramento, CA 95821

SUBJECT: Central Valley Flood Protection Plan Comments

Dear Mr. Cowin,

L_RD7771-01 Reclamation District #777 has reviewed the public draft of the Central Valley Flood Protection Plan (CVFPP), the accompanying attachments and the Draft Environmental Impact Report (DEIR), along with attending a public hearing and workshop on the Plan.

The District encompasses approximately 13,250 acres including the City of Live Oak and the surrounding rural and agricultural areas, and contains approximately 41 miles of canals. The entire District is operated with gravity channels handling storm-water run-off from agricultural, rural and urban uses.

The District realizes the CVFPP is at a preliminary stage and details of the operations have yet to be developed, but we have a specific concern and would like it addressed in the ultimate design of the Plan. RD777 drains through two main North-South canals which drain into the State East Interceptor Canal along Pease Road. This Canal then drains into the Wadsworth Canal, and ultimately into the Sutter Bypass. During events when the Sutter Bypass is flowing, the discharge from District is significantly reduced due to the increased tail-water elevation. During these events, the canal banks may overtop, flooding the land within the District.

The proposed redirecting of up to 35,000 cfs of additional peak flows to the Sutter Bypass, combined with the more frequent flooding and longer inundation duration, will have the potential to substantially reduce the flow from the District causing additional flooding within the District, including the City of Live Oak. This will also affect Reclamation District RD2056 and RD2054 to the West of RD777 as they also drain into the State West Interceptor Canal. A pumping plant at the West end of Wadsworth canal could potentially solve the upstream problems within the District during high water events.

Reclamation District #777 requests the Plan address our concern of potential flooding caused by revising the operations within the Sutter Bypass.

Sincerely,



Jeff Spence
RD777 District Engineer

Reclamation District 777, Jeff Spence

Response

L_RD7771-01

As stated in Master Response 14, the SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting. As part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

WILLIAM B. FIEDLER
RECLAMATION DISTRICT NO. 833
P.O. BOX 415
BIGGS, CA 95917

(530) 846-0158
fiedler@manznet.com

January 31, 2012

Nancy N. McDonough
California Farm Bureau Federation
2300 River Plaza Dr.
Sacramento, CA 95833-9922

Re: Draft Central Valley Flood Management Plan – Cherokee Canal Diversion

Dear Ms. McDonough:

Thank you for the opportunity to respond to the proposed "Draft Flood Plan". I am responding specifically to the Butte County Cherokee Canal Diversion both as President of Reclamation District No. 833 (RD 833) and as an affected property owner.

RD 833 has been intimately involved with the Cherokee Canal since the district's inception in 1922. The district's Lateral A runs parallel to Cherokee Canal within the Cherokee levees from Afton Rd. west of Biggs to a point just north of the Gridley Colusa Hwy. At this point, the Cherokee Canal flows into RD 833's Lateral A to continue south into the Butte Sink wetlands. This portion is incorrectly labeled Cherokee Canal on the USDA Geological Survey maps. There are a series of complex agreements from around 1926 involving a number of water, drainage and reclamation districts with landowners and duck clubs governing the flows and water levels in the sink. RD 833 owns 720 acres at the south end of the sink, which was purchased to store excess drainage water and prevent crop damage downstream. This was the result of a settlement of a lawsuit brought by downstream landowners against farmers upstream on Butte Creek drainage. The Colusa Weir discharges Sacramento River overflow into the south end of the Butte Sink and there is an agreement limiting the height of water levels within the sink. In fact, when the sink is full to the maximum allowed water levels, flood water runs backwards in RD 833 ditches to the western outskirts of Gridley at Nugent Rd. If the Butte Slough Outfall Gates are closed, all out flow from the Butte Sink enters the Sutter Bypass.

The Cherokee levees were constructed to divert "slickens" from the Cherokee hydraulic gold mines on Table Mountain north of Oroville off of the farmlands downstream. Around 1956 (?), the Department of Water Resources proposed

Nancy N. McDonough, California Farm Bureau Federation
January 31, 2012
Page 2

L_RD8331-04

another bypass on the Sacramento River to be called the Chico Bypass with the Cherokee as its southern levee. After extensive lobbying by local interest, this project was abandoned. In the meantime, DWR had gained control of the Cherokee levees, improved the levees to state standards and formed a maintenance district to service the system. The Cherokee Levee Maintenance District is an admitted mistake by DWR, as there are not enough acres in the benefit area for support without undue burden upon the landowners. In my 25 years as an elected trustee on the RD 833 Board of Trustees, the district has approached DWR on three occasions requesting that the Cherokee Levee Maintenance District be turned over to RD 833. Each time DWR officials have approved the request only to have it defeated by the state workers' labor union. This maintenance district continues to this day as an onerous financial burden on the adjacent landowners, who are given no input into its yearly budget.

L_RD8331-05

I have witnessed the flash flows within the Cherokee levees reach to the top in intense local storms. Evidently, the proposal must include moving the levees, which I believe would be opposed by every local landowner. Currently, the lands inside the levees are maintained by the Army Corp of Engineers. Because of objections by environmentalists, the floodway has become overgrown with trees and vines resulting in high water flows that imperil the town of Richvale. Moving Feather River water down the Cherokee system would deposit it into the Sutter Bypass via the Butte Sink. This system already reaches its maximum level in large storm events and impacts drainage from the City of Gridley. Although it would add some protection to the Marysville/Yuba City area, these flows would increase the impact upon the Sacramento area by decreasing the capacity of the Butte Sink/Sutter Bypass to hold Sacramento River floodwaters.

L_RD8331-06

The seemingly simple proposal to divert Feather River water down the Cherokee to the Sutter Bypass would infringe upon a complex system operated under a series of contracts and court settlements. I would suggest that this would be the beginning of a new, great, Northern California water war pitting farmers, duck club owners and environmentalists along with city, county, state and federal government agencies against each other.

Yours truly,



William B. Fiedler
President

Reclamation District 833, William Fiedler

Response

L_RD8331_01

DWR acknowledges this comment, which indicates thanks for the opportunity to provide input and indicates that the comments pertain specifically to Butte County Cherokee Canal Diversion.

L_RD8331_02

DWR acknowledges this comment, which discusses the Cherokee Canal, Lateral A, the Butte Sink, the Colusa Weir, and the Sutter Bypass, as well as flows and agreements affecting these areas.

L_RD8331_03

DWR acknowledges this comment, which discusses historic levee construction in the RD 833 area. Additional clarifications are that during active mining of the Cherokee Mine between 1854 and 1916, approximately 51 million cubic yards of sediment was washed into Dry Creek (the unchannelized upper reach of Cherokee Canal). The Old Cherokee Debris Dam was constructed in 1900 under the authority of the California Debris Commission, a special regulatory board of the USACE, and was intended to halt the flow of hydraulic mining debris into the Sacramento River. However, it failed in 1916, has never been repaired, and no longer impedes the flow of water in Dry Creek. The Cherokee Canal, part of the USACE Sacramento River and Major and Minor Tributaries Project, was constructed in 1959 and 1960 to control flooding resulting from sediment accumulation and is an SPFC facility.

CWC Section 8361 gives DWR the responsibility for maintaining the channel capacity of the Cherokee Canal. Following construction of the Cherokee Canal levees, sediment from the historic hydraulic mining within the Dry Creek watershed began to accumulate within the canal, resulting in flows reaching or exceeding flood stages on numerous occasions between 1961 and 1968. Investigations by DWR identified specific reaches where the canal would not pass design flows and in 1974 restored such areas by removing 91,400 cubic yards of sediment and raising levees by almost 3 feet between the Western Canal and the Richvale Highway. Sediment removal projects continued over the next 20 years; to maintain the canal's design capacity, approximately 525,000 cubic yards of sediment was removed by four separate projects between 1988 and 1996. DWR has spent several million dollars during this period, including \$1.5 million for sediment removal for the 1996 project.

L_RD8331_04

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The formation or dissolving of maintenance districts is outside the scope of this high-level document. For additional details, see Master Response 2.

L_RD8331_05

The commenter has identified the USACE as the maintainer of the Cherokee Canal; this is incorrect. The Cherokee Canal is part of the USACE Sacramento River and Major and Minor Tributaries Project, and the levees are part of the SPFC. DWR maintains the bypass channels of the Butte Slough Bypass, which includes the Cherokee Canal. See response to comment L_RD8331_04.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

Elements of the CVFPP are expected to be refined and modified based on regional flood management planning efforts and the two basin-wide feasibility studies. This is especially true for larger system elements that require more studies and feasibility evaluations to better understand their costs and benefits and to reduce the level of uncertainty. All applicable project-specific environmental review will be conducted before implementation of projects stemming from the CVFPP.

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. In the San Joaquin River Basin, the bypass system includes the Chowchilla, Eastside, and Mariposa bypasses.

The Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “...expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC, Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management

system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

L_RD8331_06

See response to comment L_RD8331_05.

DWR acknowledges this comment, which highlights the likely difficulty in developing and implementing a plan to divert additional flood waters from the Feather River into the upper Butte Basin. This systemwide element will be addressed in detail as part of the Sacramento River Flood Improvement Project Feasibility Study. Close coordination is anticipated between local agencies, the State, federal agencies, and local land owners and other interests.

TRUSTEES
ROBERT SCHEIBER
ROY C. OSTERLI II
JAMES HUDSON
ERIC ROLUFS
JOHN TARESH

OFFICE OF

OFFICERS
ROBERT SCHEIBER, PRESIDENT
ROY C. OSTERLI II, VICE PRESIDENT
DIANE FALES, SECRETARY/ MANAGER

BOARD OF TRUSTEES
RECLAMATION DISTRICT 1001
1959 CORNELIUS AVENUE
RIOOSO, CALIFORNIA 95674
530 656-2318 or 530 633-2586
FAX 530 656-2165
EMAIL: rd1001@syix.com

March 28, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

L_RD10011-01

Reclamation District 1001 has reviewed the draft Central Valley Flood Protection Plan (CVFPP). Our District maintains approximately 45 miles of SRFCP levees and an additional 15 miles of non-project levees protecting over 30,000 acres of rural agricultural land in south Sutter County. Please accept the following as our comments on the draft CVFPP.

L_RD10011-02

L_RD10011-03

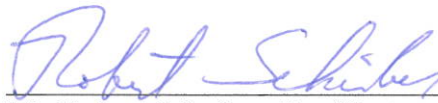
L_RD10011-04

1. We are appreciative that the draft CVFPP provides a framework for protecting small communities and rural areas. We look forward to the development of guidelines and grant programs for improving flood protection to these areas and ask that it be elevated in priority to be an early action in implementation of the plan.
2. We encourage the CVFPB to prioritize development of a rural levee repair standard to ensure that levee improvements provide cost effective protection for the rural areas.
3. We also ask that you advocate to FEMA the need for changes to the NFIP that ease the financial burden of flood insurance to rural areas and ease building restrictions on non-residential agricultural buildings and infrastructure.
4. We support the concept of making system improvements. However, we are vehemently opposed to the inclusion of specific projects as outlined in the appendices as they do not appear to have been developed with consideration of the impacts on the rural areas and property owners and could have severe negative impacts to our District. We were disappointed that these projects were included in the plan without coordination with the local agencies responsible for operation and maintenance of these areas. We do not support adoption of the appendices that include specific projects as we think this will best be developed in the regional planning efforts.

5. Volume 3 attachment 8j, appendix E, page E-15 shows a proposed setback levee on the left banks of the Bear and Feather Rivers in RD 1001. The hydraulic benefits of this proposed setback levee are not included in the plan and we question the benefits of this levee given the RD 784 Bear River setback levee that has already been constructed. Further, this “conceptual project” would remove prime agricultural land and residential structures representing over 6 percent of our District’s assessment revenue without any apparent reduction in operation and maintenance costs. Projects like this should not be proposed without local stakeholder input.

Thank you for your consideration of these comments. These comments will also be submitted electronically through the CVFMP website. Please contact us at (530) 656-2318 if you would like to discuss any of these concerns.

Sincerely,



Mr. Robert Scheiber, President
Reclamation District 1001

Reclamation District 1001, Robert Scheiber

Response

L_RD10011_01

As stated in Master Response 3, the SSIA outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

L_RD10011_02

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

L_RD10011_03

As stated in Master Response 3, the State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the FEMA NFIP.

L_RD10011_04

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow

broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

L_RD10011_05

As stated in Master Response 20, these concerns reflect several apparent misunderstandings regarding the maps in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J and its intended purpose. First, the levee setback element of concern was included in the preliminary approach entitled “Enhance Flood System Capacity Approach,” but not in the recommended SSIA. The referenced map is from page E-15 in Appendix E to Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” However, as explained in the DPEIR, development of the SSIA is the State’s proposal for balanced, sustainable flood management in the Central Valley. The Enhance Flood System Capacity approach is not being proposed by DWR.

Other documents support the conclusion that the levee setback element of concern to the commenters was not included in the recommended SSIA. For example, Figure 7-25 in Attachment 7, “Plan Formulation Report,” found in Volume II of DPEIR Appendix A, “Central Valley Flood Protection Plan,” illustrates all the elements included in the Enhance Flood System Capacity approach. It shows a setback levee area in the lower Feather River under this approach. However, this setback element is not carried forward in the SSIA, as depicted in Figure 8-1 in Attachment 7 and in Figure 3-1 of the Public Draft CVFPP (these are the same figure).

This particular conceptual setback was developed primarily for cost evaluation and comparison purposes. Specifically, Tables 6-11 and 6-15 in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan,” summarize the cost items assumed for the Enhance Flood System Capacity approach and for the SSIA, respectively. The cost of any rural setback levees (including the conceptual setback of concern to the commenters) is reflected in Column 15, “Rural Setback Levees,” of each table. When comparing these two tables (regarding the SSIA and Enhance Flood System Capacity approach, respectively), the costs of conceptual rural setback levees were included in the Enhance Flood System Capacity approach (Table 6-11), but the corresponding value in Table 6-15 is zero, further confirming that the conceptual levee of concern to the commenters is not included in the recommended SSIA.

In addition, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As explained further in Master

Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

L_RD10012

Moricz, Nancy

From: Jan Curtin [asstrd1001@syix.com]
Sent: Monday, April 23, 2012 2:38 PM
To: Cvfpp_Comments
Cc: Diane Fales
Subject: Comments on Draft Plan
Attachments: Comments Nancy Moricz - RD 1001 CVFPP Comments April 5 2012.doc

To Ms. Nancy Moricz:

Attached is a letter mailed to CVFPP; also submitting via this email.

L_RD10012-01

Trustee Rolufs, Reclamation District 1001, has the following comment to submit:

If setback levees are to be included in this plan then local Reclamation Districts must be consulted as to their location. This will give Reclamation Districts the opportunity to put emphasis on replacing problem levees while leaving sound levees in place.

I tried last week to use the spreadsheet on your website but wasn't sure how to use it or what went in the columns. There were no instructions nor telephone number listed for assistance that I could find.

Thank you,

Jan Curtin, Administrative Assistant
Reclamation District 1001
1969 Cornelius Ave
Rio Oso, CA 95674
530.656.2318

TRUSTEES
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ROY C. OSTERLI II, VICE PRESIDENT
DIANE FALES, SECRETARY/ MANAGER

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FAX 530 656-2165
EMAIL: rd1001@syix.com

March 28, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

Reclamation District 1001 has reviewed the draft Central Valley Flood Protection Plan (CVFPP). Our District maintains approximately 45 miles of SRFCP levees and an additional 15 miles of non-project levees protecting over 30,000 acres of rural agricultural land in south Sutter County. Please accept the following as our comments on the draft CVFPP.

1. We are appreciative that the draft CVFPP provides a framework for protecting small communities and rural areas. We look forward to the development of guidelines and grant programs for improving flood protection to these areas and ask that it be elevated in priority to be an early action in implementation of the plan.
2. We encourage the CVFPB to prioritize development of a rural levee repair standard to ensure that levee improvements provide cost effective protection for the rural areas.
3. We also ask that you advocate to FEMA the need for changes to the NFIP that ease the financial burden of flood insurance to rural areas and ease building restrictions on non-residential agricultural buildings and infrastructure.
4. We support the concept of making system improvements. However, we are vehemently opposed to the inclusion of specific projects as outlined in the appendices as they do not appear to have been developed with consideration of the impacts on the rural areas and property owners and could have severe negative impacts to our District. We were disappointed that these projects were included in the plan without coordination with the local agencies responsible for operation and maintenance of these areas. We do not support adoption of the appendices that include specific projects as we think this will best be developed in the regional planning efforts.

L_RD10012-02

5. Volume 3 attachment 8j, appendix E, page E-15 shows a proposed setback levee on the left banks of the Bear and Feather Rivers in RD 1001. The hydraulic benefits of this proposed setback levee are not included in the plan and we question the benefits of this levee given the RD 784 Bear River setback levee that has already been constructed. Further, this “conceptual project” would remove prime agricultural land and residential structures representing over 6 percent of our District’s assessment revenue without any apparent reduction in operation and maintenance costs. Projects like this should not be proposed without local stakeholder input.

Thank you for your consideration of these comments. These comments will also be submitted electronically through the CVFMP website. Please contact us at (530) 656-2318 if you would like to discuss any of these concerns.

Sincerely,

Mr. Robert Scheiber, President
Reclamation District 1001

Reclamation District 1001, Robert Scheiber

Response

L_RD10012-01

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

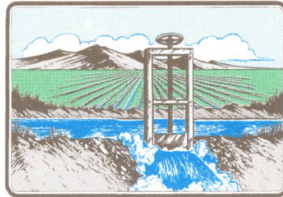
DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. For additional details, see Master Response 14.

L_RD10012-02

This comment is a resubmittal of comments previously submitted by RD1001. For responses to these comments, see responses to comments L_RD1001-01 through L_RD1001-05 in the FPEIR.

L_RD10041

Reclamation District No. 1004



RECEIVED
FEB 27 2012

February 22nd, 2012

Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Central Valley Flood Protection Plan

Dear Mr. Punia:

Reclamation District 1004 (RD 1004) is located in the Colusa Basin and is very interested in working with the Central Valley Flood Protection Board (CVFPB) as you finalize and adopt the Central Valley Flood Protection Plan (CVFPP). Our primary interest is ensuring that our District benefits from implementation of the CVFPP. While we have not had an opportunity to review the draft CVFPP in detail, we are concerned about the proposed new bypass that would redirect flood flows from the Feather River to the Cherokee Canal then into the Butte Basin.

While we understand the CVFPP is a framework, and that detailed feasibility studies will be conducted in the future to identify specific projects for implementation, it is important that the final CVFPP acknowledge that the impacts of diverting flood flows from the Feather River into the Butte Basin will need to be evaluated and mitigated as necessary to ensure our District is not being asked to shoulder an increase in flood risk to benefit other areas in the flood control system.

L_RD10041-01

L_RD10041-01

We look forward to working with the CVFPB as you adopt a final plan and ask that we be notified of any upcoming efforts to study the proposed Feather River Bypass so that we can ensure that the concerns of our District are addressed.

Sincerely,
Reclamation District No. 1004

A handwritten signature in dark ink, appearing to read "Ed Hulbert", with a long horizontal flourish extending to the right.

Ed Hulbert
Vice Chairman

Reclamation District 1004, Ed Hulbert

Response

L_RD10041-01

As stated in Master Response 1, SB 5 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses was identified as an example of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA

undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.

Several commenters expressed concern regarding the potential for particular properties to be included in a bypass proposal. Concerns were also expressed that preliminary identification of conceptual bypass designs might create a “cloud” over the properties, making it difficult to manage, obtain loans for, or sell those properties. DWR and the Board wish to make clear that the conceptual designs reflected in the CVFPP do not reflect a determination regarding any specific properties, and that the potential involvement of particular properties in any future bypass project is entirely speculative at this time. Potential agricultural land conversions and the resulting effects are discussed further in Master Responses 2 and 3.

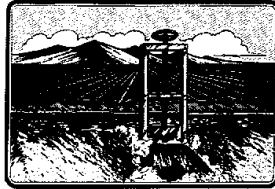
As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments.

Reclamation District No. 1004



April 20th, 2012

Central Valley flood Protection Board
3310 El Camino Ave., Room 151
Sacramento, CA 95821

Dear Board Members;

L_RD10042-01

We write to you at this time of public comment with our concerns about the proposed CVFP Plan. We commend your efforts to address flood protection in the Sacramento Valley. However, adding 30,000 cfs to Butte Basin (the CVFP proposal) would create a catastrophic flooding event in the Colusa area. This would occur because when the basin fills completely the Sacramento River levees no longer get relief from their two weirs.

L_RD10042-02

Reclamation District 1004, located near Colusa, encompasses 23,000 acres. It was formed as a county agency in 1912 and became a state agency in 1921. The east side of the district starts at Wards Landing on the Sacramento River and runs six miles north along Butte Creek. The district's boundary then turns northwest ending at Princeton.

L_RD10042-03

Two major waterways, the Sacramento River and Butte Creek, flow through the district. The Sacramento River is mother to two large weirs that flow from it into RD1004 i.e. the Moulton Weir and the Colusa Bypass. Butte Creek is an open waterway that can run at 40,000 cubic feet of unrestricted flow per second into the Butte Basin. The Sacramento River, at the Colusa Bypass, flows regularly at an elevation of 61 ft. The Moulton Weir runs considerably higher, at 64 feet. The levee system on the Sacramento River at Colusa is engineered to secure public safety against flooding to a river surface level of 73 feet.

The Sacramento River in 1942 crested at Colusa at 69.2 feet, the highest on record at the Colusa Bridge without breaching any levee point or flooding. The second highest level on record was in 1997 at 68.65. High water flows at Colusa are not unusual; please see the enclosed graph.

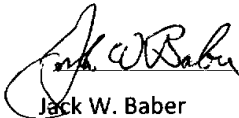
There exists no control over the Sacramento River water below Shasta Dam. It is known to reach flood stage periodically. This is true for Butte Creek as well. The combination of these two free and open water systems, in high water years, leads to flood level warnings and possible overtopping of levees. This scenario comes in a pattern of approximately every 10 to 15 years.

This is data you have undoubtedly already studied. We do not presume to tell you of data available to you from your own staff. Our goal is to participate in the discussion of what the data means to us, our neighbors and the town of Colusa.

When the high water breaches our district levees we repair them – always an expensive task. But this is life-as-we-know-it in RD1004. And we do know it well! We, as landholders, farmers, and naturalists have intimate knowledge of and history with water on this 23,000 acres of California's Northern Sacramento Valley. And here is the Key Point we wish to place on the record with you today- -viewing the Butte Basin as having available holding capacity for more water from Cherokee Canal would be an error. Using it in that manner would be disastrous not only for RD1004, but for the surrounding area and the town of Colusa as well.

Again, we commend your efforts. Please find another means to provide flood protection without adding water to the Butte Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack W. Baber", is written over a horizontal line.

Jack W. Baber
Chairman of the Board
Reclamation District No. 1004

Reclamation District No. 1004, Jack Baber

Response

L_RD10042-01

As stated in Master Response 1, the CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

In addition, as stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan”), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system.

Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

L_RD10042-02

The information provided by the commenter regarding RD 1004 is noted.

L_RD10042-03

The information provided by commenter regarding the Sacramento River and Butte Creek is noted.

L_RD10042-04

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide

feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional detail, see Master Response 1.

L_RD10042-05

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

In addition, as stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries

- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

L_RD15001



Reclamation District No 1500
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April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

sent by electronic file to: nmoricz@water.ca.gov

RE: Comments on the Draft Central Valley Flood Protection Plan of January 2012

L_RD15001-01

The comments expressed below are respectfully submitted by Reclamation District No. 1500 (RD 1500). RD 1500 is a large rural agricultural District in southern Sutter County, protecting approximately 70,000 acres of rural agricultural lands and infrastructure and the local small community of Robbins, by operating and maintaining 55 miles of project levees.

L_RD15001-02

The comments are general in nature at this point in the Plan development, and further comments and input are expected to be provided as the Plan review and continuing development process proceeds to 2017. We commend the Department of Water Resources and the Central Valley Flood Protection Board for undertaking this very important and needed effort and task. Our hope is that all interested parties and stakeholder affected by the Plan can eventually come together in support of a practical and workable Plan that fairly apportions contributions and shared benefits regarding the safety and economies of agricultural, urbanizing, and urban areas. Additionally, if reasonably implementable environmental improvements can be identified in the goals of the Plan, RD 1500 supports the Boards efforts.

L_RD15001-03

Our view is that the DRAFT Central Valley Flood Protection Plan as presented is a concept or framework of a priority based Plan emphasizing 200 year flood protection for populated urban areas, followed by a lower level of protection for small urbanizing communities, and providing minimal change in the flood protection for the rural agricultural areas. The implementation of levee improvements and repairs for flood protection in the Plan is limited by federal and state funding constraints as well as the local agencies ability to cost share. This in RD 1500's view needs to be addressed and somehow revisited.

L_RD15001-04

In the Plan, rural agricultural areas will receive the lowest level of protection and funding and have the least ability to cost share. However, the rural agricultural areas provide valuable system-wide flood control benefit to the urban and urbanizing areas in the Plan by serving as de-facto transitory storage for the system in very large flood events. Therefore, rural agricultural

areas should receive serious recognition for its considerable contribution to the system in adding to the flood protection for primarily the urban areas.

Some of the more significant contributions of and effects on the rural agricultural areas being considered in the Plan include the following:

1. productive lands are proposed to be either taken out of production or have reduced productivity due to expansion of the existing bypasses or creation of new bypasses
2. productive agricultural lands are proposed to be converted to environmental habitat areas
3. productive lands are proposed for flood control easements
4. productive lands are proposed for conservation areas (non-development for urban uses)
5. receiving a lower priority and level of flood protection than urban, thereby adding to the protection of such areas and the flood control system as a whole
6. receiving a lower priority and the least funding for levee improvement and repair projects
7. subjected to costly modifications to wet or dry flood proof agricultural operation buildings and facilities, including support businesses structures and facilities
8. subjected to higher flood insurance costs than urban areas
9. higher operational costs and potential reduction in cropping production marketability and value
10. likely shrinking or loss of rural communities
11. potential significant loss of the land value of rural real estate
12. possible elimination of investment in agricultural infrastructure and needed support businesses and community for farming

The following is what is included in the DRAFT CVFPP for the rural agricultural areas:

1. All weather levee inspection and access roads.
2. Improved emergency response during high water.
3. State support for seeking changes to the NFIP for rural and agricultural operation structures and service facilities in the floodplain.
4. Levee improvements to small rural agricultural communities "where feasible and if funding is available."
5. A rural levee program to fund levee repairs "where feasible and if funding is available."
6. A recognition of the importance of the agricultural economy to the State.

What do the rural agricultural areas need and want in the CVFPP?

1. A subvention type levee repair program to repair areas of known deficiency or are justified for other reasons such as protecting critical infrastructure or where flooding would result in rapid deep flooding of prominent and populated rural agricultural areas.
2. An engineering based rural levee standard on which appropriate repairs and/or improvements can be designed and made while leading to more cost effective levee projects for better protecting rural agricultural areas.

L_RD15001-09

L_RD15001-10

L_RD15001-11

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3. A defined and certain (committed) funding allocation from existing bond funds for improvements to the levees and repairing the levees protecting small rural agricultural communities and areas.
4. A reasonable cost share that is based on the value that the rural areas are providing to the larger flood control and protection system and the limited financial resources of these areas.
5. Affordable flood insurance rates.
6. Modifications to the NFIP that allow for the construction and existence of nonresidential agricultural buildings, storage and support structures in a practical and affordable manner.
7. A defined and developed emergency flood response program that is locally driven in partnership with the appropriate State and Federal agencies.
8. An environmental enhancement program based on property owner and local agency input that addresses the flood control and adjacent property owner concerns.
9. A flood recovery plan that includes fair compensation for losses.
10. A coordinated and workable levee maintenance standard regulated cooperatively and consistently by the USACE and DWR.
11. State compensation to rural landowners whose lands and/or assets are reduced or devalued due to the Plan.
12. DWR assistance on environmental permitting and mitigation associated with rural agricultural levee repairs.
13. A clearly defined and committed bypass maintenance program funded on an annual basis.
14. Local input in identifying, developing, and implementing the details of chosen local levee and flood control system projects.
15. Extensive local and regional outreach as the Plan develops over time.

Thank you for the opportunity to provide our comments, and we will continue to be engaged in the Plan development process.

Sincerely,



Scott Tucker
President of the Board of Trustees



Max Sakato
General Manager

Reclamation District No. 1500, Scott Tucker and Max Sacado

Response

L_RD15001-01

The comment describes various characteristics of RD 1500. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR. The comment is noted.

L_RD15001-02

DWR and the Board appreciate RD 1500's recognition of the effort required to prepare the CVFPP and the expressed desire for RD 1500 to participate in ongoing implementation and future updating of the CVFPP. As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form "alternatives" for further evaluation and comparison on a systemwide scale.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

L_RD15001-03

The comment provides a general representation of the CVFPP and SSIA that is correct in some respects. However, the assertion that the CVFPP provides “minimal change in flood protection for rural agricultural areas” is incorrect. As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example,

levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

The State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the FEMA NFIP.

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working

with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf). For additional details, see Master Response 3.

Regarding funding and cost sharing issues, as stated in Master Response 4, in recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the

interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)). For additional details, see Master Response 4.

L_RD15001-04

See response to comment L_RD15001-03 above regarding protection of and benefits to rural agricultural areas provided by the SSIA.

L_RD15001-05

Several of the potentially significant adverse effects identified by the commenter are identified in the CVFPP and the DPEIR. For example, as stated in Master Response 3, the PEIR prepared for the CVFPP identifies significant adverse effects from conversion of important farmland to another use and includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed. For additional details, see Master Response 3 and Section 3.3 of the DPEIR. However, some of the hypothetical adverse effects suggested in the comment are not considered reasonable outcomes to be expected from CVFPP implementation, such as shrinking of rural communities or potential significant losses of land value of rural real estate. The comment provides no information or evidence supporting the assertion that any of the outcomes listed in the comment would occur. Again, see response to comment L_RD15001-03 above regarding the protection of and benefits to rural agricultural areas provided by the SSIA.

L_RD15001-06

The comment correctly lists some of the information from the DCVFPP regarding rural agricultural areas. No further response is required.

L_RD15001-07

The comment requests that a particular item, “a subvention type levee repair program,” be included in the CVFPP. This suggestion is noted. Such suggestions may be presented during various elements of future implementation of the CVFPP, as described above in response to comment L_RD15001-02; however, no change to the current version of the CVFPP was made.

L_RD15001-08

The comment requests that a particular item, “an engineering based rural level standard,” be included in the CVFPP. DWR is currently working with local maintaining agencies to draft guidelines for nonurban levee repair criteria. Suggestions may be presented during various elements of future implementation of the CVFPP, as described above in response to comment L_RD15001-02; however, no change to the current version of the CVFPP was made.

L_RD15001-09

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin Basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility

studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs. For additional details, see Master Response 15.

L_RD15001-10

See response to comment L_RD15001-09 above regarding overall distribution of funds for implementation of the SSIA. In addition, as stated in Master Response 4, cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)). For additional details, see Master Response 4.

L_RD15001-11

As stated in Master Response 3, the State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the FEMA NFIP. For additional details, see Master Response 3.

L_RD15001-12

See response to comment L_RD15001-11 above.

L_RD15001-13

Section 4.1.1 of the CVFPP details the responsibilities of the Flood Emergency Response Program that is to prepare for floods, effectively respond to flood events, and quickly recover when flooding occurs. The SSIA supports enhanced emergency response, particularly for rural-agricultural areas where physical improvements are not anticipated to be as extensive as in more populated areas. Program enhancements include providing flood hazard information, real-time flood data, more frequent and timely flood forecasts, and state-of-the-art flood emergency information dissemination. In addition, the SSIA includes a State cost-shared program for improving levee crowns to provide all-weather access roads that allow agencies to quickly respond to flood emergencies. This is a one-time State-local cost-shared program. The program also provides real-time flood information to assist local agencies in deciding whether and how to conduct flood emergency response and evacuation actions for the public.

L_RD15001-14

See response to comment L_RD15001-02 above regarding future implementation of the CVFPP and opportunities for collaboration with, and input from various parties. Consideration of an environmental enhancement program could be consistent with some of the planning efforts described in response to comment L_RD15001-02. At this time, the suggestion related to the CVFPP is noted. Such suggestions may be presented during various elements of future implementation of the CVFPP; however, no change to the current version of the CVFPP was made.

L_RD15001-15

See response to comment L_RD15001-13 above. A “flood recovery plan that includes fair compensation for losses” is outside the legislatively directed scope of the CVFPP. At this time, the suggestion related to the CVFPP is noted. Such suggestions may be presented during various elements of future implementation of the CVFPP as described above in response to comment L_RD15001-02; however, no change to the current version of the CVFPP was made.

L_RD15001-16

DWR also desires more consistency and cooperation with USACE regarding levee maintenance standards and continues to work with USACE toward this end. The suggestion related to the CVFPP is noted. Such suggestions may be presented during various elements of future implementation of the CVFPP, as described above in response to comment L_RD15001-02; however, no change to the current version of the CVFPP was made.

L_RD15001-17

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The CVFPP and its PEIR do not permit any specific actions to move forward at this time until future project-level evaluation under CEQA is completed, as necessary. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals. The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable. For additional details, see Master Response 2.

L_RD15001-18

See response to comment L_RD15001-13 above. Developing a program where DWR would provide assistance with environmental permitting and mitigation associated with rural agricultural levee repairs is outside the legislatively directed scope of the CVFPP. At this time, the suggestion related to the CVFPP is noted. Such suggestions may be presented during various elements of future implementation of the CVFPP, as described above in response to comment L_RD15001-02; however, no change to the current version of the CVFPP was made. It should be noted that habitat created through implementation of the CVFPP Conservation Strategy could possibly provide mitigation credit that could be applied to projects jointly implemented by DWR and other agencies.

L_RD15001-19

As stated in Master Response 6, improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements

include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

The SSIA promotes efficient and sustainable long-term O&M practices through the following:

- Reforming and consolidating State and local agencies' roles and responsibilities for O&M
- Standardizing criteria by which maintenance practices, procedures, and inspections are performed and reported
- Implementing strategies to adequately and reliably fund routine activities and streamline permitting

Some of the proposed activities may involve legislative action, new institutional arrangements involving local maintaining agencies, modifications to existing State programs, and additional or redirected funding. For additional details, see Master Response 6.

L_RD15001-20

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks

- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region. For additional details, see Master Response 14.

L_ RD15001-21

See response to comment L_RD15001-02 regarding future local and regional outreach during CVFPP implementation.

L_ RD15001-22

DWR and the Board appreciate RD 1500's participation in this process and look forward to continuing to work with the District as the CVFPP is implemented.

RECLAMATION DISTRICT 2035
45332 County Road 25
Woodland, CA 95776

L_RD20351

April 25, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, room 151
Sacramento, California 95821

Dear Ms. Moricz:

Subject: RD 2035, Public Draft Central Valley Flood Protection Plan – Comments

L_RD20351-01 Reclamation District No. 2035 (RD 2035) has reviewed the public draft Central Valley Flood Protection Plan (Plan), which was developed by the California Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB) before July 1, 2012. We understand the transmittal is after the comment closing date but respectfully request your consideration of them as you move forward.

Based upon the explanations provided by representatives of DWR and the CVFPB during the Draft Plan review period, we understand that the system modifications identified in the Plan are not “fixed” by adoption of the Plan. The Plan represents a framework by which DWR will work with local interests to develop regional plans that would provide the basis for identifying projects for implementation.

The Plan highlights significant activities that have a direct impact on RD 2035 including: (1) increasing the capacity of the Yolo Bypass; (2) implementing the Lower Cache Creek Feasibility Study of which the City of Woodland, DWR, and the U. S. Army Corps of Engineers are partners; and (3) addressing the management of sediment and mercury associated with the Cache Creek Settling Basin. Accordingly, we appreciate and support the Plan giving attention to these important resource management issues.

RD 2035 supports the concept of DWR working with local agencies to develop the regional plans. This is critical to the success of the Plan, and we encourage DWR to be thoughtful in how the plan formulation activities are implemented.

We appreciate the efforts of DWR and the CVFPB to engage local agencies and use this opportunity to express RD 2035’s interest to be an active participant in implementing the Plan.

Thank you for the opportunity to comment on the draft Plan.

Sincerely,



Robert Thomas
President RD2035

Reclamation District 2035, Robert Thomas

Response

L_RD20351_01

As stated in Master Response 1, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal Central Valley Integrated Flood Management Study and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to

provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

As discussed in Master Response 14, post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

State-led feasibility studies are intended to support State decision making, regardless of the corresponding level of federal participation. They do not necessarily cover the scope of a federal feasibility study; however, these State-led studies will be conducted to minimize, to the extent possible, additional federal study needed to determine federal participation and facilitate subsequent authorization by Congress, if appropriate.

The basin-wide feasibility studies will be conducted in two primary phases. The first phase will be conducted concurrently with regional planning, and will focus on developing specific objectives and analyzing physical options for system elements (such as bypass expansion and new bypasses). The second phase will combine the most promising options for system elements with the prioritized list of regional elements identified in the regional flood management plans. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale, representing refined alternatives for implementing the SSIA.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

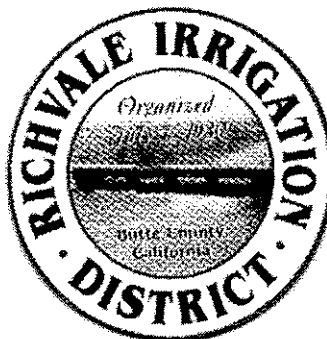
Both the Board and USACE have statutory roles for oversight of modifications to the State-federal flood management system (the SPFC), executed through their respective project review and permitting authorities. In addition to these continued roles, DWR will work closely with USACE and the Board in conducting post-adoption planning activities, including conducting the federal Central Valley Integrated Flood Management Study and State basin-wide feasibility studies to determine federal and State interests in implementation, respectively. The State will also partner with USACE on federal regional feasibility studies and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

Various existing Federal programs, policies, and permitting processes administered by USACE will affect CVFPP implementation. One example is Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408), which stipulates that modifications to a federal project must not be injurious to the public interest. Another example is Section 104 of the WRDA of 1986, as amended (33 USC 2214), and Section 2003 of the WRDA of 2007, which amended Section 221 of the Flood Control Act of 1970 (33 USC 1962d–

1965b) to provide guidance for obtaining federal funding credit for early implementation of projects.

L_RID1

DIRECTORS
GENE HARRIS
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RICHVALE IRRIGATION DISTRICT

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April 20, 2012

Ms. Nancy Moricz
 Central Valley Flood Protection Board
 3310 El Camino Avenue, Room 151
 Sacramento, CA 95821
cvfppcom@water.ca.gov

Re: Comments to Draft Central Valley Flood Protection Plan from Richvale Irrigation District

Dear Ms. Moricz:

L_RID1-01 Representatives from the Richvale Irrigation District (District) attended the April 6, 2012 Central Valley Flood Protection Plan (CVFPP) Public Outreach Hearing in Marysville, CA, as well as the earlier meeting held in Richvale, CA, on March 28, 2012. While the very preliminary nature of the proposal does not lend itself to thorough understanding and comment, we do have the following general comments.

First, we were alarmed by several strategies identified in the Draft CVFP Plan, specifically regarding the conceptual improvements proposed for the Cherokee Canal. The proposed improvements would directly affect the District's existing infrastructure and operations in meeting the irrigation, waterfowl, and refuge requirements of over 30,000 acres. The District has major structures located within the area of concern. The conceptual strategy also negatively impacts private lands.

L_RID1-02 Second, we believe the dual concepts of flood management, and expanded wildlife habitat, are mutually incompatible. The existing Cherokee Canal has experienced a significant loss of flood management capability due to the fact that the maintenance of its capacity is limited by the demand that its value as wildlife habitat be maintained.

L_RID1-03 We understand that the draft CFPP is in preliminary mode and it is difficult to provide concrete recommendations at this time. But we believe that an effort at public outreach demands far more specificity than is currently present. The result is that the proposal has alarmed affected public while not affording clear and concrete responses to those concerned. To ensure protection of its facilities and the landowners served by Richvale irrigation District, we request to be notified of further development of the plan and desire

Mr. Nancy Moricz
April 20, 2012
Page 2

notification of future actions. We will actively participate in the planning process to protect the District's facilities, and the landowners which it serves.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyle Job', written in a cursive style.

Lyle Job, President

LJ:eam

Richvale Irrigation District, Lyle Job

Response

L_RID1-01

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

The CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAAs). Many commenters expressed the view that such conversions

should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level. For additional details, see Master Response 1.

L_RID1-02

Although managing for flood protection and wildlife may be challenging at times, these two objectives are not mutually exclusive.

As stated in Master Responses 1 and 7, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. The Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)). For additional details, see Master Responses 1 and 7.

As discussed in the DPEIR, the existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species.

L_RID1-03

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision.

Stakeholder involvement was a major element of the formulation of the existing document.

As stated in Master Responses 13 and 14, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction. Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

For additional details, see Master Responses 13 and 14.



CITY OF RIO VISTA
One Main Street, Rio Vista, California 94571
Phone: 707-374-6451 Fax: 707-374-5063

L_RIOVISTA1

April 9, 2011

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: 2012 Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

L_RIOVISTA1-01

The City Council of the City of Rio Vista has reviewed the 2012 Central Valley Flood Protection Plan and is requesting that our concerns be addressed. Mayor Jan Vick, was a part of the Delta Area Working Group and attended most of the meetings in all three phases of work. Throughout the entire process she was assured that Rio Vista would be part of the plan. However, it does not seem this is the case.

1. Rio Vista is not included in the State Plan of Flood Control, only in the Systemwide Planning Area, even though:

- The City is at the end of the Yolo Bypass and the conjunction of the Sacramento River, subject to flows from the Bypass as well as the river and adjacent sloughs;
- We are somewhat protected by SPFC levees (Egbert Tract and the Mellon Levee), but question if they are sufficient. Mellon levee is a dry levee.
- Our industrial area along River Road, our downtown commercial and residential are subject to 100 year floods; in past years the City has been subjected to flooding.
- We have no flood protection along our entire riverfront.

Although the CVFPP states that the State does not intend to increase its jurisdiction, the City of Rio Vista thinks that it should be included in the SPFC and CVFPP since it is a vulnerable small community on a flood-prone section of the Sacramento River.

L_RIOVISTA1-02

2. The impact from an expanded Yolo Bypass is not clear; is the theoretical decrease in flow in the SSIA accurate? This needs much more study, particularly in light of planned increased habitat in the Bypass and proposed in the Bay Development and Conservation Plan which could affect the capacity of the Bypass. At a meeting of the Solano County Water Agency Paul Marshall, Asst. Division Chief for Flood Management assured that flows would be studied further for the 2017 update, but we question whether that is timely, given the potential impacts of the BCDC.

L_RIOVISTA1-03

3. The maps indicate that an expanded Bypass would encompass Egbert and Little Egbert Tracts, all the way to the Rio Vista northern City Limits. This is of great concern for future potential flooding and the

potential of decreased flood protection to the north. Although the plan indicates levee upgrades and possible additional levees, there are no details, which gives the City grave concerns.

L_RIOVISTA1-04

4. The CVFPP maps for the area north of Rio Vista are incorrect and incomplete. Although the levee on Egbert Tract (a SPFC levee) is rated by DWR as meeting PL 8499 or HMP standards, an additional SPFC levee, the Mellon Levee, which is at the city limits of Rio Vista, is not listed or noted. This levee is maintained by the Solano county Water Agency. DWR maps indicate that it is at PL 8499 standards from River Road west, but that the levee going north along HWY 84 is below HMP. This road is slightly raised, but cannot be said to offer flood protection. The issue with the maps and the omission of the Mellon Levee has been mentioned to DWR staff on numerous occasions, even before this final draft was published.

L_RIOVISTA1-05

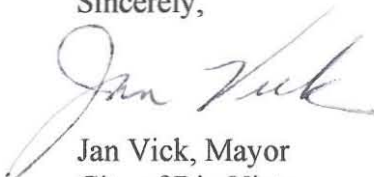
5. Small Communities

Although Rio Vista is included on the map of small communities (p 3-9/10), it is not clear if we would be considered for improvements. Since we are repeatedly vulnerable to floods, it would seem that Rio Vista should be included in the SPFC and eligible for assistance. Our entire river front is within a 100-year floodplain.

Rio Vista's vital concern is with the potential of the CVFPP to increase our risk and liability for flooding. The plan doesn't appear to offer us any additional protection.

Thank you for the opportunity to provide our comments and concerns. The CVFPP is a good beginning, but needs much more work overall before the next update in 2017.

Sincerely,



Jan Vick, Mayor
City of Rio Vista
1 Main Street
Rio Vista, CA 94571
707-374-5025
jvick@ci.rio-vista.ca.us

cc: Michael Reagan, Board of Supervisors
Roger Wong, Interim City Manager
City Council
David Mellilli, Director of Public Works

City of Rio Vista, Jan Vick

Response

L_RIOVISTA1_01

As stated in the State Plan of Flood Control Descriptive Document, the State Plan of Flood Control is defined in Section 9110 (f) of the CWC as follows:

“State Plan of Flood Control” means the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 for which the board or the department has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.

In summary, flood control features may be part of the SPFC if they are as follows: (1) part of the Sacramento River Flood Control Project described in CWC Section 8350; or (2) part of projects authorized pursuant to CWC Division 6, Part 6, Chapter 2, Article 2, *and* located in the Sacramento River or San Joaquin River watersheds, *and* the Board or DWR has provided assurances of cooperation to the federal government; or (3) identified in Section 8361 of the CWC. Sections of the CWC cited in the definition may be found at the following Web site:

http://www.loginfo.ca.gov/html/wat_table_of_contents.html.

Figures 3-1 and 3-2 on pages 3-5 and 3-6 of the CVFPP show the SSIA Major Capital Improvements. The City of Rio Vista is considered under the small community protection in the SSIA.

L_RIOVISTA1_02

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

State-led feasibility studies are intended to support State decision making, regardless of the corresponding level of federal participation. They do not necessarily cover the scope of a federal feasibility study; however, these State-led studies will be conducted to minimize, to the extent possible, additional federal study needed to determine federal participation and facilitate subsequent authorization by Congress, if appropriate.

The basin-wide feasibility studies will be conducted in two primary phases. The first phase will be conducted concurrently with regional planning, and will focus on developing specific objectives and analyzing physical options for system elements (such as bypass expansion and new bypasses). The second phase will combine the most promising options for system elements with the prioritized list of regional elements identified in the regional flood

management plans. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale, representing refined alternatives for implementing the SSIA.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

As stated in Master Response 18, the CVFPP focuses on the areas that currently receive protection from SPFC facilities. Although flood management is not the primary purpose of the BDCP, at least two proposed conservation measures directly relate to flood management:

1. Yolo Bypass Fisheries Enhancement seeks to improve upstream and downstream fish passage through the bypass.
2. Seasonally Inundated Floodplain Restoration calls for a greater duration of flows in the Yolo Bypass.

The Yolo Bypass is a major SPFC facility for alleviating potential flood risk in the Sacramento River Basin and is within the CVFPP’s SPFC planning area.

The CVFPP’s SSIA proposes expanding the Yolo Bypass to increase its ability to handle peak flows during large flood events. This proposed expansion could be accomplished by setting back bypass levees and widening the Fremont Weir. This expansion presents opportunities to improve fish passage at SPFC facilities, improve fish access to upstream aquatic habitat, and facilitate natural flow attenuation.

L_RIOVISTA1_03

See response to comment L_RIOVISTA1_02.

L_RIOVISTA1_04

The comment does not refer to specific figures in the DPEIR and attachments. None of the documents include maps that show PL84-99 designations. The Mellin levee is not shown in the USACE O&M manuals, nor were any assurances found. The Mellin levee is also not shown in the SPFC Descriptive Document. Therefore, no documents were located to indicate the Mellin levee is part of the SPFC.

L_RIOVISTA1_05

There are no maps on the pages referenced by the commenter (3-9/10) in the CVFPP main document, DPEIR, CVFPP Attachment 2, “Plan Formulation,” or CVFPP Attachment 8J, “Cost Estimates.” DWR assumes that the comment refers to Figures 3-1 and 3-2 on pages 3-5 and 3-6 of the CVFPP main document, which shows the SSIA Major Capital Improvements. The City of Rio Vista is considered under the small community protection in the SSIA, as are all the small communities shown on these two figures.

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The Central Valley Flood Protection Act of 2008 establishes legislative requirements for the CVFPP. For example, the legislation directs DWR to

consider structural and nonstructural methods for providing an urban level of flood protection (200-year or 0.5 percent chance) to current urban areas (CWC Sections 9614(i) and 9616(a)(6)), and encourages wise use of floodplains through a better connection between State flood protection decisions and local land use decisions (CWC Section 9616(a)(5)). The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State

investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

For SPFC facilities, the Board (as the nonfederal sponsor) made assurances to operate and maintain levees at the design water surface elevation for these project units. For most of these units, the responsibility for operations and maintenance has been further transferred from the Board to local maintaining agencies, or by the Legislature to DWR (CWC Sections 8361

and 12878 et seq.). Design water surface elevations are commonly referred to as the “55/57 profiles,” a shorthand term to describe the 1955 water surface profile for the San Joaquin River flood control system and the 1957 water surface profile for the Sacramento River flood control system. It should be noted that although the 1955 and 1957 profiles are the primary design profiles, some segments of SPFC levees are covered by other design profiles.

The CVFPP does not revise or alter the design water surface elevations described in the various State assurances of cooperation to the federal government or local assurances of cooperation to the Board. Therefore, the CVFPP does not affect or alter maintaining agencies’ O&M responsibilities.

The SSIA includes recommended actions to improve or modify some SPFC facilities. As these improvements move forward through post-adoption activities (regional flood management planning, development of basin-wide feasibility studies, development of a financing plan for the CVFPP, and completion of project-level proposals and CEQA compliance), it is anticipated that the improvements may be incorporated into the SPFC after construction. USACE would prepare an O&M manual for the project unit that would reflect the revised design water surface elevation. After that, USACE and the State would execute an agreement for operation, maintenance, repair, and rehabilitation, and the Board or DWR would execute an agreement further transferring these responsibilities to the corresponding local maintaining agency or agencies. It is at such a time that the proposed improvement from the CVFPP may alter a project-specific design water surface elevation and maintenance responsibilities.

April 20, 2012

L_ROSEV1

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
Attention: Ms. Nancy Moricz

Also sent via e-mail to attention:
DPEIRcomments@water.ca.gov

Subject: Comments to DWR's Draft Central Valley Flood Protection Plan (CVFPP) and
Draft Program Environmental Impact Report (DPEIR) (SCH # 2010102044)

Dear Ms. Moricz:

On behalf of the City of Roseville, please consider the following comments to the Department of Water Resources, Draft Central Valley Flood Protection Plan (CVFPP) and Draft Program Environmental Impact Report (DPEIR):

L_ROSEV1-01

1. The City of Roseville concurs with the comments prepared on the CVFPP by the California State Association of Counties (CSAC), Regional Council of Rural Counties (RCRC), and League of California Cities (LCC) and submitted to the Central Valley Flood Protection Board (CVFPB) in their letter dated February 24, 2012. A copy of the CSAC, RCRC, and LCC letter is attached to this letter for reference.

L_ROSEV1-02

2. The City of Roseville also concurs with the comments prepared on the CVFPP, DPEIR, and the Public Draft Urban Level of Flood Protection Criteria (ULFPC) by the Placer County Flood Control and Water Conservation District (PCFCWCD) and submitted to the CVFPB in their letter dated April 20, 2012. A copy of the PCFCWCD letter is also attached to this letter for reference.

L_Rosev1-03

3. While the CVFPP requires an urban level of flood protection for new development within the Sacramento-San Joaquin Valley, including the City of Roseville, the Department of Water Resources has not produced 200-year event hydrographs, water surface profiles, or floodplain mapping for review and comment. In addition, we are unaware of any documentation from DWR that provides a methodology for developing 200-year event hydrographs water surface profiles, and floodplain mapping that would be viewed as acceptable to DWR.

L_ROSEV1-04

L_ROSEV1-05

Without clearly identifying the areas within our community subject to the CVFPP's regulation before they are mapped, it is impossible to provide accurate comments regarding the CVFPP's impacts to our community. Please consider development and adoption of an acceptable methodology, subject to input from communities within the Sacramento-San Joaquin Valley, for developing 200-year event hydrographs water surface profiles, and floodplain mapping before moving forward with implementing the regulations described within the CVFPP.

L_ROSEV1-06

4. The CVFPP has not provided any direction regarding the timeline for implementation of the Plan, except for the time limits on local agencies to amend our local general plan and zoning ordinances. The CVFPP should also contain provisions for implementing the Plan and conducting CEQA review on an interim basis, before the City's general plan and zoning ordinances are required to be amended.

L_ROSEV1-07

5. The City is also concerned with the implementation of the urban level of flood protection within areas that are not protected by levees, and whether the requirements to provide a 200-year level of flood protection of SB5 applies to areas not protected by levees.

L_ROSEV1-08

6. To assist with the implementation of the urban level of flood protection and the requirements for our community to comply with the CVFPP, the Plan should address grant funding opportunities made available to the cities located within the Sacramento-San Joaquin Valley for these efforts.

Thank you for the opportunity to review and provide comments for the CVFPP and DPEIR. If you should have any questions, please contact me at (916) 746-1300.

Sincerely,



Rhon Herndon
Acting Public Works Director/City Engineer

cc: Placer County Flood Control and Water Conservation District and member agencies
California State Association of Counties
Regional Council of Rural Counties
League of California Cities

City of Roseville, Rhon Herndon

Response

L_ROSEV1-01

This comment references comments prepared on the CVFPP by the California State Association of Counties, Regional Council of Rural Counties, and League of California Cities and submitted to the Board in their letter dated February 24, 2012. Please refer to the responses to comments for the referenced letter.

L_ROSEV1-02

This comment references comments prepared on the CVFPP, DPEIR, and the *Draft Urban Level of Flood Protection Criteria* by the Placer County Flood Control and Water Conservation District and submitted to the Board in their letter dated April 20, 2012. Please refer to the responses to comments for the referenced letter.

L_ROSEV1-03

As stated in Master Response 5, the flood legislation passed in 2007, including SB 5 and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

The comment indicates that the CVFPP requires an urban level of flood protection for new development within the Sacramento–San Joaquin Valley. While the CVFPP includes actions to help achieve an urban level of flood protection for existing urban areas protected by the SPFC, the requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property

- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*.

DWR has made and will continue to make the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
 - Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
 - Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data

- Levee integrity assessments and data
- Existing data and tools used to develop the 2012 CVFPP

As described above, CVFED is developing 200-year floodplain mapping for the mainstem Sacramento and San Joaquin rivers and major tributaries. All other urban and urbanizing areas in the Sacramento—San Joaquin Valley are required to develop 200-year floodplain mapping as part of the requirement for achieving an urban level of flood protection.

L_ROSEV1-04

As stated in Master Response 5, DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010) (http://www.water.ca.gov/floodmgmt/lrafm/fmb/docs/Oct2010_DWR_Handbook_web.pdf). This handbook covers more than the requirements of an urban level of flood protection. It describes how the 2007 flood risk management legislation affects cities' and counties' responsibilities to meet local planning requirements such as those for general plans, development agreements, zoning ordinances, and tentative maps.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*.

In August 2008, DWR provided preliminary maps (as map books in CDs) to 91 cities and 32 counties in the Sacramento–San Joaquin Valley for use as the “best available information” about current flood protection. DWR’s Floodplain Risk Management Branch extended the best-available-mapping project and developed “statewide” preliminary best-available maps for the 100-, 200-, and 500- year floodplains. These maps can be accessed by the public via a GIS-based Web viewer at <http://gis.bam.water.ca.gov/bam>.

DWR is attempting to provide as much useful information related to 200-year floodplains as possible given its current funding and authority to use available funding. DWR is developing 200-year floodplain maps through its CVFED Program for areas protected by the SPFC, based on potential flows in the Sacramento and San Joaquin rivers (mainstem and major tributaries). Depending on the source of flooding, these maps may or may not be sufficient to support cities and counties in making their findings related to an urban level of flood protection. The cities and counties are

encouraged to consult the *Draft Urban Level of Flood Protection Criteria* for additional detail at <http://www.water.ca.gov/floodsafe/leveedesign/>.

L_ROSEV1-05

As stated in Master Response 5, DWR has made and will continue to make the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
 - Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
 - Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data
 - Levee integrity assessments and data
 - Existing data and tools used to develop the 2012 CVFPP

See also responses to comments L_ROSEV1-03 and L_ROSEV1-04.

L_ROSEV1-06

The first major steps in CVFPP implementation involve conducting regional planning and two basin-wide feasibility studies. The basic timeline for these steps is described in Master Response 14.

As stated in Master Response 14, development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and

pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

The basin-wide feasibility studies will be conducted in two primary phases. The first phase will be conducted concurrently with regional planning, and will focus on developing specific objectives and analyzing physical options for system elements (such as bypass expansion and new bypasses). The second phase will combine the most promising options for system elements with the prioritized list of regional elements identified in the regional flood management plans. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale, representing refined alternatives for implementing the SSIA.

The State intends to complete both basin-wide feasibility studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation, are important to meeting the anticipated schedule.

L_ROSEV1-07

See response to comment L_ROSEV1-03. Cities and counties are encouraged to consult DWR’s *Draft Urban Level of Flood Protection Criteria* (<http://www.water.ca.gov/floodsafe/leveedesign/>), and 2010 guide *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/docs/Oct2010_DWR_Handbook_web.pdf).

L_ROSEV1-08

The comment is noted. For additional information on assistance that DWR has and will provide, see response to comment L_ROSEV1-03. Grant funding for various CVFPP-related activities may be included in DWR post-implementation programs (described in Master Response 14).

April 4, 2012

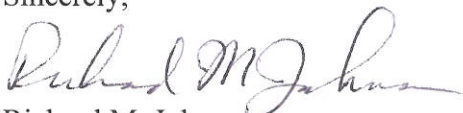
William H. Edgar, President
CENTRAL VALLEY FLOOD PROTECTION BOARD
California Natural Resources Agency – State of California
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Subject: April 5, 2012 Hearing on Central Valley Flood Protection Plan

President Edgar:

- L_SAFCA1-01 Thank you for the opportunity to comment on the draft Central Valley Flood Protection Plan (CVFPP). SAFCA feels that the CVFPP is a comprehensive plan for minimizing loss of life and economic damages due to flooding, thereby reducing and limiting State and local liability for flood damages, and enhancing habitat and recreational values consistent with flood risk reduction. The CVFPP recognizes that the State Plan of Flood Control has evolved over the years into a system that must provide a very high level of flood protection for urban and urbanizing areas while maintaining the protection historically afforded to agricultural areas and offering a variety of structural and non-structural options for the small rural communities.
- L_SAFCA1-02 The CVFPP further recognizes that these flood risk reduction objectives can only be accomplished by strengthening and improving existing levee systems, expanding existing bypass channels (and creating new bypass channels where feasible), increasing the flood storage capacity of existing reservoirs through physical and operational improvements, and enlarging the space available in the flood control system for restoring the riparian and aquatic habitat values that have been historically marginalized.
- L_SAFCA1-03 SAFCA recognizes that while no plan can be considered perfect in all respects, we intend to work with our partners in the Central Valley Flood Control Association and regional stakeholders in providing comments that could make the plan even stronger. Accordingly, we encourage the Central Valley Flood Protection Board to keep the CVFPP adoption process moving forward in accordance with the schedule mandated by the legislature, recognizing that reasonable issues and concerns can and should be addressed as part of this process.

Sincerely,



Richard M. Johnson
Executive Director

**Sacramento Area Flood Control Agency,
Richard Johnson**

Response

L_SAFCA1-01

The comment states that SAFCA feels the CVFPP is a comprehensive plan for minimizing loss of life and economic damages caused by flooding, thereby reducing and limiting State and local liability for flood damages and enhancing habitat and recreational values consistent with flood risk reduction. The comment is noted.

L_SAFCA1-02

The comment summarizes various components of the CVFPP; the comment is noted.

L_SAFCA1-03

The comment states that SAFCA intends to work with the Central Valley Flood Control Association and regional partners in providing comments that could make the flood plan stronger. DWR and the Board look forward to continued partnering with State and local agencies.

April 20, 2012

VIA E-MAIL

L_SBBSWUA1

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments of Sutter Bypass Butte Slough Water Users Association on Central Valley Flood Protection Board's Central Valley Flood Protection Plan and Draft Program Environmental Impact Report

Dear Ms. Moricz:

L_SBBSWUA1-01

This firm acts as General Counsel to the Sutter Bypass Butte Slough Water Users Association (Association). The Association consists of water users along the East side of the Sutter Bypass and within the Sutter Bypass who divert water from the East Side Channel of the Sutter Bypass for beneficial purposes, including farming. The purpose of this letter is to provide comments on the Central Valley Flood Protection Board's (CVFPB) Central Valley Flood Protection Plan (CVFPP or Plan) and the Draft Program Environmental Impact Report, dated March 2012 (DPEIR). The Association has many concerns with the Plan and DPEIR, many of which are set forth below. The Association also joins in the comments submitted by the California Farm Bureau Federation.

L_SBBSWUA1-02

The Plan calls for expansion of the Sutter Bypass. Specifically, the Plan provides, starting at page 3-13:

Future studies to refine specific project elements related to bypass expansion should consider increasing the capacity of the Sutter Bypass to convey large flood events. Expansion would likely require building a new levee for about 15 miles along one side of the bypass to widen the bypass for increased flow capacity. Although the required width of the bypass has not been determined, DWR used a 1,000-foot increase in the bypass width for planning purposes. The evaluations for planning purposes were initially based on 75 percent of the new width allocated to agricultural use and 25 percent allocated to habitat restoration.

While the text recognizes that "future studies" will be needed to "refine project specific elements related to bypass expansion," the Plan does not clearly identify what "specific project elements" have already been developed (and will be refined). Moreover, the DPEIR completely fails to identify and analyze the many impacts that are likely to occur

with bypass expansion, including the loss of valuable and important agricultural lands and existing habitat.

Changes in operation of the bypass, including changes in operation of various weirs, may result in flooding in late Spring and early Summer, including the months of May and June. Changes in operation could result in flooding in areas where crops are planted and present during these months. The potential impacts that could result from these changes must be disclosed and fully analyzed in the DPEIR, with all impacts identified.

Not only do the Plan and DPEIR fail to identify impacts associated with the actual widening of the bypass and possible changes in operation of weirs, but the Plan also suggests significant impacts to agricultural operations that will result from the creation of new habitat within the widened bypass. For example, the Plan, at page 1-18, provides:

[W]here wildlife habitat is proposed in proximity to existing agricultural lands, the impacts of plowing, spraying, and harvesting of agricultural lands on nearby wildlife habitat and, conversely, the impacts of protected species on agricultural lands, must both be carefully addressed to successfully implement long-term environmental enhancement projects.

As the Plan proposes to widen the Sutter Bypass and provide 25% of the expanded area for environmental restoration, and recommends "addressing" the impacts of plowing, spraying, and harvesting on wildlife, the Plan and the DPEIR must disclose the impacts to agriculture so the public can be adequately informed of the impacts of the Plan.

L_SBBSWUA1-03

In addition to the concerns identified above, on April 11, 2012, the Sutter Butte Flood Control Agency (SBFCA) held a public workshop on the Plan. There, representatives from DWR attended to provide the SBFCA board with a presentation and answer questions the board had on the draft plan. After the presentation, a SBFCA board member asked whether the 25% restoration component in the Plan was to mitigate for the impacts of the flood control project or whether there were other projects, outside the Plan, that were driving the 25% figure. DWR's representative, at this meeting, candidly informed the public that the restoration component was not only for the Plan itself, but also for other ongoing DWR efforts like the Bay Delta Conservation Plan (BDCP). DWR's representative acknowledged that the Plan and DPEIR could have done a better job identifying the purposes of the restoration. The Association, therefore, is additionally concerned that the State has now proposed to take private lands adjacent to the Sutter Bypass, through the guise of a Statewide flood plan, to provide restoration lands for the BDCP.¹ Not only does the Plan completely omit this critical information, but the DPEIR wholly fails to inform the public of the need for these restoration lands (e.g., the BDCP) and fails to disclose the impacts through the direct loss of important agricultural lands and indirect loss through the creation of adjacent habitat.

L_SBBSWUA1-04

Indeed, the Association is concerned that the Plan appears to place habitat restoration on an equal footing with the primary purpose of the flood control project – namely flood protection. Any flood protection plan developed by DWR and adopted by the Central Valley Flood Protection Board must recognize flood protection and flood damage reduction as the primary goal. Any ecosystem uses must be incidental to the primary

¹ The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

Nancy Moricz
Re: Comments on CVFPP and DPEIR
April 20, 2012
Page 3

purpose of flood control facilities. At a minimum, the Plan must not be used as an attempt to obtain private agricultural lands, in the name of flood protection, to create habitat in support of the BDCP.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Daniel Kelly" with a stylized flourish at the end.

Daniel Kelly
General Counsel to
Sutter Bypass Butte Slough
Water Users Association

DK:sb

Sutter Bypass Butte Slough Water Users Association, Daniel Kelly

Response

L_SBBSWUA1-01

The comment notes that the SBBSWUA join with the comments submitted by the California Farm Bureau Federation (CFBF). Responses to comments submitted by CFBF are located in Section 3.5, “Group Comments and Responses” of this FPEIR.

L_SBBSWUA1-02

As stated in Master Response 1, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

As stated in Master Response 2, the conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning,

development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting.

It is expected that any future analysis would include a detailed evaluation of not only the possible effects of agricultural activities on wildlife, but the rehabilitation of agricultural properties to support natural resources. This analysis would be substantially more detailed than that discussed on the DPEIR (see analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA)). Because of the conceptual nature of bypass widening, the level of analysis presented in the DPEIR is adequate; an attempt to be more specific at this point in time would be speculative. No change to the DPEIR or the CVFPP is required as a result of this comment. The comment is noted.

L_SBBSWUA1-03

As stated in Master Response 18, the CVFPP's recommended approach—known as the SSIA—sets forth a strategy for responsibly meeting the State's objectives to improve public safety, ecosystem conditions, and economic sustainability, while recognizing the financial challenges facing local, State, and federal governments today. The SSIA also includes system elements such as potential expansion of the Yolo Bypass to increase system capacity, attenuate peak flow during flood events, and increase opportunities for ecosystem restoration that should be compatible with the BDCP (another major management plan contributing to the Delta Plan). The CVFPP will be implemented in coordination with other FloodSAFE programs and projects that also address flood risk in the Delta, especially for tidal estuaries and for non-SPFC facilities. Among these programs and projects are the Delta Levee Maintenance Subventions Program, the Delta Levees Special Flood Control Projects, and the Delta Emergency Operations Plan.

The CVFPP will be integrated with other large plans within the context of its primary goal to improve flood management in the SPFC planning area by considering an urban level of flood protection against a 200-year (0.5 percent annual chance) flood for urban and urbanizing areas; structural and nonstructural options for protecting small communities from a 100-year (1 percent annual chance) flood; and flood protection options for rural-agricultural areas, with a focus on integrated projects that achieve multiple benefits and help preserve rural-agricultural lands from urban development. Additional project-level study and coordination with local, State, and federal governments and agencies, and with local major programs and projects, is necessary to implement many of the elements proposed in the CVFPP.

The CVFPP focuses on the areas that currently receive protection from SPFC facilities. Although flood management is not the primary purpose of the BDCP, at least two proposed conservation measures directly relate to flood management:

1. Yolo Bypass Fisheries Enhancement seeks to improve upstream and downstream fish passage through the bypass.
2. Seasonally Inundated Floodplain Restoration calls for a greater duration of flows in the Yolo Bypass.

The Yolo Bypass is a major SPFC facility for alleviating potential flood risk in the Sacramento River Basin and is within the CVFPP's SPFC planning area.

The CVFPP's SSIA proposes expanding the Yolo Bypass to increase its ability to handle peak flows during large flood events. This proposed expansion could be accomplished by setting back bypass levees and widening the Fremont Weir. This expansion presents opportunities to improve fish passage at SPFC facilities, improve fish access to upstream aquatic habitat, and facilitate natural flow attenuation.

DPEIR Chapter 4.0, "Cumulative Impacts," addresses the cumulative impacts of multiple projects that could interact with the CVFPP, including the BDCP.

L_SBBSWUA1-04

As stated in Master Response 1, The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. As mentioned in the comment, some actions will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (e.g., expansion of the bypass system) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood

management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

As stated in Master Response 2, the DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.


Sutter Butte Flood Control Agency

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Yuba City, CA 95991

(530) 870-4425

sutterbutteflood.org
Counties

Butte County

Sutter County

Cities

City of Biggs

City of Gridley

City of Live Oak

City of Yuba City

Levee Districts

Levee District 1

Levee District 9

L_SBFCA1-01

L_SBFCA1-02

April 13, 2012

L_SBFCA1

Ms. Nancy Moricz
 Central Valley Flood Protection Board
 3310 El Camino Avenue, Room 151
 Sacramento, California 95821

Re: Comments on the Draft Central Valley Flood Protection Plan &
 Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

The Sutter Butte Flood Control Agency (Agency) is a joint powers authority of Butte and Sutter Counties, the Cities of Yuba City, Live Oak, Gridley, and Biggs, and Levee Districts 1 and 9. The Agency is participating in three different efforts which interface with the Central Valley Flood Protection Plan (CVFPP or Plan).

First, the Agency is the lead on the Feather River West Levee Project, an aggressive effort to rehabilitate 37 miles of Feather River levee from the Theramalito Afterbay south to Star Bend. This \$270 million project will be funded through the Agency's assessment of more than 34,200 properties, and approximately \$200 million in funds to be provided by the California Department of Water Resources (DWR).

An interrelated and equally important effort, still in the development stage, is a project in partnership with DWR to protect the rural, southern portions of the basin to the equivalent of 100-year flood protection. This project will also be funded with the Agency's assessment. The Agency has completed preliminary design studies from Star Bend to the confluence of the Feather River and Sutter Bypass. The Agency is looking forward to the development of a rural levee program by DWR under the CVFPP to obtain funding for work on the rural levees.

The final effort is the Agency's participation in the Sutter Basin Feasibility Study as a non-federal sponsor along with the State. This is a Federal study in which the U.S. Army Corps of Engineers (Corps) evaluates and recommends a project to provide greater levels of flood protection for the basin.

The Agency's Board of Directors voted on April 11 to support adoption of the Plan so that the State of California can partner with the Agency on the completion of its critical projects. In adopting and implementing the Plan, the Agency's Board of Directors believes that the Central Valley Flood Protection Board and DWR must respect and advance the following principles:

1. The Plan must make parallel investments in urban, small community, and rural levees, ensuring that all have an opportunity to "get better together."

- L_SBFC1-03 2. The Plan must continue to promote the use of significant State funds for investments in urban levees, defined as levees which cumulatively protect more than 10,000 people, including the communities of Yuba City, Live Oak, Biggs, and Gridley. In the case of the Sutter Basin, the Feather River West Levee Project includes the design and construction work required for those Feather River urban levees.
- L_SBFC1-04 3. In order to respect and protect agriculture, and in recognition of the essential role of agriculture in the Valley and the State, the Plan must include a State commitment to develop a rural levee standard. The State must also commit to promptly create a rural levee grant program which can be used to repair the most critically deficient rural levee segments.
- L_SBFC1-05 4. The Plan must ensure that flood damage reduction remains the preeminent goal of the Plan with ecosystem restoration as only a supporting goal. This means that as to existing facilities, the State must work to maximize and enhance flood flows through these existing channels and bypasses before pursuing additional or expanded bypasses. This also means that funds allocated through the implementation of the Plan must be consistent with this preeminent goal.
- L_SBFC1-06 5. The Plan must continue the State practice of paying a higher cost-share for economically disadvantaged communities, such as those within the Sutter Basin.
- L_SBFC1-07 6. The Plan must acknowledge the State's existing legal obligations for the Sutter Bypass levees and channel, as those facilities provide system-wide benefits. The Plan must therefore provide for significant State investment in those facilities.
- L_SBFC1-08 7. The Plan must include a State commitment to work with the Agricultural Floodplain Management Alliance (of which SBFCA is a member) to influence Federal floodplain laws and regulations to allow for the continued vitality of agriculture in a FEMA floodplain.
- L_SBFC1-09 8. The Plan should pursue alternatives to the Corps for Federal participation in funding for flood management projects.
- L_SBFC1-10 9. The Plan should be responsive and respectful of the tremendous financial commitment made by the Agency's assessment district and the commensurate public support for the SBFCA FRWLP as envisioned prior to issuance of the Plan.
- L_SBFC1-11 10. The Plan must be built on trust. Trust is built by including a prominent role for local agencies, such as SBFCA, to participate in regional workgroups to develop and influence which projects should be pursued for the region; DWR should fund the activities of these workgroups. DWR must also ensure prompt adoption of new guidelines to fund construction (both urban and rural) for projects to be implemented under the Plan, and must respect the bottom-up process for the development and selection of these projects.
- L_SBFC1-12 11. Agriculture can provide significant habitat value while still remaining an economically productive use of land and as such is a preferred use of setback and bypass areas.
- L_SBFC1-13 12. While SBFCA understands the State's desire to add capacity to the State's bypass system, SBFCA has significant concerns regarding the proposed Feather River Bypass (via an expanded Cherokee Canal) because of potential hydraulic, economic, agricultural and environmental impacts. Therefore, before any funds are invested in pursuit of such a project, SBFCA believes that extensive study is needed to justify the benefits of a Feather River Bypass in light of what appear to be massive costs. As a related concept, the Plan should direct DWR to evaluate whether comparable benefits can be attained with changes to the spillway and outlet facilities at Oroville Reservoir (including a raise), such as the DWR's and the CVFPB's implemented plan for Folsom Reservoir. Further, any proposed project must ensure that: (1) impacts to agriculture, businesses, and local tax revenues are fully mitigated; (2) hydraulic and associated risk impacts on the Sutter Bypass levees
- L_SBFC1-14

are fully considered and mitigated, including corresponding rehabilitation or improvements to the east and west levees of the Sutter Bypass; (3) SBFCA is not subject to, or is compensated for, any environmental mitigation that would result; (4) a bypass project does not delay implementation of, or divert funding from, high priority regional projects such as the Feather River West Levee Project and a rural levee program; and (5) the new facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream in a manner which is greatly improved from current practice. SBFCA has also previously presented DWR with an engineering study which demonstrates the necessity and scope of SBFCA's Feather River West Levee Project whether or not a Cherokee Canal Bypass is constructed.

L_SBFCA1-15

L_SBFCA1-16 13. SBFCA understands that the Plan promotes expansion of the Sutter and Yolo Bypasses as a way to provide system-wide benefits. While SBFCA supports the idea of system-wide benefits, before construction of new or widened facilities DWR must ensure that the existing facilities are operated in a manner which maximizes the potential flood protection benefits. This is essential in light of the devastating impact that such expansion can have on local farming operations and the greater local economy. Therefore, any such expansion must ensure that: (1) DWR mitigates any impacts to agriculture, business, and local tax revenues; (2) DWR mitigates hydraulic impacts on adjacent and downstream levees; (3) the projects reflect a minimal local cost-share which is in accord with the State's statutory obligations for those levees; (4) the expanded facility can be maintained (vegetation, sediment, etc.) with a reasonable and identifiable revenue stream; (5) the expanded bypass is still available for sustainable and financially viable agriculture; and (6) bypass expansions should be prioritized so that downstream work occurs first to maximize benefits and minimize hydraulic impacts.

L_SBFCA1-17 14. The State should prioritize its limited present and future revenues toward physical improvements to the system, rather than costly studies and planning processes.

If you have any questions regarding the content of this letter, please contact me or General Counsel Scott Shapiro.

Sincerely,



Michael Inamine
Acting Executive Director
Sutter Butte Flood Control Agency
m.inamine@sutterbutteflood.org

Cc: SBFCA Board of Directors

Sutter Butte Flood Control Agency, Michael Inamine

Response

L_SBFCA1-01

DWR and the Board recognize and appreciate the role of the Sutter Butte Flood Control Agency on several key projects in the Sacramento River Basin. The comment is noted.

L_SBFCA1-02

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

The Central Valley Flood Protection Act of 2008 establishes legislative requirements for the CVFPP. For example, the legislation directs DWR to consider structural and nonstructural methods for providing an urban level of flood protection (200-year or 0.5 percent chance) to current urban areas (CWC Sections 9614(i) and 9616(a)(6)), and encourages wise use of floodplains through a better connection between State flood protection decisions and local land use decisions (CWC Section 9616(a)(5)). The SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

L_SBFCA1-03

As stated in Master Response 4, the SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection

for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery.

In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP

development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

L_SBFCA1-04

As stated in Master Response 4, the CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local and regional flood management agencies.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully

implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

L_SBFCA1-05

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

The SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important shaded riverine aquatic habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

Appendix E, “2012 Central Valley Flood Protection Plan Conservation Framework,” provides a preview of a long-term Conservation Strategy that DWR is developing to support the 2017 CVFPP Update. The Conservation Framework focuses on promoting ecosystem functions and multi-benefit projects in the context of integrated flood management for near-term implementation actions and projects. The Conservation Framework provides an overview of the floodway ecosystem conditions and trends and key conservation goals that further clarify the CVFPP’s ecosystem goal.

L_SBFCA1-06

As stated in Master Responses 4 and 15, in recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Further, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

Cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged.

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

L_SBFCA1-07

The Sutter Bypass is addressed throughout the CVFPP, including Sections 2.5.1, 2.6.1, 3.2, 3.5.1, 3.5.3, 3.14.4, and 4.14.

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements

and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

State-led feasibility studies are intended to support State decision making, regardless of the corresponding level of federal participation. They do not necessarily cover the scope of a federal feasibility study; however, these State-led studies will be conducted to minimize, to the extent possible, additional federal study needed to determine federal participation and facilitate subsequent authorization by Congress, if appropriate.

The basin-wide feasibility studies will be conducted in two primary phases. The first phase will be conducted concurrently with regional planning, and will focus on developing specific objectives and analyzing physical options for system elements (such as bypass expansion and new bypasses). The second phase will combine the most promising options for system elements with the prioritized list of regional elements identified in the regional flood management plans. These combinations of system element options and regional elements will form "alternatives" for further evaluation and comparison on a systemwide scale, representing refined alternatives for implementing the SSIA.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

As part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

L_SBFA1-08

As stated in Master Response 15, flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_SBFA1-09

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

L_SBFCA1-10

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_SBFCA1-11

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental

documentation will be made available to the public for review and comments.

L_SBFCA1-12

As stated in Master Response 2, for preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. In the San Joaquin River Basin, the bypass system includes the Chowchilla, Eastside, and Mariposa bypasses.

The CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

L_SBFCA1-13

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. In the San Joaquin River Basin, the bypass system includes the Chowchilla, Eastside, and Mariposa bypasses.

The Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and

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Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

As stated in Master Response 10, in the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP.

L_SBFA1-14

As stated in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and

rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic

stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

Post-adoption activities will include development of two State-led basin-wide feasibility studies—one in the Sacramento River Basin and one in the San Joaquin River Basin—that will refine the broad description of the SSIA contained in the 2012 CVFPP. The basin-wide feasibility studies will (1) identify State interest in and articulate refinements to system elements and regional elements, (2) inform development of the CVFPP Financing Plan and the 2017 CVFPP update, and (3) help define the State's locally

preferred plan for consideration in ongoing and planned USACE federal feasibility studies. The basin-wide feasibility studies will focus on system elements, which may take longer to study and implement than other regional plan elements because of their scale and complexity.

State-led feasibility studies are intended to support State decision making, regardless of the corresponding level of federal participation. They do not necessarily cover the scope of a federal feasibility study; however, these State-led studies will be conducted to minimize, to the extent possible, additional federal study needed to determine federal participation and facilitate subsequent authorization by Congress, if appropriate.

Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. The studies will be conducted in coordination with USACE (and ongoing cost-share feasibility studies) and local implementing agencies. It is anticipated that working groups will form to help evaluate and refine bypass expansion options, identify implementation challenges, and provide input in the planning process.

The State intends to complete both studies by mid-2015 to provide time to incorporate information and findings into the 2017 CVFPP Update. Interactions with other key planning efforts, such as regional flood management planning, the CVFPP Financing Plan, and Central Valley Floodplain Evaluation and Delineation Program, are important to meeting the anticipated schedule.

As part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

The State has a strong interest in coordinating and implementing integrated projects that achieve multiple benefits. Effective integration across planning efforts means that all programs and projects, when implemented, work together to achieve key goals in a cost-effective manner; are sequenced and prioritized appropriately; and do not adversely affect or interfere with intended benefits. Although effectively integrating planning across programs while considering multiple benefits can be challenging, doing so can also provide opportunities to share knowledge and identify mutually beneficial solutions that might not have been considered otherwise, thus minimizing duplication and reducing costs.

Elements of the CVFPP are expected to be refined and modified based on regional flood management planning efforts and the two basin-wide feasibility studies. This is especially true for larger system elements that

require more studies and feasibility evaluations to better understand their costs and benefits and to reduce the level of uncertainty. All applicable project-specific environmental review will be conducted before implementation of projects stemming from the CVFPP.

L_SBFA1-15

SBFCA states that it has presented DWR with an engineering study on the Feather River West Levee Project. This type of information will be evaluated as part of post-adoption processes and the development of regional plans as described in Master Response 14. The comment is noted.

L_SBFA1-16

As stated in Master Response 1, the existing bypass system in the Sacramento River Basin (including the Sutter and Yolo bypasses and associated inflow weirs) forms the central backbone of the Sacramento River Flood Control Project and redirects damaging floodflows away from the main channels of the Sacramento and Feather rivers. The considerable capacity of the bypass system (up to 490,000 cfs) also slows the movement of floods, effectively attenuating flood peaks and flows into the Delta. The existing bypass system also supports a vibrant seasonal agricultural economy and provides important habitat for multiple terrestrial and aquatic species. In the San Joaquin River Basin, the bypass system includes the Chowchilla, Eastside, and Mariposa bypasses.

The Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC Section 9616(a)(2)). Bypasses have served an essential role in providing these functions.

The CVFPP’s recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its

tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike.

Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAs). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local

agencies to prepare the regional flood management plans, subject to availability of funds.

Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts. Information and outcomes from the regional planning process will inform the State-led basin-wide feasibility studies, preparation of a financing plan for the CVFPP, and the first update of the CVFPP (scheduled for completion by 2017). This regional effort is scheduled to be launched publicly in June 2012 and is anticipated to continue through 2013.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

L_SBFCA1-17

As discussed in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin Basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

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JAMES GALLAGHER
FIFTH DISTRICT

April 20, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Honorable Board Members:

L_SCBOS1-01

I wish to offer you a perspective on the Draft Central Valley Flood Protection Plan ("CVFPP") from the eyes of a rural county protected by 215 miles of levees. A small county who, like many areas north of Sacramento, have been your partners in flood protection from the very beginning and who want to continue to be your partners in flood protection and preserving and protecting our vital water resources.

For well over 100 years, we have given a lot to this partnership with the State of California. Sutter County was the site of the very first levee district, Levee District No. 1, in which local citizens were among the very first to tax themselves in order to build levees in the Sacramento Valley. Landowners in Sutter County, Colusa County, and Yolo County were the very first to give up their land to develop the Bypass System on the Sacramento River that is the keystone of flood protection in the Sacramento Valley. Our reclamation districts, levee districts, and water districts have contributed scarce resources to expensive and vital projects, including pump stations, fish screens, weirs, channels, dams, and conservation easements all to help the goal of water supply, conservation, flood protection, and ecological sustainability.

L_SCBOS1-02

My concern with this Plan is that it doesn't do enough to recognize these vital contributions that we have already given to the stated missions of the CVFPP. We are asked again under this Plan to give more and though we want to be part of the solution, we simply have to ask: are we valued as partners? If so, on behalf of my constituents I respectfully request that the Plan be modified in accordance with the following principles:

L_SCBOS1-03

1. Setback proposals should be secondary to the primary goal of repairing, restoring, and enhancing the existing levee and bypass system. Proposition 1E was primarily an infrastructure improvement bond designed to rehabilitate and enhance our antiquated flood control system. As such, monies should be allocated first to projects such as fix-in-place levee projects, sediment and vegetation removal, dam/reservoir management and channel improvements. Benefits of setbacks must be proven by further study and should be locally-driven. Maps containing "conceptual" setback proposals for which there has been no cost-benefit study should be removed so as to not negatively affect the value of property.

L_SCBOS1-04

2. A real commitment must be made to repairing and rehabilitating rural levees at the same time as urban levees. A rural levee standard should be established and money should be

immediately allocated and safeguarded for rural levee projects. Without corresponding rural levee repairs rural basins north of Sacramento will experience an increase in overall flood risk as urban levees are improved. This is not “getting better together.”

L_SCBOS1-05

3. The Plan must ensure that agriculture is preserved, protected, and respected. As currently drafted, rural, agricultural counties will bear all of the brunt of NFIP flood insurance and construction requirements which seriously impact the future of farming operations, while urban areas avoid this cost and get better flood protection. To address this impact DWR should make a very serious commitment, financial and otherwise, to reforming the NFIP as it applies to agricultural basins. Furthermore, proposed ecological restoration projects, setbacks, and bypass expansions will take 40,000 acres of agricultural lands out of production. This is unacceptable to your partners in flood protection.

L_SCBOS1-06

4. Before committing scarce funding to bypass expansions, DWR should fund projects that enhance the existing footprint of the Sutter and Yolo Bypasses including sediment and vegetation removal and rehabilitation of critical sites along the Bypass levees. If further study shows a need for Bypass expansions, they should begin at the bottom of the system and should provide for local input on the scope, size, and operation of such expansions.

L_SCBOS1-07

I would also like the Board and DWR to reconsider the following in the CVFPP:

North Levee of Natomas Cross Canal: The North Levee of the Natomas Cross Canal is currently shown as a “rural” levee in the Plan. This should be reconsidered for characterization as an “urban” levee. The Sacramento Area Flood Protection Agency (SAFCA) has recognized that this levee provides protection for the urban Natomas Basin and has allocated \$9 million from its Developer Impact Fee (DIF) program for improvements to this levee. Furthermore, the 1999 Water Resources Development Act (WRDA) authorized a project to raise this levee to the same height as the southern levee of the Natomas Cross Canal, so there already exists an identified federal share for this project. Considering that this project has an identified local and federal share and helps to protect an urban basin, this levee should be identified as urban.

L_SCBOS1-08

Small Communities Designation: The Plan fails to identify several small communities in Sutter County that are in need of protection under the Plan. These communities include Rio Oso, East Nicolaus, and Pleasant Grove. These are also small communities protected by State Plan of Flood Control levees. In the case of Pleasant Grove, the community has been impacted by the SPFC, specifically by the creation of the Pleasant Grove Creek Canal such that drainage to the Sacramento River is blocked causing residual flooding in the community. These communities should be identified as small communities so as to be eligible for funding under the Plan.

L_SCBOS1-09

Water Supply: In discussing water supply objectives that are interlinked with state flood control interests there is no mention of water storage projects. This is a significant hole in the Plan especially when you consider that DWR has been concurrently involved in a water bond package that includes building Sites Reservoir and other water storage projects. Such water storage projects, and other more conceptual storage projects should at least be discussed in the Plan. **It would seem a gross inconsistency that the draft Plan outlines extremely broad, costly and expansive objectives for capacity enhancement and ecosystem restoration, but is much more limited when it comes to addressing the goals of water storage and improving rural levees.**

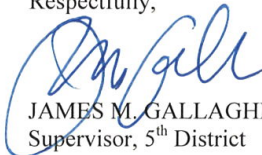
L_SCBOS1-10

Recognize Value of Agriculture to Ecological Sustainability. There is little to no recognition in the Plan or the Conservation Framework that ensuring the vitality of agriculture meets the Plan's goal of ecological sustainability. In addition to contributing billions of dollars to the California economy, our farmers provide vital habitat for species. For instance, our rice lands have played a vital role in the Natomas Basin Habitat Conservation Plan for Swainson's hawk and the Giant Garter Snake and also in restoring migratory bird habitat and the Pacific Flyway. The taking of agricultural lands would be a devastating environmental and economic impact that cannot be taken lightly. Further, habitat restoration and re-vegetation projects appear to be the favored use of setback areas and bypass expansions. If further study shows a need for setbacks and bypass expansions, the preferred use should instead be agriculture if at all feasible. Agriculture provides the ecological values, but more importantly keeps the channels and bypasses clear and better maintained for flood capacity purposes.

L_SCBOS1-11

In closing, we are very much willing to work with the State on a system-wide enhancement approach to flood control. However, we must be ensured that our levees will also be improved so that we can better provide for the public safety of our citizens. The Plan must do much more to preserve, protect and give credit to our agricultural lands which contribute to the values of ecological stewardship, reducing flood risk, and economic sustainability. The Plan must prioritize the maximization of the bypass footprint that we have already given to the mission of capacity before seeking to expand that footprint. These are the things we must have and need from the Plan. Considering all that we have given and will continue to give to the mission of flood protection in the Central Valley, it seems like a pretty small task.

Respectfully,



JAMES M. GALLAGHER
Supervisor, 5th District

JMG/ja

Sutter County Board of Supervisors, James Gallagher

Response

L_SCBOS1-01

DWR and the Board appreciates the support, partnering, and investments in the projects mentioned by the commenter. DWR and the Board look forward to continued partnering with Sutter County.

L_SCBOS1-02

This comment provides an introduction to detailed comments contained within the letter. See responses to comments L_SCBOS1-03, L_SCBOS1-04, L_SCBOS1-05, and L_SCBOS1-06.

L_SCBOS1-03

As stated in Master Response 14, upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds. For additional details, see Master Response 14.

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders. Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be

evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1.

L_SCBOS1-04

As stated in Master Response 14, upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds. For additional details, see Master Response 14.

L_SCBOS1-05

As stated in Master Response 4, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)). For additional details, see Master Response 4.

L_SCBOS1-06

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders. Considerable additional work will be required before the bypass projects proposed in the plan are approved and

implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1.

As stated in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits). This is highlighted in the evaluation conducted for the preliminary approach called “Achieve SPFC Design Flow Capacity.”

Improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

L_SCBOS1-07

The commenter asserts that the north levee of the Natomas Cross canal protecting RD 1001 should be identified as an “urban levee.” The California PRC Section 5096.805 (k) defines an “urban area” to mean any contiguous area in which more than 10,000 residents are protected by project levees. However, CGC Section 65007 (j) further defines an urban area as “a developed area in which there are 10,000 residents or more.” The CVFPP Attachment 4, “Glossary,” defines rural community as “a city, town, or settlement outside of urban and urbanizing areas with an expected population of less than 10,000 within the next 10 years.” This area has not been designated as an urban area. Therefore, the SPFC levee protecting this area would be defined as rural and not urban under California codes.

The commenter asserts that Rio Oso, East Nicolaus, and Pleasant Grove are in need of protection under the plan. The CVFPP Attachment 4, “Glossary,” defines a small community as a “developed area with less than 10,000.” Pleasant Grove is not in the SPFC planning area. Small communities selected for inclusion in the CVFPP are discussed in

Attachment 7, “Plan Formulation.” The communities on Figures 3-1 and 3-2 of the CVFPP are a representative sample based on the preliminary small community assessment conducted as part of the Protect High Risk Communities Approach. However, no specific communities are listed in the SSIA; rather, CVFPP Section 3.3 describes the types of investments and priorities the State will consider with respect to small community protection. The flood protection needs of individual small communities within the SPFC planning area will be considered as part of post-adoption regional planning and basin-wide feasibility studies. Members of small communities will have opportunities to participate in regional planning and help define specific small community needs and priorities (see Master Response 14). Through post-adoption activities, the State will evaluate and prioritize specific State investments in small community flood protection, consistent with the SSIA.

L_SCBOS1-08

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA. As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. During post-adoption activities, local interests will have the opportunity to offer input on improvements that should be funding priorities, potentially including improvements that would benefit Rio Oso, East Nicolaus, and Pleasant Grove.

L_SCBOS1-09

As stated in Master Response 10, to serve as a substitute for floodway conveyance and storage, upstream reservoir capacity would have to be developed throughout the Central Valley watershed. The extreme weather events (i.e., atmospheric rivers) that create the greatest risk of a severe flood are often localized. Floodplain storage protects against floodwaters originating from all upstream areas, but by definition, upstream reservoirs

can store only the floodwaters that originate from a particular area or tributary watershed. For example, an increase in the capacity of Shasta Lake would provide little or no benefit in the event of a major atmospheric rivers event focused on the central or southern Sierra Nevada. There is simply no reasonable scenario under which an array of new reservoir projects spread throughout the Central Valley watershed would be feasible and could serve as an effective substitute for floodplain storage. Suitable and feasible remaining sites do not exist, the costs would likely be prohibitive and the opposition substantial, and environmental permits would be difficult if not impossible to obtain. It would be both speculative and imprudent for the CVFPP to rely on such an approach. None of the comments on the topic have addressed, much less rebutted, the substantial evidence that such an alternative could not feasibly meet the objectives of the CVFPP as directed by SB 5. For additional details, see Master Response 10.

As stated in Master Response 4, the SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. For additional details, see Master Response 4.

L_SCBOS1-10

The DPEIR identifies the biological resources value provided by agricultural lands. For example, DPEIR Section 3.6, “Biological Resources – Terrestrial,” describes the potential wildlife habitat functions of agricultural lands as follows:

The value of agricultural habitat for sensitive and common wildlife species varies greatly among crop types and agricultural practices. Rice fields can provide relatively high-quality agricultural habitat. Seasonal flooding creates surrogate wetlands that can be exploited by a variety of resident and migratory birds, and dry rice fields can attract rodents and their predators (e.g., raptors). Flooded rice fields and irrigation canals also provide important habitat for the giant garter snake, a sensitive species that, like waterfowl and shorebirds, has had its preferred wetland habitat greatly reduced and now uses rice fields as surrogate habitat.

The discussion of Impact BIO-T-3 (NTMA) in Section 3.6, “Biological Resources—Terrestrial,” includes the following statement:

Construction-related activities of NTMAs may also affect special-status species that are associated with grassland and agriculture. These include 12 species of special-status plants (such as Red Hills vervain and heartscale) and seven species of birds (among them northern harrier and white-tailed kite). Some special-status species associated with grasslands and agriculture—such as western pond turtle, giant garter snake, and Swainson’s hawk—are also associated with wetland and riparian habitats. These species could also be affected by the construction of levee improvements, particularly landside seepage and stability berms.

Also see Master Response 3.

L_SCBOS1-11

For a discussion of rural flood safety improvements, see responses to comments L_SCBOS1-04 and L_SCBOS1-09. For a discussion of agricultural lands, see response to comment L_SCBOS1-10. For a discussion of bypass improvements, see response to comment L_SCBOS1-06.

L_SCDRM1



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Bill Emlen, Director
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April 20, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: Comments on the Draft Central Valley Flood Protection Plan (CVFPP) and Draft Programmatic Environmental Impact Report

Dear Ms. Moricz:

Solano County is pleased to offer initial comments on the CVFPP and associated Environmental Impact Report (EIR). The County recognized the importance of this project and the need to provide meaningful input as the process moves forward. It is notable that these documents and associated appendices total over 1000 pages rendering it difficult for smaller jurisdictions to get through the material. The standard 45-day comment period required under the California Environmental Quality Act is very short when commenting on documents of this magnitude and importance. An extension of the comment period would be in order to not only enable Solano County to provide additional comments, but also to allow for smaller communities and others affected by this Plan to understand the Plan and Programmatic document to provide meaningful comments as well. The County also believes the extreme programmatic nature of the EIR does not benefit the analysis needed given the far reaching effects this plan will have. The Plan clearly sets in motion potential impacts that should not be glossed over under the guise of a programmatic level EIR. Ultimately, a re-circulation might still be required but additional time for comment at the front end of the process might reduce the potential for such a sequence.

As the CVFPP moves toward project implementation, we strongly urge the Board to incorporate more local agency and stakeholder involvement throughout the process. The local community will bring a great deal of information and practical knowledge to the process, including much-needed historical background, expertise and innovation to the tasks at hand. This local expertise is crucial to a successful process as projects are identified, planned and implemented. Local and regional agencies should be fully utilized as projects are designed and constructed.

While the importance of protecting large communities cannot be minimized, the Plan and EIR must not underestimate the impacts to smaller rural and agricultural areas. The Plan/EIR must make a stronger effort to address and mitigate impacts to such areas; rather than the caveated language currently in the

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Plan. Many small communities spend scarce resources upgrading facilities that benefit the larger system in heretofore unrecognized ways, often without compensation. Higher priorities for these areas should be considered, as small communities contribute to the larger system. In addition, Plan policy should explicitly support and expedite continued efforts by small communities in repair/improvement activities.

L_SCDRM1-04

The CVFPP should be fully integrated with water supply operations; the document refers to multi-purpose reservoir operations but does not appear to endorse a fully integrated approach. Since the water supply system and the flood control system are both undergoing significant reconstruction at essentially the same time, opportunities exist for real innovation and significant improvement to both. Some thought should be given to further expediting the burdensome federal Corps' process, given the importance of time action on this plan.

L_SCDRM1-05

The increased flood plan footprint is significantly larger than anticipated (noted in Plan Appendix 8J Section 4.0 Flood Management Elements) requiring additional acreage for facilities, identifying environmental conservation acreage, and allowing that some accommodation for continuance of agriculture via conservation easements (p 4-5) may occur. The conservation acreage being incorporated as part of this project is significant. Implications to agriculture in Solano County, the Delta and the Central Valley need to be explicitly identified and analyzed in the Plan and draft EIR, mitigated appropriately and cumulative impacts of the aforementioned projects addressed. We are particularly concerned that potential impacts to northeast Solano County and the Cache slough area in particular have not been adequately addressed. Any environmental conservation contemplated as part of this plan needs to be closely coordinated with a number of other agencies/organizations, including the Delta Conservancy, the Farm Bureaus, and BDCP, to name a few. The Plan (and others) run the risk of cumulatively, negatively affecting the viability of agriculture in Solano County, the Delta and perhaps the larger Central Valley. The EIR broad brushes this issue by acknowledging that this is a potentially significant unavoidable impact and provides a seemingly generic laundry list of mitigations. Solano County believes preservation of agricultural areas deserves more than a menu of mitigations that may or may not be effective. The County strongly urges that the EIR take a more detailed look at impacts to agriculture, and provide a more comprehensive mitigation strategy to preserve Delta agriculture.

L_SCDRM1-06

For any levee management strategy to ultimately become effective, the state must ultimately prevail over the broad based, ill-conceived federal levee vegetation guidance pushed by the Army Corps of Engineers. Strategies should be devised as part of this plan, and might include a request for full waiver of the region from these requirements, due to inappropriate, overriding negative consequence in the geographic area.

L_SCDRM1-07

Where the Plan mentions specific areas, concern arises as to ultimate, perhaps unintended effects that broad based planning brings to a specific area. Where we will look to project-related environmental documentation to address many of these concerns, the following examples of issues described more generally above are included for your consideration, and which need to be factored into the broader-based Plan.

L_SCDRM1-08

- 1) Removal/addition of physical structures to State Flood facilities may significantly impact local communities. The County is particularly concerned about potential impacts to Rio Vista. Full and early vetting of potential change is recommended.

L_SCDRM1-09

- 2) Project levees in the Bypass above Liberty Island are maintained by Solano landowners to protect themselves from the hydraulic effects of the Sacramento River Flood Control Project design, rather than from a naturally occurring flood event. Solano landowners, particularly those in RD 2068, pay for levees that benefit the flood system upstream in the Sacramento Valley and in the West Sacramento/Clarksburg areas (system wide benefits) that were not

L_SCDRM1-10

required before the project construction. These are redirected impacts that are not recognized nor mitigated by the State or Federal Government.

L_SCDRM1-11

- 1) The lower Yolo Bypass adjacent to Solano County during a design flood (approx. 1986 or 1997) passes the design flow but at a level approximately 2 feet higher than design. This means lower freeboard on levees and therefore a correspondingly higher risk level than design. In 1986 the bypass flowed around the northern end of the project levee (it did not go over the levee) due to the higher than design water surface elevations. Also, in the areas where there is no levee, (the lands surface elevation was determined to be higher than the design water surface elevation) the bypass flows encroach into areas where no flood easements were purchased. In 1986 homes were flooded (this didn't happen in 1997 because the home owners constructed, at their own expense, ring levees around their structures).
- 2) Bypass widening is proposed for Solano lands in the area north of Rio Vista up to Hastings Tract (RD 536 and RD 2060); loss of agricultural production and economic activity needs to be addressed. The potential for economic blight must be considered. The County believes impacts to this area could be significant and should be avoided either through plan modification or more substantive mitigation than currently contained in the EIR. More detailed modeling of flood flows is also needed even at the programmatic level given that these impacts can be reasonably foreseen even at current plan detail levels.
- 3) Potential changes in the timing and duration of flooding in the bypass changes the risk profile of the adjacent levees. These must be further addressed in the Plan and EIR.
- 4) Modifications for fish passage in the bypass increases the potential for conflict with ESA listed species. The full range of impacts from this change needs to be further evaluated.
- 5) Potential issues with Ryer Island (RD 501): hydraulics of the Cache Slough region are modified by the plan; consequently, impacts will occur and should be identified as part of the Plan. Hydraulic and other modeling may be necessary to describe changing conditions.

L_SCDRM1-12

L_SCDRM1-13

L_SCDRM1-14

L_SCDRM1-15

Thank you for your consideration of our comments and look forward to working with you on this important Plan process. Please do not hesitate to contact me for additional information or further follow-up.

Sincerely:



Bill Emlen
Director of Resource Management
County of Solano

Solano County Department of Resource Management, Bill Emlen

Response

L_SCDRM1-01

As stated in Master Response 22, The CVFPP SSIA is a complex integrated flood management plan that covers a large geographic area. The State Legislature required DWR to prepare the first public draft CVFPP by January 1, 2012, for adoption by the Board by July 1, 2012, or as such other date as may be provided by the Legislature. DWR believes that the CVFPP and DPEIR speak for themselves regarding the magnitude of the required effort in light of these statutory deadlines, and appreciates the compliments from a number of commenters in that regard.

The Public Draft CVFPP was released, on time, on December 30, 2011. Several of the attached supporting documents, specifically the *State Plan of Flood Control Descriptive Document* (November 2010) and the *Draft Flood Control System Status Report* (December 2011), were published before the Public Draft CVFPP and informed its development. Most CVFPP attachments were released with the public draft or in early February 2012; exceptions include the “Flood Damage Analysis,” “Riverine Channel Evaluations,” “Cost Estimates,” and “Reservoir Analysis” attachments, which were released between mid-February and the publication of the DPEIR.

CEQA Guidelines Section 15105(a) states that when a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days. The DPEIR was made available for public comment on March 6, 2012; however, as described above, most attachments (the CFVPP and attachments) were publicly available several months before.

Four comments that were received on the last day of the noticed comment period requested an extension of the time to comment. No requests for extension were made before then. DWR decided not to extend the 45-day public comment period after considering several factors: (1) Many of the key documents had been available for more than 45 days; (2) the vast majority of commenters did not see a need to request an extension; (3) a number of commenters had already responded in a timely manner, many with very detailed comments; (4) the commenters requesting extensions were simultaneously filing comments reflecting a thoughtful review; (5) a highly publicized outreach and engagement program was initiated with stakeholders; and (6) it was necessary to ensure compliance with the rapidly approaching July 1 statutory deadline. DWR appreciates the

diligent efforts made by all of those who have participated in the development of the CVFPP, including those who submitted timely comments on the DPEIR. For additional details, see Master Response 22.

Regarding the programmatic nature of the DPEIR, as stated in Master Response 23 and explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

Contrary to the assertions by several commenters, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements.

Certain commenters cited *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008), 43 Cal.4th 1143, 1163 (*CALFED Proceedings*), in support of their argument that a greater level of project detail was required in the CVFPP PEIR. In fact, the California Supreme Court’s decision on *CALFED Proceedings* fully validated DWR’s PEIR in that case, stating:

In addressing the appropriate amount of detail required at different stages in the tiering process, the CEQA Guidelines state that “[w]here a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof ..., the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographic scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.” (Cal. Code Regs., tit. 14, § 15152,

subd. (c).) This court has explained that “[t]iering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, *supra*, 40 Cal.4th at p. 431.)

Id. at 1170. A comparison of the EIR at issue in *CALFED Proceedings*, which is comparatively general, with the more detailed analysis contained in the CVFPP PEIR demonstrates that the standard articulated in *CALFED Proceedings* has been more than satisfied here.

Commenters also cited *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351 (*Rio Vista*); however, like *CALFED Proceedings*, that case upheld the adequacy of a program-level EIR that, like the CVFPP PEIR here, supported a program-level action that did not commit the agency to any future projects. Specifically, *Rio Vista* concerned the validity of a final EIR for a county’s hazardous waste management plan. The plan did not select any specific sites for hazardous waste disposal facilities, but instead merely designated certain areas within the county as being potentially consistent with the stated criteria for such a facility. Much like the argument made by the commenters here, at issue was whether the EIR was defective for failing to provide a sufficient project description or to sufficiently analyze the environmental impacts of, possible mitigation measures for, and project alternatives to constructing hazardous waste disposal facilities at identified potential sites. Rejecting the claim, the Court of Appeal stated: “The flaw in appellant’s argument is that the Plan makes no commitment to future facilities other than furnishing siting criteria and designating generally acceptable locations. While the Plan suggests that new facilities may be needed by the County, no siting decisions are made; the Plan does not even determine that future facilities will ever be built.” (*Id.* at 371.) The Court of Appeal added: “Where, as here, an EIR cannot provide meaningful information about a speculative future project, deferral of an environmental assessment does not violate CEQA.” (*Id.* at 373.)

Several commenters argued that DWR failed to disclose the full scope of the program, pointing to various analyses in the draft CVFPP and DPEIR of conceptual future projects, such as certain bypass expansions. However, these analyses simply implemented DWR’s obligation under CEQA’s “rule of reason” to make reasonable forecasts necessary to support informed decision making and public participation at the program level. As in *Rio Vista*, the draft CVFPP and DPEIR carefully explained that no commitments are presently being made to future facilities such as bypass expansions. Instead, extensive technical and other analyses as well as public participation will precede any specific project proposals.

Commenters also criticized the fact that several of the mitigation measures in the DPEIR contemplate flexible application at the project level, and that some of those measures are qualified by their future feasibility at the project level. However, given the broad range of actions that could occur under the CVFPP, this flexibility is not only appropriate, but necessary, because not all measures will be appropriate or feasible in all situations (CEQA Guidelines Section 15168(c)(3)). The CVFPP discusses implementation measures at a program level. Specific actions that may be implemented after adoption of the CVFPP will be evaluated to determine the applicability and feasibility of specific measures in the particular project-level context. For additional details, see Master Response 23.

L_SCDRM1-02

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of

the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

L_SCDRM1-03

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also

reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf). For additional details, see Master Response 3.

As stated in Master Response 4, the SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property. The SSIA identifies minimum flood protection targets when State investments are made to protect public safety in urban areas and small communities (protection from 200- and 100-year flood events, respectively). However, the plan acknowledges that State investments alone cannot achieve these targets in all communities without leveraging federal and local funds, and encourages higher levels of flood protection whenever feasible. The SSIA also outlines various State

investments that would contribute to improved flood-risk management in rural-agricultural areas, and that are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development in floodplains. The SSIA does not target a minimum level of flood protection for State investments in rural-agricultural areas outside of the small communities because conditions and local interests differ from one area to another, and additional regional planning efforts are needed to formulate solutions that meet community needs and State investment priorities. However, the SSIA includes various options for addressing flood risks in rural-agricultural areas, including the following:

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting
- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs
- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

All areas would benefit from State investments in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. For additional details, see Master Response 4.

L_SCDRM1-04

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction for the CVFPP to "...include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the State Plan of Flood Control, and, wherever feasible, meet multiple objectives..." (CWC Section 9616(a)). The legislation further identifies 14 objectives, two of which address water supply and groundwater recharge (CWC Sections 9616(a)(3) and 9616(a)(14)).

The CVFPP includes a high-level discussion on integrating water supply benefits with flood management improvements. The SSIA elements focus on public safety and improvement of flood management, consistent with the legislative direction and CVFPP primary goal; however, implementing these elements could improve water management because expanding floodways and the bypass system could improve the flexibility of reservoir operations and increase in-channel groundwater recharge. The SSIA

describes potential opportunities for integrating water supply benefits with proposed flood management actions, but it does not include specific project recommendations related to water supply because of the need for future site-specific proposals and analyses. During post-adoption activities (regional flood management planning and development of basin-wide feasibility studies), additional details will be developed, including specific water management features as part of multi-benefit projects, in collaboration with interested local and regional agencies and organizations.

In addition, the DPEIR evaluates the potential effects of the proposed program on water supply; for example, see Section 3.11, “Groundwater Resources,” and Section 3.13, “Hydrology.” The impetus for including both the Southern California and coastal CVP and SWP service areas within the DPEIR (i.e., as the “SoCal/coastal CVP/SWP service areas”) was to ensure that potential effects of the program on water deliveries outside the Extended SPA and Sacramento and San Joaquin Valley Watersheds were evaluated in the DPEIR.

The DPEIR analysis did not find any significant adverse effects on water supply resulting from the proposed program.

DWR believes that the approach of focusing the CVFPP on flood management issues is consistent with the Legislature’s intent as expressed in the Central Valley Flood Protection Act of 2008, and that including elements that provide a greater focus on water supply is not necessary. For additional details, see Master Response 7.

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches— Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However, no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP. For additional details, see Master Response 10.

L_SCDRM1-05

The commenter asserts that the description of agricultural land conversions is inaccurately stated, based on comparisons to Attachment 8J in Appendix A, “Central Valley Flood Protection Plan.” However, the commenter does not describe in what way the acreage assumptions are inconsistent. In fact, consistent assumptions are made regarding the scale of potential agricultural land conversions in the DPEIR and CVFPP.

Multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about a conceptual levee setback element depicted on a map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. Master Response 20 specifically addresses this map included on Page E-12 of Attachment 8J; however, the content of Master Response 20 could apply to the entirety of Attachment 8J. As stated in Master Response 20, multiple comments generally expressed concern that a conceptual setback levee would require

conversion of the particular agricultural lands indicated on the map, among other issues.

These concerns reflect several apparent misunderstandings regarding the map and its intended purpose. First, the levee setback element of concern was included in the preliminary approach entitled “Enhance Flood System Capacity Approach,” but not in the recommended SSIA. The referenced map is from page E-12 in Appendix E to Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” However, as explained in the DPEIR, development of the SSIA is the State’s proposal for balanced, sustainable flood management in the Central Valley. The Enhance Flood System Capacity approach is not being proposed by DWR.

Other documents support the conclusion that the levee setback element of concern to the commenters was not included in the recommended SSIA. For example, Figure 7-25 in Attachment 7, “Plan Formulation Report,” found in Volume II of DPEIR Appendix A, “Central Valley Flood Protection Plan,” illustrates all the elements included in the Enhance Flood System Capacity approach. It shows a setback levee area in the lower Feather River under this approach. However, this setback element is not carried forward in the SSIA, as depicted in Figure 8-1 in Attachment 7 and in Figure 3-1 of the Public Draft CVFPP (these are the same figure).

This particular conceptual setback was developed primarily for cost evaluation and comparison purposes. Specifically, Tables 6-11 and 6-15 in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan,” summarize the cost items assumed for the Enhance Flood System Capacity approach and for the SSIA, respectively. The cost of any rural setback levees (including the conceptual setback of concern to the commenters) is reflected in Column 15, “Rural Setback Levees,” of each table. When comparing these two tables (regarding the SSIA and Enhance Flood System Capacity approach, respectively), the costs of conceptual rural setback levees were included in the Enhance Flood System Capacity approach (Table 6-11), but the corresponding value in Table 6-15 is zero, further confirming that the conceptual levee of concern to the commenters is not included in the recommended SSIA.

In addition, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. Additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial

additional analysis and public participation. For additional details, see Master Response 20.

As stated in Master Response 2, the DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). The DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments. For additional details, see Master Response 2.

See response to comment L_SCDRM1-03 above regarding the relationship between the CVFPP and rural and agricultural areas and mitigation for agricultural impacts. See response to comment L_SCDRM1-01 above regarding the programmatic nature of the CVFPP and the PEIR and the adequacy of the level of detail in the PEIR analysis, including the adequacy of mitigation measures.

An evaluation of cumulative effects of the combined impacts of the CVFPP and other projects, plans, and programs (e.g., BDCP, Delta Plan) is provided in DPEIR Chapter 4.0, "Cumulative Impacts." All environmental issue areas addressed in the evaluation of the CVFPP alone (e.g., aesthetics, agricultural and forestry resources, air quality) are also evaluated in the cumulative impact analysis.

Regarding the CVFPP being coordinated with other plans and efforts, as stated in Master Response 18, the CVFPP will be integrated with other large plans within the context of its primary goal to improve flood management in the SPFC planning area by considering an urban level of flood protection against a 200-year (0.5 percent annual chance) flood for urban and urbanizing areas; structural and nonstructural options for protecting small communities from a 100-year (1 percent annual chance) flood; and flood protection options for rural-agricultural areas, with a focus on integrated projects that achieve multiple benefits and help preserve rural-agricultural lands from urban development. Additional project-level study and coordination with local, State, and federal governments and agencies, and with local major programs and projects, is necessary to implement many of the elements proposed in the CVFPP. For example, the Yolo Bypass expansion would need to be implemented in coordination with the CVP and SWP Long-term Operations Criteria and Plan Biological Opinion and BDCP, in consultation with Yolo County's Natural Heritage Program and other programs that focus on the region. For additional details, see Master Response 18.

Regarding the issue of assessing the continued viability of agricultural operations on the county and regional level, multiple variables are involved in assessing the potential for changes in agricultural production in one location (whether a change in the volume or type of crop) to make continued agricultural operations in another area infeasible. A small potential sampling includes the size of the location where crop production is changed relative to the size of other lands that could be indirectly affected (e.g., is the affected property a small or larger portion of the overall production area?); the specificity of services required to support the particular crop (e.g., can supporting industries only service one crop type?); the size and overlap of the service area of agricultural supporting business (e.g., is there only one service provider available to support an area?); and strength and stability of the local agricultural economy (e.g., is the area resilient to changing conditions?). An additional level of uncertainty applies to this issue when applying an analysis to the CVFPP, given the high-level nature of the CVFPP and lack of detail regarding future projects. To attempt to determine how or if a local or regional agricultural industry might become infeasible because production conditions are changed as a result of the CVFPP is speculative at this time. Such an analysis is not required in the DPEIR.

L_SCDRM1-06

The suggestions in the comment are consistent with the approach taken in the CVFPP. As stated in Master Response 16, USACE ETL 1110-2-571, *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures* (2009), treats vegetation as introducing unacceptable uncertainties into levee performance. USACE direction in ETL 1110-2-571 states that these uncertainties must be addressed through vegetation removal and/or engineering works. A preliminary assessment of USACE's approach by DWR concluded that the complete removal of existing woody vegetation along the 1,600-mile legacy Central Valley levee system would be enormously expensive, would divert investments away from more critical threats to levee integrity, and would be environmentally devastating. State and federal resource agencies find that the ETL itself, and the potential impacts of widespread vegetation removal with strict enforcement of that regulation, pose a major threat to protected species and their recovery. Similarly, local agencies are concerned about negative impacts on public safety from rigid ETL compliance if limited financial resources were redirected to lower priority risks. The CVFPP proposes the State's comprehensive, integrated VMS for levees to meet both public safety and environmental goals in the Central Valley.

USACE has proposed a policy for issuing variances from the strict vegetation removal requirements of the ETL. The State intends for the VMS, including LCM, to serve as the basis for a regional variance application that would generally allow vegetation to remain on the waterside of Central Valley levees up to a line 20 feet below the waterside levee crown. The State considers this vegetation to be particularly important for providing habitat while also promoting levee integrity. Although the most recent version of USACE's draft variance policy casts considerable doubt on the viability of such a regional variance that would achieve the State's objective of retaining most waterside vegetation, the VMS has been retained in the CVFPP to support a continued dialogue with USACE, including a likely variance application.

The State will implement a comprehensive, integrated VMS in the Central Valley that both meets public safety goals and protects and enhances sensitive habitats in the Sacramento and San Joaquin valleys. The CVFPP's VMS represents the State's current approach to addressing levee vegetation in the context of USACE ETL 1110-2-571 governing vegetation on federal flood management facilities. However, DWR continues to advocate having USACE participate as a true partner in addressing legacy levee vegetation issues, jointly considering the environmental and risk-reduction implications of vegetation remediation within the context of prudent expenditure of limited public funds. DWR will continue a dialogue with USACE regarding plan formulation concepts that recognize the agencies' shared responsibility for addressing vegetation issues (along with traditional levee risk factors), within a systemwide risk-informed context intended to enable continued progress on critical cost-shared flood system improvements. For additional details, see Master Response 16.

L_SCDRM1-07

The comment introduces subsequent more detailed comments. General issues identified in this introductory statement are addressed below in the responses to the more detailed comments.

L_SCDRM1-08

See responses to comment L_SCDRM1-02 and L_SCDRM1-05, above.

As stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, "Riverine Channel Evaluations"; and Attachment 8D, "Estuary Channel Evaluations," in Appendix A, "Central Valley Flood Protection Plan"),

implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, "Hydrology," in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. For additional details, see Master Response 12.

L_SCDRM1-09

The comment is an interpretation of existing conditions and does not address any modifications to the SPFC included in the CVFPP. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted. The issue of redirected hydraulic impacts as it relates to CVFPP implementation is addressed in response to comment L_SCDRM1-08.

L_SCDRM1-10

The comment describes past events and does not address any modifications to the SPFC included in the CVFPP. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SCDRM1-11

As stated in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from

previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The DPEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAAs). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. The DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments. For additional details, see Master Response 1.

As stated in Master Response 3, the DPEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, "Agriculture and Forestry Resources," of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed. For additional details, see Master Response 3. The comment provides no evidence or examples to support the assertion that mitigation measures in the DPEIR are deficient. Similarly, the comment provides no evidence or examples to support the assertion that more detailed modeling of flood flows is required.

As stated in Master Response 2, the conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable. For additional details, see Master Response 2.

Multiple variables are involved in assessing whether economic effects of a project could lead to blight. Examples include the level of local economic effect from changes in existing conditions, the dependency of local business on the affected lands, the response of businesses to changes in economic effects, and the resiliency of these businesses to changing conditions. An additional level of uncertainty applies to this issue when attempting to apply an analysis to the CVFPP, given the high-level nature of the CVFPP and lack of detail regarding future projects. To attempt to determine if, where, and to what extent blight could occur because of agricultural impacts from the CVFPP is speculative at this time. Such an analysis is not required in the DPEIR.

L_SCDRM1-12

See responses to comments L_SCDRM1-08 and L_SCDRM1- 11, above.

L_SCDRM1-13

The comment provides no indication of how modifications to fish passage in “the bypass” could increase the potential for conflict with ESA-listed species. There is no information on how such a conflict might occur, or evidence that such a conflict could occur. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment identify specific insufficiencies in the DPEIR. The comment is noted.

L_SCDRM1-14

The CVFPP's hydraulic impact policy is stated in Section 4.8 in Appendix A, "Central Valley Flood Protection Plan," of the DPEIR. As stated in Master Response 12, the 2012 CVFPP does not include new State policy or guidance for considering hydraulic effects of CVFPP actions such as repairing or reconstructing existing SPFC facilities; the Central Valley Flood Protection Act of 2008 (SB 5) did not require preparation of such a policy. However, the State will continue to develop policies and guidance to support SPFC repair and improvement projects through post-adoption activities, to complement existing State and federal permitting processes. The Board is authorized to review flood management improvement projects for compliance with policies on hydraulic impacts (CWC Sections 8710–8723; CCR Title 23, Chapter 1, Article 3(16)(o)). In addition, DWR and the Board review proposed State-federal flood management projects before they are authorized and determine whether the projects' individual and cumulative hydraulic impacts are mitigated (CWC Section 12585.9). The Board, in collaboration with USACE and DWR, is continuing to develop guidelines related to project-specific hydraulic impacts.

Hydraulic effects of SSIA elements are described in Sections 3.5.7 and 3.13 in Appendix A, "Central Valley Flood Protection Plan," of the DPEIR. The State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, "Riverine Channel Evaluations"; and Attachment 8D, "Estuary Channel Evaluations," in Appendix A, "Central Valley Flood Protection Plan"), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, "Hydrology," in the DPEIR under Impact HYD-2 (NTMA),

Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. Given the program-level nature of the DPEIR, specific hydraulics on Ryer Island and the Cache Slough region would not be determined or evaluated until specific projects are better defined, proposed, and evaluated as part of project-level CEQA documentation.

L_SCDRM1-15

DWR and the Board appreciate Solano County's participation in review of the CVFPP and look forward to the county's continued participation.

SOLANO COUNTY WATER AGENCY



April 11, 2012

L_SCWA1

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan

Dear Ms. Moricz:

L_SCWA1-01

The Solano County Water Agency (SCWA) provides the following comments on the Draft Central Valley Flood Protection Plan (CVFPP) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB).

We understand that the draft CVFPP is a framework for future actions and will require much more discussion with stakeholders as a more detailed implementation and financing plan is developed.

- The draft relies on the traditional USACE Civil Works Program to provide Federal funds implementing the CVFPP. We have concerns this Federal process will not provide adequate funding in a timely manner. We suggest that the CVFPP include a series of tools which could be used to implement the plan, even if the Federal government does not participate in the traditional manner.
- We recommend that the draft CVFPP be amended to explicitly consider local and regional agencies as the primary option for studies and construction of all improvements, including system improvements, unless there isn't a motivated or capable local partner agency/agencies.
- The draft CVFPP includes a recommendation to widen the Yolo Bypass in eastern Solano County. The widening will require additional lands to be incorporated into the Bypass system and additional lands for new levees. This would impact existing agricultural lands. Please note that BDCP and other habitat restoration efforts have targeted lands in the same Cache Slough area in the vicinity of the Yolo Bypass widening. We, along with Solano County, are concerned about the potential significant impacts to agriculture in Solano County. While the plan identifies the potential impacts and discusses programs to mitigate impacts, the plan does not make adequate commitments to these programs and appears to underestimate some of the costs that

L_SCWA1-02

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would be necessary to meet the objectives of the plan and does not address the broader implications to the local agricultural economy. The lack of specific commitment for rural levees must be addressed in the plan.

L_SCWA1-03

- The plan needs to specifically address flood protection for the city of Rio Vista in the context of flood management improvements in the Yolo Bypass and the Sacramento River system. Rio Vista sits at the bottom of the Sacramento Valley system and could be adversely impacted by changes in the flood management system. SCWA previously submitted comments that the Mellin Levee (a Project levee) is not identified on the CVFPP maps. This levee, maintained by SCWA, protects the lands near Rio Vista from high Yolo Bypass flows.

L_SCWA1-04

SCWA supports the comments of the California Central Valley Flood Control Association on the draft CVFPP and the draft Programmatic Environmental Impact Report.

If you have any questions, please feel free to contact me at 707 455-1103.

Sincerely,



David Okita
General Manager

File: F-90

[illegible]

General Manager, Solano County Water Agency, David Okita

Response

L_SCWA1-01

As stated in Master Response 14, regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. On CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

DWR will engage regional flood planning partners to develop and implement communication strategies with broad interest groups to brief them on flood management planning in their regions. Regional implementing and operating agencies, land use agencies, and interest groups will be invited to participate in the planning process. Each regional planning process will seek input, as appropriate, from agricultural interests, environmental interests, permitting agencies/resource agencies, local emergency responders, tribes, and other stakeholders. DWR anticipates that a regional flood working group will be formed in each region.

As part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA. **CVFPP Financing Plan** (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”)

The Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption. DWR recognizes that funding provided by Propositions 1E and 84 will not be sufficient to realize all of the improvements to flood management in the Central Valley envisioned in the CVFPP. As part of post-adoption regional planning, DWR, in collaboration with local and regional entities, will prepare a framework for financing projects at a regional level; State-led feasibility studies will further refine system elements of the CVFPP and confirm State interests in implementing local and regional projects. Both

efforts will inform preparation of the CVFPP Financing Plan, which is scheduled for completion in 2013.

For additional details, see Master Response 14.

L_SCWA1-02

As stated in Master Response 2, the PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

As stated in Master Response 3, the PEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for

inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

DWR will continue to coordinate with other flood management and ecosystem enhancement efforts during implementation of the CVFPP. A few key examples include the Delta Stewardship Council's Delta Plan, the San Joaquin River Restoration Program, and the BDCP.

Delta Plan (see "Central Valley Flood Protection Plan and the Delta Plan," fact sheet dated March 23, 2012)

The Delta Stewardship Council is developing a comprehensive, long-term management plan for the Delta and the Suisun Marsh—the Delta Plan—to achieve the goals of improving water supply reliability and restoring the ecosystem, as described in CWC Section 85054. The CVFPP is one of many management plans that could contribute to achievement of the goals of the Delta Plan.

The primary goal of the CVFPP is to improve flood risk management, with a focus on lands protected by facilities of the SPFC, including those lands located in the Delta. However, SPFC facilities protect only portions of the Delta; other programs address flood management needs outside areas protected by the SPFC (outside the CVFPP study area). The major elements of the CVFPP's recommended approach—the SSIA—are consistent with the policies and recommendations in the draft Delta Plan (Delta Stewardship Council 2012), which address the following topics:

- *Improve emergency preparedness and response*—Both plans discuss preparing for and responding to flood emergencies, including preparing emergency response plans and protocols.
- *Finance and implement flood management activities*—Both plans acknowledge the challenges associated with financing O&M and repairs, and contain similar recommendations to pursue formation of regional levee districts.
- *Prioritize flood management investment*—Both plans emphasize the need to prioritize future investments in flood management and leverage funding to achieve multiple objectives and benefits.
- *Improve residential flood protection*— Both plans acknowledge the need to associate levels of flood protection with assets at risk; the CVFPP incorporates the *Urban Levee Design Criteria* document by

reference and supports the development of criteria for repairing levees in rural areas (criteria appropriate to the lands and uses being protected).

- *Protect and expand floodways floodplains and bypasses*—Both the Delta Plan and the CVFPP recommend further evaluation of Paradise Cut.
- *Integrate Delta levees and ecosystem function*—The Delta Plan recommends development of a criteria to define locations of future setback levees and the CVFPP recommends the use of setback levees to provide local and regional benefits.
- *Limit of liability*—Both plans acknowledge the need to address increasing exposure of the State and other public agencies to liability associated with failure of flood management facilities; both plans also include recommendations related to flood insurance reform.

Under the SSIA, when making flood management investments in areas of the Delta protected by the SPFC, the State will consider structural and nonstructural actions to help achieve the following objectives:

- 200-year level of flood protection, minimum, for urban areas (e.g., Stockton metropolitan area)
- 100-year level of flood protection for small communities in the Delta that are not already protected by urban improvements (e.g., Clarksburg, Hood, Courtland, Walnut Grove, Isleton, and Rio Vista)
- Improved flood management in rural-agricultural areas, through integrated projects that achieve multiple benefits and help preserve rural-agricultural land uses, including projects to restore levee crown elevations and provide all-weather access for inspection and floodfighting; economically feasible projects to resolve known levee performance problems; and agricultural conservation easements, when consistent with local land use plans and in cooperation with willing landowners)

In addition, the SSIA includes system elements, such as a potential expansion of the Yolo Bypass, to increase the capacity of the flood management system, attenuate peak flood flows, and increase opportunities for ecosystem restoration compatible with the BDCP (another major management plan contributing to the Delta Plan). The SSIA also includes a potential new Lower San Joaquin Bypass to alleviate flood risk to the Stockton metropolitan area and to provide opportunities for environmental restoration and agricultural preservation.

San Joaquin River Restoration Program (see “Central Valley Flood Protection Plan and San Joaquin River Restoration Program,” fact sheet dated March 23, 2012)

The SJRRP is a comprehensive long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of the Merced River, restoring a self-sustaining Chinook salmon fishery in the river while reducing or avoiding adverse water supply impacts from restoration flows.

The CVFPP focuses on the areas currently receiving protection from SPFC facilities. The Restoration Area considered in the SJRRP encompasses the San Joaquin River and associated areas and structures from Friant Dam to the Merced River confluence; this area is largely rural-agricultural with some small communities. A portion of the Restoration Area receives flood protection from SPFC facilities.

Under the SSIA, the State will consider investments for improving management of flood risks for rural-agricultural areas and small communities as follows:

- Structural and nonstructural options for improving flood protection for small communities protected by the SPFC, targeting a 100-year (1 percent annual chance) flood
- Integrated projects that achieve multiple benefits and help preserve rural-agricultural land uses, including projects to restore levee crown elevations and provide all-weather access for inspection and floodfighting; economically feasible projects to resolve known levee performance problems; and agricultural conservation easements (when consistent with local land use plans and in cooperation with willing landowners)

To facilitate restoration, modifications to river channels, bypasses, and water diversion and flood management facilities in the Restoration Area are anticipated. Many of the SJRRP modifications would require additional detailed studies and regulatory permits, and some of those actions are associated with SPFC facilities. Where feasible and consistent with the CVFPP, some SJRRP actions could be considered in CVFPP implementation and may be included in future updates to the CVFPP.

Bay-Delta Conservation Plan (see “Central Valley Flood Protection Plan and Bay Delta Conservation Plan,” fact sheet dated March 23, 2012)

The BDCP is a long-term multipurpose plan, developed pursuant to the federal ESA and the California Natural Community Conservation Planning Act, to help meet California’s goal for Delta management to restore and

protect water supply, water quality, and ecosystem health. The public draft BDCP and its EIR/EIS are scheduled for release in mid-2012.

The BDCP Plan Area includes the legal Delta, the Suisun Marsh, and the Yolo Bypass. The CVFPP focuses on areas currently receiving protection from SPFC facilities. Portions of the Delta, as well as the Yolo Bypass (a major SPFC facility instrumental in managing flood risks in the Sacramento River Basin), are within both the BDCP Plan Area and the CVFPP's SPFC Planning Area. The Suisun Marsh, part of the BDCP Plan Area, is included in the Extended SPA as described in the DPEIR.

Although flood management is not within the scope of the BDCP, at least two proposed conservation measures directly relate to flood management: (1) the Yolo Bypass Fisheries Enhancement seeks to improve upstream and downstream fish passage through the bypass, and (2) Seasonally Inundated Floodplain Restoration calls for greater duration of flows along the Yolo Bypass.

The CVFPP recommended approach—the SSIA—proposes expanding the Yolo Bypass to increase its ability to accommodate large flood flows. The proposed expansion also presents opportunities to improve fish passage at SPFC facilities, improve fish access to upstream aquatic habitat, and facilitate natural flow attenuation, consistent with BDCP conservation measures. Under the SSIA, the State will also consider a new bypass in the south Delta. This could be accomplished by expanding Paradise Cut or other routes in the vicinity, and may include levee construction, gate structures and/or weirs, habitat components, and agricultural easements.

Implementation of the CVFPP, and of many management components of the BDCP, will require further studies to refine physical features. These studies provide additional opportunities for coordination and to help achieve mutual goals and objectives.

L_SCWA1-03

As stated in Master Response 11, the State is sensitive to the potential effects that upstream actions may have on the Delta and is developing more detailed policies to minimize and mitigate potential redirected hydraulic impacts. The results of preliminary systemwide evaluations indicate that implementing the SSIA as a whole would not result in significant adverse hydraulic impacts on the Delta (see Attachment 8c in Appendix A, “Central Valley Flood Protection Plan”). However, post-adoption implementation actions and studies to refine the SSIA will involve conducting more detailed reach- and site-specific studies, evaluating any potential temporary downstream impacts caused by the sequencing of SSIA implementation, and providing mitigation.

The issue of potentially redirecting hydraulic impacts is also addressed in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA) in Section 3.13, “Hydrology.” As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorizations from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

The Mellin levee is not shown in the USACE O&M manuals, nor were any assurances found. The Mellin levee is also not found in the SPFC Descriptive Document. Therefore, no documents were located to indicate the Mellin levee is part of the SPFC.

L_SCWA1-04

SCWA’s support is appreciated. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.



SUTTER EXTENSION WATER DISTRICT

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L_SEWD1

April, 19, 2012

Central Valley Flood Protection Board
DWR, Division of Flood Management
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

SUBJECT: Central Valley Flood Protection Plan Comments

Dear Central Valley Flood Protection Board,

L_SEWD1-01

As a representative of Sutter Extension Water District (SEWD), I would like to comment on the Central Valley Flood Protection Plan (CVFPP), and make you aware of the negative impacts it would have specifically on SEWD.

SEWD irrigates approximately 20,000 acres of farm land yearly, of which approximately 10,000 acres are used as habitat during the winter months, supporting the Pacific Flyway. SEWD also supplies water to approximately 420 acres for the Sutter National Wildlife Refuge (SNWR) on a year round basis.

L_SEWD1-02

A summary of the negative impacts on SEWD caused by the set back levees are provided below.

- The set back levees as described in the CVFPP could directly impact SEWD's ability to supply water to approximately up to 1,200 acres of rice land, approximately the same amount of winter habitat land as well as the SNWR.
- The set back levees would make water undeliverable to a portion of the SNWR that has been historically supplied by SEWD, thus creating a increased dependence on a water source that is not always reliable during certain times of the year.
- The set back levees could render several of SEWD's pump stations which have permitted water rights issued by the State Water Resource Control Board useless, as it would encompass a portion of the place of use, if not the point of diversion (The actual pump stations). This could potentially cause SEWD to more greatly rely on its primary water rights and increase diversion from Lake Oroville

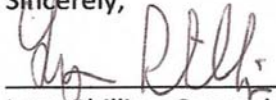
- The set back levees would have a substantial negative fiscal impact on SEWD due to the loss in revenue due to the inability to supply water to the farm ground that has been "taken" by the levee project.

L_SEWD1-03

SEWD is concerned that the State is using the CVFPP as a means of dictating land use, and taking the authority from local government as well as private land owners. The plan proposes to take up to 40,000 acres of land to expand the levees, which would diminish, if not prohibit it from being used as farm land. The plan also proposes to take a portion of the farm land and convert it to habitat. As mentioned earlier, much of the land that would be taken, due to the set back levees is already used as support for the Pacific Flyway, so in essence, the plan would take the land out of agricultural production, and convert it to a different type of habitat. Where are the studies that provide evidence that the proposed habitat takes precedence over the existing habitat?

In conclusion, SEWD would urge the Central Valley Flood Control Board to not adopt the CVFPP as written, but to explore other options. Including, but not limited to new storage projects.

Sincerely,



Lynn Phillips, General Manager, Sutter Extension Water District

Sutter Extension Water District, Lynn Phillips

Response

L_SEWD1-01

The comment is an introductory statement, identifying the commenter's professional affiliation and describing SEWD. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SEWD1-02

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1. SEWD is encouraged to participate in these follow-on

planning efforts as they relate to potential projects in the SEWD service area.

The comment states that setback levees described in the CVFPP could adversely affect the ability of SEWD to deliver water to the SNWR but gives no details, data, or evidence indicating how this effect might occur. This portion of the comment is noted. Other Impact mechanisms listed in the comment are addressed in various locations in the DPEIR. For example, Mitigation Measure AG-1a (NTMA), “Preserve Agricultural Productivity of Important Farmland to the Extent Feasible,” states that, as applicable, project proponents should replace wells, pipelines, power lines, drainage systems, and other infrastructure that are needed for ongoing agricultural uses and would be affected by project construction or operation.

In various locations, the DPEIR acknowledges that setback levee projects could result in the need to relocate pump stations. As stated in Section 3.7, “Climate Change”:

However, it is presumed that for most NTMAs, project proponents would replace existing structures, pumps, and facilities rather than constructing entirely new facilities. (For example, an existing levee segment would be replaced with a setback levee and a drainage pump that is relocated as a result of levee widening would be replaced.) Replacing older pumps and facilities could result in reduced GHG emissions relative to existing conditions if operational conditions or capacities would remain unchanged in the near term.

L_SEWD1-03

The only elements of the CVFPP process that direct action from local governments relate to implementation of SB 5. As stated in Master Response 5, The flood legislation passed in 2007, including the Central Valley Flood Protection Act of 2008 (part of SB 5) and AB 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP. The requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP.

State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections

65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take various actions.

State law (SB 5) also requires each city and county in the Sacramento–San Joaquin Valley to amend its general plan within 24 months of the Board’s adoption of the CVFPP (see CGC Sections 65302.9 and 65860.1) to include consistent information. These cities and counties must also amend their zoning ordinances accordingly within 36 months of the Board’s adoption of the CVFPP. For additional details, see Master Response 5.

As stated in Master Response 1, the Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC, Section 9616(a)(2)). Bypasses have served an essential role in providing these functions. For additional details, see Master Response 1. The inclusion of bypasses in the SSIA (and as a consequence, any changes in land use that development of bypasses may entail) is, in part, a response to legislative direction.

As stated in Master Response 2, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State’s flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and

geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable. For additional details, see Master Response 2.

The commenter's opinion that placing agricultural land in the floodway would "diminish, if not prohibit it from being used as farm land" is overstated. There is currently various forms of orchard and crop production ongoing within the SPFC floodway. The type and success of agricultural operations in the floodway is highly dependent on the frequency and duration of inundation in a particular area, which can be highly variable. However, the DPEIR does identify the potential, in some circumstances, for placing agricultural land in the floodway to adversely affect agricultural operations. For example, as stated in Mitigation Measure AG-1a (NTMA) in Section 3.3, "Agriculture and Forestry Resources," of the DPEIR:

Where setback levees would be constructed, agricultural lands on the waterside of the setback levee may no longer be suitable for agricultural production because they would be inundated during high-water events. Soil conditions in a parcel may not change, agricultural infrastructure may remain in place (e.g., irrigation facilities), and other factors critical to agricultural productivity may remain unaffected. However, regular inundation of agricultural lands in the expanded floodway may make agricultural production no longer feasible and the land could be converted to another use (e.g., habitat restoration). Still, this may not always be the case, because under appropriate conditions multiple types of crops are currently cultivated in floodways in the Central Valley.

Regarding habitat values, the DPEIR does identify the rarity of some habitat types, and the extra value given various habitat types due to its rarity, value to threatened or endangered species, or other conditions. For example, as stated in Section 3.5, “Biological Resources—Aquatic,” of the DPEIR:

The USFWS Mitigation Policy has classified shaded riverine aquatic habitat as Resource Category 1 because substantial amounts of such habitat have been lost along the Sacramento River, primarily from levee construction and installation of rock revetment (Fris and Dehaven 1993). The criterion for designating habitat in Resource Category 1 is identified as habitat that is of high value for evaluation species and is unique and irreplaceable on a national basis or in the ecoregion section that could be affected. The mitigation goal for habitat in Resource Category 1 is “no loss of existing habitat value.”

As stated in Section 3.5, “Biological Resources—Aquatic,” of the DPEIR:

Numerous studies have found that floodplain habitat is valuable to native fish species in the Central Valley. Seasonally flooded habitat provides spawning, rearing, and foraging habitat for splittail and rearing habitat for Chinook salmon (Sommer et al. 1997; Sommer et al. 2001; Sommer et al. 2002; Baxter et al. 1996; Moyle et al. 2000; Jones & Stokes 1999). Floodplain inundation benefits the fisheries by increasing habitat availability and food supply and reducing predation rates. The duration and timing of inundation are key factors in the success of splittail spawning and rearing. A positive correlation exists between the number of days of inundation and the abundance of juvenile splittail in years when floodplains are inundated continuously for at least 4 weeks between March and April (Sommer et al. 1997; Moyle et al. 2000; Jones & Stokes 2001).

The DPEIR identifies the biological resources value provided by agricultural lands. For example, on page 3.6-34 in Section 3.6, “Biological Resources—Terrestrial,” is a description of the potential wildlife habitat functions of agricultural lands, including the following:

The value of agricultural habitat for sensitive and common wildlife species varies greatly among crop types and agricultural practices. Rice fields can provide relatively high-quality agricultural habitat. Seasonal flooding creates surrogate wetlands that can be exploited by a variety of resident and migratory birds, and dry rice fields can attract rodents and their predators (e.g., raptors). Flooded rice fields and irrigation canals also provide important habitat for the giant garter snake, a sensitive species that, like waterfowl and shorebirds, has had its preferred wetland habitat greatly reduced and now uses rice fields as surrogate habitat.

The discussion of Impact BIO-T-3 (NTMA) on page 3.6-78 includes the following:

Construction-related activities of NTMAs may also affect special-status species that are associated with grassland and agriculture. These include 12 species of special-status plants (such as Red Hills vervain and heartscale) and seven species of birds (among them northern harrier and white-tailed kite). Some special-status species associated with grasslands and agriculture—such as western pond turtle, giant garter snake, and Swainson’s hawk—are also associated with wetland and riparian habitats. These species could also be affected by the construction of levee improvements, particularly landside seepage and stability berms.

A well-designed and implemented habitat improvement project generally provides greater habitat values than incidental habitat benefits provided as a result of agricultural operations, as referenced by the commenter.

As stated in Master Response 24, the DPEIR evaluated a reasonable range of alternatives (seven were considered and five received full analysis, and a sixth alternative is included in the FPEIR for the non-CEQA purpose of helping support a future vegetation variance application to USACE) (see Chapter 5.0, “Alternatives”). The DPEIR explained how additional alternatives were screened and the basis for eliminating some alternatives from more detailed consideration. The scope of the alternatives analysis in the DPEIR was sufficient to “foster informed decision making and public participation.” Attachment 7, “Plan Formulation Report,” in CVFPP Volume II provides additional information regarding the foundational development of alternatives presented in the DPEIR.

As described below in the discussion of Master Response 10, potential development of upstream storage facilities does not offer a feasible alternative to floodplain conveyance and/or storage in relation to the CVFPP. As a result, CEQA does not require that such an alternative be included. For additional details, see Master Response 24.

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches— Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However, no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management;

however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP.

During the early and mid-20th century, most of the major rivers and tributaries draining into the Central Valley were dammed, providing both intentional and incidental flood management benefits. The aggregate benefit of these reservoirs to flood management has been substantial, and has contributed to the success of the existing flood system in reducing or avoiding damage from major flood events during the past century. However, California's topography and geology limit opportunities for reservoir construction, and most of the feasible locations have already been developed with the existing major dams (e.g., Shasta, Oroville, Folsom). The remaining opportunities are much more limited.

Specifically, unlike the situation that existed at the beginning of the 20th century, only a few remaining dam sites, spread throughout the Central Valley watersheds, offer the potential to provide large volumes of flood storage capacity. Other than for a few specifics, such as raising Shasta Dam or constructing Sites Reservoir, commenters on this topic did not provide a more detailed proposal or recommendation for implementing upstream storage projects. In particular, commenters provided no specific information regarding the feasibility of using an upstream-reservoir approach to meet the requirements of SB 5.

DWR recognizes the importance of developing additional water storage capacity in California to support an increasing population, to help compensate for the anticipated loss of snowpack storage as a result of climate change, and to maintain the important role of Central Valley agriculture for the nation and the world. For these reasons, multipurpose reservoir projects will likely continue to be proposed and, if successful, may help to meet needs for flood storage capacity.

However, these proposals face daunting challenges. Despite their benefits, new or expanded reservoirs generally face considerable opposition given their environmental effects, costs, perceived risks, and other factors. Also, environmental laws established mostly in the 1970s now apply to these proposals. Among these laws is the requirement under Section 404 of the CWA that any project affecting waters of the United States can be approved only if it is demonstrated to be the least environmentally damaging practicable alternative. Many other laws also present permitting challenges.

It is significant that no new major onstream reservoir has been constructed in the Central Valley watershed since New Melones Dam was completed in 1978. The Auburn Dam project, which commenced construction in 1968, was never completed because of several factors, including its cost, geologic problems with the site, and potential harm to recreational and ecological values. Recently, successful projects have consisted largely of projects to provide offstream storage (such as Los Vaqueros Reservoir), which can provide only limited flood control benefits outside their watersheds given the need for pumping, and projects to increase the capacity of existing reservoirs (which by their nature are only incremental).

Moreover, to serve as a substitute for floodway conveyance and storage, upstream reservoir capacity would have to be developed throughout the Central Valley watershed. The extreme weather events (i.e., atmospheric rivers) that create the greatest risk of a severe flood are often localized. Floodplain storage protects against floodwaters originating from all upstream areas, but by definition, upstream reservoirs can store only the floodwaters that originate from a particular area or tributary watershed. For example, an increase in the capacity of Shasta Lake would provide little or no benefit in the event of a major atmospheric rivers event focused on the central or southern Sierra Nevada. There is simply no reasonable scenario under which an array of new reservoir projects spread throughout the Central Valley watershed would be feasible and could serve as an effective substitute for floodplain storage. Suitable and feasible remaining sites do not exist, the costs would likely be prohibitive and the opposition substantial, and environmental permits would be difficult if not impossible to obtain. It would be both speculative and imprudent for the CVFPP to rely on such an approach. None of the comments on the topic have addressed, much less rebutted, the substantial evidence that such an alternative could not feasibly meet the objectives of the CVFPP as directed by SB 5.

Failing to reserve adequate floodway conveyance and storage capacity now would leave future generations with limited options for addressing their flood protection needs. The current generation has benefited from the existing bypass system, and expanding that system would benefit both current and future residents.

It is recognized that in certain cases and to some degree, upstream floodway conveyance and storage could reduce the need for (or scale of) some types of downstream flood management actions associated with the SPFC. However, opportunities to reduce flood risks on lands protected by the SPFC by increasing floodway conveyance and storage are limited, and depend on a variety of factors:

- The location of a reservoir (or multiple reservoirs) with respect to the downstream actions or target area is important. Multipurpose reservoirs are present along many major tributaries to the Sacramento and San Joaquin rivers, but the hydrology (magnitude of rainfall and timing of peak flows from a watershed) and the operations of these reservoirs are very complex. Flood flows in downstream reaches of mainstem rivers are often influenced by the operation of multiple reservoirs, and peak flood stages may result from a combination of hydrologic events on different tributaries. Consequently, increasing flood storage in one reservoir may not reduce peak flood stage along a mainstem river reach because of the operations of other reservoirs, contributions from unregulated streams, or hydrology of the various tributary watersheds.
- The volume of floodway conveyance and storage that could be achieved is related to the size of the watershed and flood flows it generates, which can limit the effectiveness of expanding reservoirs or constructing new reservoirs. Expanding a reservoir is typically most effective when the existing reservoir has a small flood storage allocation compared with its tributary watershed. Similarly, it may not be effective to construct or expand a reservoir that controls a relatively small watershed.
- Opportunities to expand a reservoir are typically limited by the existing dam's location, size, and type of construction (concrete versus earthen, for example). A reservoir expansion sufficient to achieve the desired flood risk reduction benefits downstream may not be physically possible at all locations.
- The cost and potential impacts of enlarging a reservoir or constructing a new reservoir vary substantially from location to location. The CVFPP is a conceptual plan, and the PEIR is a program-level document; the site-specific analyses that would be needed to assess feasibility were not conducted as part of the CVFPP or PEIR, and will occur at the project level.
- Reservoir ownership varies, and studies of specific opportunities to expand reservoirs must be conducted in partnership with owners and operators.

The above factors indicate that a feasible and cost-effective surface-storage project could be developed only under specific circumstances, and that even if it is feasible, additional surface storage may not provide meaningful flood management benefits. These factors, combined with the conceptual systemwide focus of the 2012 CVFPP, precluded DWR from identifying specific reservoir storage elements to include in the SSIA at this time.

These factors limited the ability to formulate an approach/alternative to include in the PEIR that focused primarily on increasing flood storage. Further, increasing storage alone would not achieve many of the CVFPP goals or fulfill legislative intent, such as improving ecosystem functions within the flood management system or achieving an urban level of flood protection for all urban areas. For additional details, see Master Response 10.



February 24, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

PUBLIC DRAFT 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN – FOCUS TOPICS

SJAFCA wants to acknowledge DWR's efforts in the completion of the public draft of the Central Valley Flood Protection Plan (Plan). We appreciate the opportunity to provide recommendations to focus discussions at upcoming public outreach meetings, and to provide suggestions on where the Board should concentrate its review.

We commend DWR staff for adding 65 miles of non-SPFC levees in our area to the Plan to make it in fact a true "Systemwide Approach" to protect people and property.

We have reviewed this document with emphasis on the Lower San Joaquin River basin. The following are our suggestions to focus the discussions:

1. The highest priority should be flood protection

Our concern is that limited funding may be exhausted on non-life safety improvements leaving significant populations at risk. The Plan should prioritize flood protection and once this is accomplished, implementation of the remainder of the State Systemwide Investment Approach (SSIA) should be pursued.

2. Lacks information for SB5 compliance

Lack of project specifics makes it very difficult for cities and counties to determine what improvements are needed to achieve 200-year level of protection.

On December 13, 2011, we specifically requested cost estimates and proposed improvements included in the three alternatives and the State Systemwide Investment Approach. In addition, from the information stated in the Plan, page 1-28, second and fourth paragraphs:

Paragraph 2:

Computer models were used to evaluate the hydrologic and hydraulic performance of the flood management system, comparing the existing system to preliminary approaches with various combinations of levee improvements, expanded bypasses, and additional reservoir storage. These models simulated storm precipitation, runoff, reservoir operations, and flows moving downstream through the system to the Delta. The models took into account levee heights and fragility, weir spills, levee failures, and other dynamic processes that can occur during major floods. The output from these hydrologic and hydraulic models was used

L_SJAFCA1-01

L_SJAFCA1-02

L_SJAFCA1-03

in additional models to estimate flood damages in the protected floodplains.

Paragraph 4:

Costs of capital improvements and programs were also evaluated on a reconnaissance level for the purpose of comparing preliminary approaches. Cost estimates used in this report were based on 2011 dollars.

On January 11, 2012, we requested the above information for the Stockton area. However, we have not received it to date.

In addition, the Plan should provide detailed information on sea level and climate change impacts to the 200-year protection, and should include any re-operations/modifications/coordination to upstream reservoirs that could lower the 200-year flood flows.

L_SJAFCA1-04

3. Sacramento River vs. San Joaquin River

The Board may not be as familiar with the San Joaquin River system compared to the Sacramento River System. The Board should ensure that both basins are treated equitably and receive the same levels of protection.

Large urbanizing areas in the Sacramento River system (i.e. Natomas, West Sacramento, Plumas Lake) have been included in the Plan, whereas some Stockton urbanizing areas appear to be excluded.

Paradise Cut Bypass should be treated like the bypasses in the Sacramento River system. This is a critical bypass built by the USACE that have not been maintained. Improvement to this bypass could provide significant flood stage reduction to the San Joaquin River benefiting the communities of Stockton, Manteca and Lathrop.

We understand that the statutory basis for DWR's role and obligations for erosion are different on the Sacramento and the San Joaquin Rivers, but it is essential that DWR play a role on the San Joaquin in order for the Plan to function as a "systemwide" risk reduction plan for the Central Valley.

L_SJAFCA1-05

4. Completion of the Lower San Joaquin River Feasibility Study (LSJRFS)

The LSJRFS started three years ago and is jointly cost-shared by the USACE, the State, and SJAFCA. SJAFCA's share is jointly cost-shared with 11 reclamation districts, San Joaquin County, Stockton, Lathrop, Manteca, and Lodi.

The LSJRFS uses CVFPP's hydraulic and hydrologic models, and geotechnical data. The LSJRFS and the Plan should be consistent. Completion of the LSJRFS is important for the communities of Lathrop, Manteca and Stockton to achieve 200-year protection. The Plan should prioritize the completion of the LSJRFS.

Ms. Nancy Moricz
Central Valley Flood Protection Board
February 24, 2012
Page 3 of 3

We appreciate the opportunity to give our input on what the focus should be for upcoming public meetings. We will present detailed comments on the Plan shortly.



JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

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cc: Melinda Terry, Executive Director, California Central Valley Flood Control Association
John Maguire, Engineering Services Manager, San Joaquin County Flood Control and
Water Conservation District

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San Joaquin Area Flood Control Agency, James Giottonini

Response

L_SJAFCA1-01

The comments submitted by the SJAFCA are appreciated.

L_SJAFCA1-02

The commenter states the highest priority of the CVFPP should be flood protection. As stated in Master Response 8:

CVFPP Primary Goal:

- *Improve Flood Risk Management*—Reduce the chance of flooding and damages, once flooding occurs, and improve public safety, preparedness, and emergency response through the following:
 - Identifying, recommending, and implementing structural and nonstructural projects and actions that benefit lands currently receiving protection from facilities of the SPFC
 - Formulating standards, criteria, and guidelines to facilitate implementation of structural and nonstructural actions for protecting urban areas and other lands of the Sacramento and San Joaquin river basins and the Delta

For additional details, see Master Response 8.

L_SJAFCA1-03

On December 12, 2012 DWR informed SJAFCA through their representative David Peterson (who requested the data) that the models would not be released until the technical attachments documenting the results were made public. The corresponding attachments were made public on February 22, 2012. Prior to the release of the attachments, DWR was notified on January 17, 2012 that the information required for the Lower San Joaquin River Feasibility Study (LSJRFS) was made available to SJAFCA through the USACE review process of DWR products. A follow-up email from David Peterson indicated that he would have access to the models received from the USACE.

As stated in Master Response 17, although the 2012 CVFPP does not include a complete, quantitative analysis for climate change impacts on flood management, the CVFPP does include various system elements in its climate change adaptation strategy. The system elements provide additional benefits to the regional elements, and improve the overall

function and performance of the SPFC in managing large floods. They also provide greater flexibility in accommodating future hydrologic changes, including climate change, and provide greater system resiliency in the face of changing downstream conditions. An evaluation of climate change in DPEIR Section 6.6, “Effects of Global Climate Change on Program Facilities and Operations,” comes to similar conclusions.

The SSIA includes these system elements that provide flexibility to accommodate higher flows resulting from climate change:

1. Wider bypasses to lower floodwater surface elevations would increase flow-carrying capacity and flexibility to deal with higher floodflows that may occur because of climate change.
2. Changes in reservoir operations from Forecast-Based Operations and F-CO can provide additional flexibility and adaptability to changes in extreme flood events.
3. The SSIA does not preclude State participation with others in reservoir expansion projects, and includes obtaining rights for floodplain transitory storage from willing landowners.

Sea-level rise will affect peak water surface elevations within the Delta and some distance upstream along its tributaries. The estimated average sea-level rise is currently under review by the National Research Council. For the 2012 CVFPP, high-tide conditions during the 1997 flood were used as the boundary conditions for hydraulic analysis; this tide was about 2 feet higher than would normally be expected on the basis of solar and lunar gravitational forces that create tides, and could be considered an initial, surrogate sea-level-rise condition resulting from climate change. DWR will continue to coordinate with other DWR programs, the Delta Stewardship Council’s Delta Plan, and ongoing USACE feasibility studies to collectively address how sea-level rise could contribute to potential estuary flooding in the Delta. Improved information about sea-level rise will be used in the 2017 CVFPP Update. DWR will develop approaches to address sea-level rise that may vary depending on the expected range and rate of sea-level rise. For additional details, see Master Response 17.

L_SJAFCA1-04

As stated in Master Response 13, two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element

options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies. For additional details, see Master Response 13.

L_ SJAFCA1-05

As stated in Master Response 18, the CVFPP will be integrated with other large plans within the context of its primary goal to improve flood management in the SPFC planning area by considering an urban level of flood protection against a 200-year (0.5 percent annual chance) flood for urban and urbanizing areas; structural and nonstructural options for protecting small communities from a 100-year (1 percent annual chance) flood; and flood protection options for rural-agricultural areas, with a focus on integrated projects that achieve multiple benefits and help preserve rural-agricultural lands from urban development. Additional project-level study and coordination with local, State, and federal governments and agencies, and with local major programs and projects, is necessary to implement many of the elements proposed in the CVFPP.

L_ SJAFCA1-06

Responses to additional comments submitted separately by SJAFCA are contained in the response to the letter coded as SJAFCA2 in this FPEIR.

April 18, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

COMMENTS TO THE PUBLIC DRAFT 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN (CVFPP)

L_SJAFCAL2-01 We acknowledge DWR's efforts to complete the Public Draft of the Central Valley Flood Protection Plan (Plan), and appreciate the opportunity to provide comments. We commend DWR staff for the additions and changes made to the Plan recognizing the importance of both the State Plan of Flood Control (SPFC) and non-SPFC levee systems in achieving our flood protection goals. In addition, we support comments provided by California Central Valley Flood Control Association, San Joaquin County, and the combined comments of California State Association of Counties, Regional Council of Rural Counties, and League of California Cities.

We have reviewed the public draft document (including Attachment 2 - Conservation Framework) with emphasis on the Lower San Joaquin River basin. Our review provides the following general comments to reflect our suggestions to improve the Plan:

1. ***The Highest Priority should be Public Safety/Flood Protection*** – Our concern is that limited funding may be exhausted on non-life safety improvements leaving significant populations at risk. The Plan should prioritize flood protection, and once this is achieved, implementation of the remainder of the State Systemwide Investment Approach (SSIA) should be pursued.

- L_SJAFCAL2-02 2. ***Compliance with SB5*** - Preparation of the Plan was a requirement of SB5 but the Plan does not discuss how it will facilitate compliance with SB5. The Plan indicates that implementation of the SSIA will extend beyond the 2025 deadline of SB5 but does not discuss the ramifications and impacts this will have on Central Valley communities.

For local communities to comply with SB5 regarding 200-year flood protection findings for new development, they must have access to 200-year hydrologic, hydraulic and floodplain data well in advance of the mandated timelines. Local agencies expected the Plan to provide much if not all of that data. However, the apparent lack of this information in the Plan will make it very difficult for cities and counties in the Central Valley to determine by 2015 what improvements are needed to achieve 200-year protection. The Plan should address how cities and counties can comply with the Plan given that many of the major system improvement data, under the control of the State and/or Federal governments, may not be completed by 2015.

- L_SJAFCA2-03 3. ***Sacramento River vs. San Joaquin River*** - The focus of the Plan reinforces the perception of a bias toward directing the majority of its resources to improving the Sacramento River Basin. The Plan should ensure that both basins are treated equitably and receive the same levels of protection.

Paradise Cut Bypass should be treated like the bypasses in the Sacramento River system. This is a critical bypass built by the USACE that has not been maintained. Improvement to this bypass could provide significant flood stage reduction to the San Joaquin River benefiting the communities of Stockton, Manteca and Lathrop.

We appreciate the Plan adding the Smith Canal Closure Structure and the Mormon Channel Bypass Projects to the Attachments and Appendices. However, the Plan should discuss the projects and add them to the exhibits.

- L_SJAFCA2-04 4. ***Completion of the Lower San Joaquin River Feasibility Study (LSJRFS)*** - The LSJRFS started three years ago and is jointly cost-shared by the USACE, the State, and SJAFCA. SJAFCA's share is jointly cost-shared with 11 reclamation districts, San Joaquin County, Stockton, Lathrop, Manteca and Lodi.

The LSJRFS uses DWR's hydraulic and hydrologic models, LIDAR and geotechnical data. The LSJRFS and the Plan should be consistent. The Plan should prioritize the completion of the LSJRFS to comply with SB5 and ultimately achieve 200-year protection for our communities.

- L_SJAFCA2-05 In addition, the following are our specific comments to reflect our suggestions to improve the Plan:

1. The Plan should have 200-year flows for streams in the Stockton area (i.e., Bear Creek, Calaveras River, Diverting Canal, Mormon Slough, French Camp Slough, San Joaquin River, etc.). It is our understanding of the Interim Levee Design Criteria that 200-year flow must be determined by assuming all upstream levees protecting urban/urbanizing areas are improved to 200-year and other levees are no lower than their authorized design elevations (it is also our understanding that this will result in a greater flow than a 200-year event using the Corps Feasibility Study approach).

- L_SJAFCA2-06 2. The Plan should also include any re-operations/modifications/coordination to upstream reservoirs and new reservoirs that could all lower the 200-year flood flows. These various alternative improvements should be specifically discussed with resulting reductions to 200-year flows.

- L_SJAFCA2-07 3. The Plan should quantify impacts of sea level rise and climate change to 200-year flood flows. Per the Interim Levee Design Criteria, "urban and urbanizing area levee and floodwall designs should consider the potential for sea level rise and climate change to increase runoff and peak stages ..." The Plan should provide data to cities and counties for consistency in determinations.

- L_SJAFC2-08 4. The Plan should include restoration (sediment and brush removal) of the existing Paradise Cut Bypass. The Plan should include expansion of the Paradise Cut Bypass with its resultant reduction on 200-year flow in the San Joaquin River.
- L_SJAFC2-09 5. The Plan incorporates the Urban Level of Protection Criteria (ULOP) which requires cities/counties to demonstrate that drainage systems on the landside of levees and areas not protected by levees provide 200-year protection. It will be cost prohibitive/impossible, especially for infill development, to route a 200-year event through existing streets/collection systems to terminal drains/pump stations.
- L_SJAFC2-10 6. Grant programs should be created/funded to facilitate local agencies to move forward with the planning efforts to comply with the SB5. Otherwise, the Plan should discuss how cities and counties are to fund these efforts and the ramifications if they are unable to do so.
- L_SJAFC2-11 7. Figure 2-3 (Revised Map per Errata) it is difficult to determine the appropriate location and extent of proposed improvements, i.e., flood structure, easement, etc.,
- L_SJAFC2-12 8. Paradise Cut is an existing facility needing improvements vs. being referenced as new or proposed facility (Section 2.5.1, Section 3.5.2).
- L_SJAFC2-13 9. Sections 3.6.1 and 3.6.2 should include detailed descriptions for the improvements in each waterway including location, extent and type of proposed improvements and cost estimates that can be correlated with Figure 3-3.
- L_SJAFC2-14 10. Figure 3-3: It is difficult to determine which urbanizing areas are protected by the non-SPFC levees shown on the map. For example, it appears that the Shima Tract levee is protecting non-urban area, whereas Shima Tract is an approved City of Stockton development (annexed with approved EIR, master development plan, tentative map, etc.).
- L_SJAFC2-15 11. Figure 3-3: It is difficult to determine the extent and purpose of the levees located in the South Delta near Lathrop. It appears they are connected to the Paradise Cut Bypass. If so, they should be shown as urban levees as they are in place as part of the protection for urban areas.
- L_SJAFC2-16 12. Table 3-3: Needs to be expanded to include detailed information. For example on the 65 miles of Stockton non-SPFC levees, the table should include: proposed waterway to be improved, location, extent and type of proposed improvements, cost estimates, and areas protected - urban or non-urban.
- L_SJAFC2-17 13. Section 3.14.2: SSIA increased benefits to regional economies should also include benefits from tax/income from new development, as well as lower flood insurance rates.
- L_SJAFC2-18 14. Section 3.14.4, Ecosystem Restoration Benefits should discuss impacts to agricultural communities, i.e., the 10,000 acres of land taken out of production and the 25,000 acres proposed for crop changes or land use conversion.
- L_SJAFC2-19 15. Section 3.14.5, Open Space and Recreational Opportunities should discuss impacts of conversion and land use change.
- L_SJAFC2-20 16. Residual Risk Management projects (Table 3-4) should include the San Joaquin channel in the enhanced Operations and Maintenance element.
- L_SJAFC2-21 17. Section 4.2, Levee Vegetation Management Strategy should include an exhibit to clearly illustrate the adaptive levee vegetation management strategy (same as Figure 5-2 of Attachment 2 – Conservation Framework).

- L_SJAFC2-22 18. For the Plan to work, we need to understand what the financing plan is, and how this will affect local agencies. The plan should have cost shares that make sense or have incentives for local participation.
- L_SJAFC2-23 19. The Plan should discuss the USACE policy on only funding projects with B/C greater than 1. Many of the projects in the Plan may not meet this criterion. Therefore, the anticipated Federal funding in the Plan is overestimated.
- L_SJAFC2-24 20. On December 13, 2011, we specifically requested cost estimates and a list of proposed improvements included in the three alternatives and the SSIA. In addition, on January 11, 2012, we requested data from the information stated in the Plan, page 1-28, second and fourth paragraphs:

Paragraph 2:

Computer models were used to evaluate the hydrologic and hydraulic performance of the flood management system, comparing the existing system to preliminary approaches with various combinations of levee improvements, expanded bypasses, and additional reservoir storage. These models simulated storm precipitation, runoff, reservoir operations, and flows moving downstream through the system to the Delta. The models took into account levee heights and fragility, weir spills, levee failures, and other dynamic processes that can occur during major floods. The output from these hydrologic and hydraulic models was used in additional models to estimate flood damages in the protected floodplains.

Paragraph 4:

Costs of capital improvements and programs were also evaluated on a reconnaissance level for the purpose of comparing preliminary approaches. Cost estimates used in this report were based on 2011 dollars.

Although additional information was incorporated in the form of attachments and appendices to the Plan, this information is not sufficient or specific enough for a detailed review of the Plan. It is also difficult to correlate the additional information with the tables and exhibits on the Plan, i.e., one would not be able to determine how, with the estimates on the attachments, the Plan arrived with estimates on Table 4-3, SSIA Range of Investments. One also cannot tell, by looking at the exhibits, whether the projects on the list from the attachments and appendices are included or not.

Information on the Plan should be consistent with the attachments and appendices. The Plan indicates 65 miles of non-SPFC levees are included in the SSIA, though the estimate in Attachment 8J only accounts for 60 miles. The LSJRFS is estimated at \$10 million on Attachment 7A, whereas on Attachment 8J, the estimate is \$15.4 to \$18.5 million. Also, the Mormon Slough Bypass, though included in the projects list and estimates, is not mentioned in the plan or the conservation framework where most of the bypasses are cited.

L_SJAFC2-25 We also have the following comments on Attachment 2 – Conservation Framework:

1. This attachment needs to be updated. Page 1-3, Section 1.1.1: Document still states that CVFPP is focused on SPFC facilities only.
- L_SJAFC2-26 2. Page 1-5, Section 1.1.2: The integration of flood protection and ecosystem enhancement is a good idea. However, for urban projects this may be an onerous proposition especially if they will be considered as co-equal goals.
- L_SJAFC2-27 3. Page 4-15, Section 4.2.5: Landowner Incentive Programs – Plan should identify proposed incentives for habitat enhancements and should require long term contracts.
- L_SJAFC2-28 4. Page 4-16, Section 4.2.6, Levee Maintenance and Repair Para. 3: Framework states that long term regulatory approval will be secured in advance. The Plan should identify responsible agency.
- L_SJAFC2-29 5. Page 4-21, Section 4.2.9, Para. 3, Set Back Levees: Replacing winding levees with straighter levees to reduce O&M expenses is a good measure. However, if the enclosed land within the bends is requested for mitigation purposes this will be a costly proposition for urbanizing areas. If this land is in agricultural production, impacts to rural communities need to be discussed.
- L_SJAFC2-30 6. Page 4-34, Section 4.3.5: Lower San Joaquin River – Merced River to Stockton: A site map should be included showing the conservation activities identified for the Lower San Joaquin River Planning Area.
- L_SJAFC2-31 7. Page 5-28, Section 5.7, Science and Conservation Planning Information, Par. 3: Analyze & Model – It should be mentioned that the analysis and the modeling will be accomplished in coordination with all regulatory agencies.

Once again, we appreciate the opportunity to provide these comments. Comments on the Draft Programmatic Environmental Impact Report will be submitted separately. We look forward to working in partnership with DWR and the Board in the refinement, adoption and implementation of the Plan.



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**San Joaquin Area Flood Control Agency,
James Giottonini**

Response

L_SJAFCA2-01

Improving flood risk management is the highest priority of the CVFPP. As stated in Master Response 19, the five CVFPP goals were carried forward and became the program objectives of the DPEIR, as follows.

Primary Objective:

- *Improve Flood Risk Management*—Reduce the chance of flooding and damages, once flooding occurs, and improve public safety, preparedness, and emergency response through the following:
 - Identifying, recommending, and implementing structural and nonstructural projects and actions that benefit lands currently receiving protection from facilities of the SPFC.
 - Formulating standards, criteria, and guidelines to facilitate implementation of structural and nonstructural actions for protecting urban areas and other lands of the Sacramento and San Joaquin river basins and the Delta.

Supporting Objectives:

- *Improve Operations and Maintenance*—Reduce systemwide maintenance and repair requirements by modifying the flood management systems in ways that are compatible with natural processes, and adjust, coordinate, and streamline regulatory and institutional standards, funding, and practices for operations and maintenance, including significant repairs.
- *Promote Ecosystem Functions*—Integrate the recovery and restoration of key physical processes, self-sustaining ecological functions, native habitats, and species into flood management system improvements.
- *Improve Institutional Support*—Develop stable institutional structures, coordination protocols, and financial frameworks that enable effective and adaptive integrated flood management (designs, operations and maintenance, permitting, preparedness, response, recovery, and land use and development planning).
- *Promote Multi-Benefit Projects*—Describe flood management projects and actions that also contribute to broader integrated water management objectives identified through other programs.

L_SJAFCA2-02

As stated in Master Response 5, the 2012 CVFPP was prepared at a conceptual level. Consequently, the plan does not include detailed floodplain mapping, data on local flood stages, or specifics about future on-the-ground projects. This information will be developed during post-adoption implementation activities. However, a great deal of information and data on Central Valley flood risks and vulnerabilities were collected as part of 2012 CVFPP development. DWR has provided much of this information in the attachments to the CVFPP and will make further information available to assist local agencies.

The CVFPP focuses on SPFC facilities (including consideration of pertinent non-SPFC levee improvements in urban areas), which relate primarily to flooding of the mainstem Sacramento and San Joaquin rivers. DWR recognizes that in some circumstances, the information and planned improvements included in the SSIA may not be sufficient for cities and counties to make findings regarding an urban level of flood protection without additional analysis. Cities and counties should consider the criteria in the Draft Urban Level of Flood Protection Criteria for more detail. Further, cities and counties outside the SPFC Planning Area may not find pertinent geographic information in the CVFPP for their land use planning purposes, but could consider the goals, policies, and objectives for their actions.

DWR has made the following efforts to provide technical assistance to local jurisdictions related to implementation of the CVFPP:

- DWR completed its legislative responsibility by developing urban level of flood protection criteria consistent with current legislation, and in collaboration with cities and counties.
- DWR completed the draft CVFPP for the Board's adoption:
 - The CVFPP describes the State's investment approach and interests in SPFC facilities and the associated protected areas.
 - The *Draft Urban Level of Flood Protection Criteria* is incorporated by reference.
 - The *Urban Levee Design Criteria*, which describes the engineering criteria for levees and floodwalls, is incorporated by reference in the *Draft Urban Level of Flood Protection Criteria* and the CVFPP.

- DWR has shared and will continue to share available data, tools, and other relevant information with cities and counties, including the following details:
 - CVFED Program (anticipated 2013)
 - Mapping of the 200-year floodplain for the mainstem Sacramento and San Joaquin rivers and major tributaries
 - Fine-scale topographic (LiDAR) data
 - System hydraulic models and data
 - Central Valley Hydrology Study (anticipated 2013)
 - System hydrology (including climate change considerations)
 - System hydrologic models and data
 - Levee Evaluation Program (ongoing, with currently available preliminary data)
 - Inspection and geotechnical data
 - Levee integrity assessments and data
 - Existing data and tools used to develop the 2012 CVFPP
- With potential legislative support and collaboration with other federal and State agencies (e.g., FEMA), DWR may consider providing additional assistance to cities and counties as they develop or acquire additional floodplain information to support their local planning and decision making.
- DWR has completed a guide titled *Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities* (2010) (http://www.water.ca.gov/floodmgmt/lrafmo/fmb/docs/Oct2010_DWR_Handbook_web.pdf). This handbook covers more than the requirements of an urban level of flood protection. It describes how the 2007 flood risk management legislation affects cities' and counties' responsibilities to meet local planning requirements such as those for general plans, development agreements, zoning ordinances, and tentative maps.

L_SJAFCA2-03

As stated in Master Response 13, two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

L_SJAFCA2-04

As stated in Master Response 14, the 2012 CVFPP describes the State’s vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations. The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting. DWR will certainly leverage all available data from the LSJRFs for CVFPP implementation.

L_SJAFCA2-05

See response to comment L_SJAFCA2-02.

L_SJAFCA2-06

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches—Enhance Flood System Capacity—included enlarging the flood storage allocation of

several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP.

L_SJAFCA2-07

As stated in Master Response 17, the current science and best available information do not properly support a complete, quantitative analysis for climate change impacts on flood management. Climate change impacts and considerations have been incorporated into many recent and ongoing California resources planning studies, using varying analytical approaches. The CVFPP is the first major policy-level study with broad applications that addresses climate change for flood management in California. Typical analyses of climate change impacts—that is, assessments for long-term water supply needs—consider likely changes in average temperature and precipitation. However, climate change impacts on extreme events, such as floods, will not result from changes in averages, but from changes in local extremes.

To that end, DWR also has invested resources in developing a unique approach for assessing the impacts of climate change on Central Valley

flood management. DWR has worked with leading experts and practitioners in the field to develop a new methodology based on the intensity of “atmospheric rivers,” which are fast-moving, concentrated streams of water vapor that can release heavy rains. The commonly known “Pineapple Express” is a form of atmospheric river.

However, insufficient data are available to be able to predict the magnitude or frequency of climate change impacts on extreme storm events, and climate projections from global climate models have difficulty representing regional- and local-scale precipitation patterns and processes that drive extreme events. DWR is working instead on the concept of prudent decision making that focuses on investments that could accommodate a broader range of climate change scenarios, rather than optimizing investments within a few selected extreme scenarios. DWR recently applied the resulting Threshold Analysis Approach to the Yuba-Feather system in a proof-of-concept pilot study. The results of the pilot study suggest that under F-CO, the Yuba River system is more vulnerable to changing climate conditions because of the limited regulating capacity (outlet release capacity) of New Bullards Bar Dam. This information provides guidance for the overall investment strategy for modifications such as enlarging outlets at New Bullards Bar Dam. DWR intends to fully develop the Threshold Analysis Approach for the 2017 CVFPP Update with new Central Valley hydrology and improved atmospheric river indices. This pilot study and the overview of potential climate change effects on the Central Valley flood management system are further detailed in Attachment 8K, “Climate Change Analysis,” in Appendix A, “Central Valley Flood Protection Plan.”

Sea level rise will affect peak water surface elevations within the Delta and some distance upstream along its tributaries. The estimated average sea-level rise is currently under review by the National Research Council. For the 2012 CVFPP, high-tide conditions during the 1997 flood were used as the boundary conditions for hydraulic analysis; this tide was about 2 feet higher than would normally be expected on the basis of solar and lunar gravitational forces that create tides, and could be considered an initial, surrogate sea-level-rise condition resulting from climate change. DWR will continue to coordinate with other DWR programs, the Delta Stewardship Council’s Delta Plan, and ongoing USACE feasibility studies to collectively address how sea-level rise could contribute to potential estuary flooding in the Delta. Improved information about sea-level rise will be used in the 2017 CVFPP Update. DWR will develop approaches to address sea-level rise that may vary depending on the expected range and rate of sea-level rise.

L_SJAFCA2-08

As stated in Master Response 1, the CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the State Plan of Flood Control (SPFC) planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency. Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

As stated in Master Response 6, improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

L_SJAFCA2-09

As stated in Master Response 5, the flood legislation passed in 2007, including SB 5 and ABs 162, 70, 2140, and 156, strengthened the link between local land use decisions and regional flood management. The land use planning and related requirements specified in the 2007 flood legislation vary depending on location (State of California, Sacramento and

San Joaquin Drainage District, and Sacramento–San Joaquin Valley). Some requirements apply to all areas within a flood hazard zone, whether or not they are protected by SPFC facilities or connected to the CVFPP.

The requirement for an urban (200-year) level of flood protection is included in SB 5, and through that law is triggered by adoption of the CVFPP. State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley (as defined in CGC Section 65007(g)) within a flood hazard zone. CGC Sections 65865.5, 65962, and 66474.5 require all cities and counties within the Sacramento–San Joaquin Valley to make findings related to an urban level of flood protection before they may take any of the following actions:

- Enter into a development agreement for a property
- Approve a discretionary permit or entitlement for any property development or use, or approve a ministerial permit that would result in construction of a new residence
- Approve a tentative map/parcel map for a subdivision

Existing developments or remodels are not affected by these requirements unless they require one or more of the covered land use decisions listed above.

DWR developed the *Draft Urban Level of Flood Protection Criteria* (April 2012) to assist cities and counties in making findings related to the urban level of flood protection. DWR also developed the *Urban Levee Design Criteria* (May 2012), which contains the engineering criteria that apply when cities and counties use levees and floodwalls to provide an urban level of flood protection. Those criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*.

L_SJAFCA2-10

As stated in Master Response 15, SB 5 does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin Basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project’s contributions to multiple objectives. After the

passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

As stated in Master Response 14, DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

L_SJAFCA2-11

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public

engagement and input will become available. The location and extent of improvements will be determined during post-adoption activities.

L_SJAFCA2-12

See response to comment L_SJAFCA2-11.

L_SJAFCA2-13

See response to comment L_SJAFCA2-11.

As stated in Master Response 9, specific project features ultimately implemented for the SSIA will depend on a host of factors. These factors include the results of detailed project feasibility studies; designs and cost estimates; environmental benefits and impacts; interaction with other local projects and system improvements; participation by local, State, and federal agencies in project implementation; and changing physical, institutional, and economic conditions. Costs presented in the 2012 CVFPP are preliminary planning-level estimates. The actual costs of these elements will depend on the specific projects that are justified by feasibility studies, project scopes, implementation times, future economic and contractor-bidding conditions, and many other factors. Funding sources for SSIA projects will vary according to factors such as the type of project or program, beneficiaries, availability of funds, and project or program urgency. Cost-sharing among State, federal, and local agencies may also change depending on project objectives and agency interests. Post-adoption activities (regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will further develop and refine additional project-specific details on cost, feasibility, funding, cost sharing, and local capacity to pay.

L_SJAFCA2-14

See response to comment L_SJAFCA2-11.

L_SJAFCA2-15

See response to comment L_SJAFCA2-11.

L_SJAFCA2-16

See responses to comments L_SJAFCA2-11 and L_SJAFCA2-13.

L_SJAFCA2-17

As stated in Master Response 9, not all potential SSIA benefits have been detailed or quantified (e.g., avoided damage to infrastructure and/or life loss, ecosystem restoration), and the planning-level cost estimates remain preliminary; therefore, it is inappropriate to analyze the benefit-cost ratio

using information contained in the high-level 2012 CVFPP. During post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP), DWR will refine the physical elements of the CVFPP and confirm their feasibility, including the costs and benefits of site-specific improvements.

L_SJAFCA2-18

As stated in Master Response 2, the 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated. The DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA).

L_SJAFCA2-19

As stated in Master Response 2, the DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA).

As stated in Master Response 7, SB 5 sets legislative direction to include multiple objectives, where feasible, when proposing improvements to flood management facilities, including opportunities and incentives for expanding or increasing the use of floodway corridors (CWC Section 9616(a)(12)). The potential for recreational use of the flood control system has long been recognized. The SSIA involves floodplain reconnection and floodway expansion, which would improve ecosystem functions, fish passage, and the quantity, quality, and diversity of natural habitats, all of which would contribute to an increase in recreation opportunities and

augment the aesthetic values of those areas. Expanding habitat areas would increase opportunities for fishing, hunting, and wildlife viewing.

Recreation-related spending associated with increased use by visitors can be an important contributor to local and regional economies. During post-adoption activities (regional flood management planning and development of basin-wide feasibility studies), DWR will work with local and regional implementing agencies and partners to refine CVFPP elements, including developing additional details on site-specific recreation features as part of multi-benefit projects.

L_SJAFCA2-20

See response to comment L_SJAFCA2-11.

L_SJAFCA2-21

The requested exhibit is illustrated in an attachment to the plan, as described in the comment. As stated in Master Response 16, the VMS in the CVFPP includes a long-term adaptive vegetation LCM strategy. As explained in the CVFPP and DPEIR, the LCM strategy generally will not apply to waterside vegetation up to a line 20 feet below the levee crown, and that waterside vegetation will be retained. Although it is true that implementing the LCM strategy will result in the gradual loss of important terrestrial and upper waterside riparian habitat throughout the SPFC levee system, the CVFPP's VMS includes the early establishment of riparian forest corridors that are expected to result in a net gain of this habitat over time. These riparian forest corridors will be established adjacent to existing and new levees such that riparian corridor functions and wildlife habitat will be maintained or improved for the system as a whole. This approach will allow replacement habitat to develop and mature over time, while existing trees within the vegetation management zone are allowed to live out their normal life cycles on the levee slopes.

Levee vegetation subject to removal through LCM will be quantified using the best available information. Specific rates and species types for replanting and other details of implementation of LCM will be determined through collaboration with the appropriate agencies as part of the long-term Conservation Strategy. Appropriate compensation and/or mitigation for the loss of habitat will also be addressed, in consultation with the resource agencies, as the Conservation Strategy is developed.

The CVFPP's VMS is an adaptive approach, and ongoing and future research will include evaluating effects on riparian ecosystem functions from eliminating natural recruitment under LCM. This research may include a monitoring program to determine whether LCM affects species

composition and recruitment, and the survival of lower waterside vegetation.

L_SJAFC2-22

As stated in Master Response 15, SB 5 does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next

increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_ SJAFCA2-23

Historical participation in investments by the federal government may not be extrapolated into the future. DWR recognizes that USACE policies could affect the funding for specific future projects under the CVFPP. DWR will press for the maximum federal cost-share for these projects under SB 5.

As stated in Master Response 9, not all potential SSIA benefits have been detailed or quantified (e.g., avoided damage to infrastructure and/or life loss, ecosystem restoration), and the planning-level cost estimates remain preliminary; therefore, it is inappropriate to analyze the benefit-cost ratio using information contained in the high-level 2012 CVFPP. During post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP), DWR will refine the physical elements of the CVFPP and confirm their feasibility, including the costs and benefits of site-specific improvements.

As described in response to comment L_SJAFCA2-22, Master Response 15 contains a discussion of cost-sharing. As stated in Master Response 15, the CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs.

L_SJAFCA2-24

Preliminary cost estimates consistent with the conceptual level of detail in the CVFPP were summarized and provided as part of Attachment 8 of DPEIR Appendix A, “Central Valley Flood Protection Plan.” These were released between mid-February and the publication of the DPEIR.

As stated in Master Response 14, the SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Some elements of the SSIA have already been implemented (through the Early Implementation Projects Program since 2007, for example). Others may be accomplished before the first update of the CVFPP in 2017, and many will require additional time to fully develop and implement. Ongoing and new planning studies, engineering, feasibility studies, environmental review, designs, funding, and partnering are required to better define, and incrementally fund and implement, elements of the SSIA during the next 20–25 years.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal Central Valley Integrated Flood Management Study and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

L_SJAFCA2-25

See response to comment L_SJAFCA2-24.

L_SJAFCA2-26

As stated in Master Response 7, the SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important shaded riverine aquatic habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

Appendix E, “2012 Central Valley Flood Protection Plan Conservation Framework,” provides a preview of a long-term Conservation Strategy that DWR is developing to support the 2017 CVFPP Update. The Conservation Framework focuses on promoting ecosystem functions and multi-benefit projects in the context of integrated flood management for near-term implementation actions and projects. The Conservation Framework provides an overview of the floodway ecosystem conditions and trends and key conservation goals that further clarify the CVFPP’s ecosystem goal.

L_SJAFCA2-27

As stated in Master Response 2, in addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation

easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands. See response to comment L_SJAFCA-24 for a discussion of the post-adoption activities associated with the CVFPP.

See Section 4.2.5 of the Conservation Framework, which addresses possible incentive programs.

L_SJAFCA2-28

DWR is taking the lead to coordinate programmatic regulatory approvals with several agencies with regulatory authority, such as USFWS, NMFS, and DFG, for levee maintenance and repair. This includes the Small Erosion Repair Program and Corridor Management Strategy.

As stated in Master Response 6, the SSIA promotes efficient and sustainable long-term O&M practices through the following:

- Reforming and consolidating State and local agencies' roles and responsibilities for O&M
- Standardizing criteria by which maintenance practices, procedures, and inspections are performed and reported
- Implementing strategies to adequately and reliably fund routine activities and streamline permitting

Some of the proposed activities may involve legislative action, new institutional arrangements involving local maintaining agencies, modifications to existing State programs, and additional or redirected funding.

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental

compliance, development of the Conservation Strategy, and State and USACE permitting.

Some elements of the SSIA have already been implemented (through the Early Implementation Projects Program since 2007, for example). Others may be accomplished before the first update of the CVFPP in 2017, and many will require additional time to fully develop and implement. Ongoing and new planning studies, engineering, feasibility studies, environmental review, designs, funding, and partnering are required to better define, and incrementally fund and implement, elements of the SSIA during the next 20–25 years.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal Central Valley Integrated Flood Management Study and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

The Board has review and permitting authority under the California Water Code and CCR Title 23 for any project, including those resulting from the CVFPP, that may encroach upon, improve, alter, or affect adopted plans of flood control (including the State-federal flood management systems, regulated streams, and designated floodways under the Board's jurisdiction).

L_SJAFCA2-29

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012

CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

As stated in Master Response 2, the PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

L_SJAFC2-30

As stated in Master Response 14, The 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements.

Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Regional flood management planning, to be conducted in each of nine regions identified in the 2012 CVFPP, is an important next step in identifying specific improvements to rural-agricultural areas, small communities, and urban areas consistent with the SSIA. Upon CVFPP adoption, DWR will work closely with local entities to collect on-the-ground information regarding flood risks and needs, identify potential local and regional improvement projects, assess the performance and feasibility of these projects, and develop proposals that reflect the priorities of local entities in reducing flood risks. Each regional plan will present an assessment of proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. DWR intends to provide guidance as well as technical and financial assistance to local agencies to prepare the regional flood management plans, subject to availability of funds.

Regional flood management plans are anticipated to:

- Assess regional flood risks and management actions (projects) to reduce these risks
- Discuss regional priorities, including criteria used to prioritize individual projects
- Describe specific projects, including their potential costs, regional and systemwide benefits, and beneficiaries
- Provide a financial plan describing how the proposed projects would be funded, including cost sharing and financing for local shares
- Describe regional governance of flood management.

For additional details, see Master Response 2.

L_SJAFCA2-31

Relevant regulatory agencies will be contacted, as required. Furthermore, as stated in Master Response 14, the SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-

level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting. Specific analysis and modeling methodology, including coordination with relevant agencies, will be determined after adoption of the CVFPP.

April 18, 2012

Mary Ann Hadden, Staff Environmental Scientist
Department of Water Resources
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

COMMENTS TO THE CENTRAL VALLEY FLOOD PROTECTION PLAN DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

SJAFCA appreciates the opportunity to review and comment on the Draft Program Environmental Impact Report (DPEIR) for the Central Valley Flood Protection Plan (the Plan). In addition, we support comments provided by California Central Valley Flood Control Association.

We have reviewed the public draft document with emphasis on the Lower San Joaquin River basin. We offer the following general comments to the DPEIR:

L_SJAFCA3-01

1. ***The Highest Priority should be Public Safety/Flood Protection*** – The Plan and the Proposed Program - the State Systemwide Investment Approach (SSIA), as analyzed, must continue to prioritize public safety and flood protection with ecosystem restoration as a supporting goal. Our concern is that limited funding may be exhausted on non-life safety improvements leaving significant populations at risk.

L_SJAFCA3-02

2. ***Compliance with SB5*** - Preparation of the Plan was a requirement of SB5 but the Plan does not discuss how it will facilitate compliance with SB5. Cities and Counties are supposed to rely on this DPEIR for guidance when amending their general plans and zoning ordinances. However, the apparent lack of project specifics in the Plan will make it very difficult for cities and counties in the Central Valley to make their determinations.

L_SJAFCA3-03

3. ***Sacramento River vs. San Joaquin River*** - The focus of the Plan reinforces the perception of a bias toward directing the majority of its resources to improving the Sacramento River Basin. The Plan should ensure that both basins are treated equitably and receive the same levels of protection.

Paradise Cut Bypass is as important in the San Joaquin River system as the Yolo Bypass is in the Sacramento River system. This is a critical bypass built by the USACE that has not been maintained. Improvement to this bypass could provide significant flood stage reduction to the San Joaquin River benefiting the communities of Stockton, Manteca and Lathrop.

In addition, the following are our specific comments to the DPEIR:

- L_SJAFC3-04 1. The Proposed Program description should clarify the integration of non-SPFC facilities in the SSIA. Even though the Plan is included in the DPEIR as an Appendix, some sections of the DPEIR still describes the Proposed Program as only involving SPFC facilities and that the Board may "choose to" treat or "potentially include" non-SPFC facilities... (ES.1, paragraph 6, ES.3, Paragraph 1, Section 2.3.1, Paragraph 4, etc.).
- L_SJAFC3-05 2. Page 1-13, Section 1.7, Uses of the PEIR: Without specific information on projects/activities included, it will be difficult for cities and counties to rely on the PEIR for guidance when amending their general plans and zoning ordinances.
- L_SJAFC3-06 3. Despite its extensive length, the DPEIR leaves many ambiguities about the Proposed Program, its impacts assessment, alternatives considered/rejected, and the adoption process. The lack of specifics makes it difficult to qualify and quantify the advantage of one alternative over the Proposed Program and other alternatives.
- Table ES 8-1, Table 5.1 and Table 5.2: It is confusing how each alternative's impact level of significance is measured and compared with the Proposed Program. For example, in Hydrology assessment, it was stated that under the Modified SSIA, the overall risk of flooding is greater than the Proposed Program. The Proposed Program impact is noted as "less than significant", and the Modified SSIA impact is "lesser" than the program. It should be "greater".
- Table 5.1 also has costs associated with each alternative, how are these determined without information on projects/activities included for each alternative?
- L_SJAFC3-07 4. Page 5-6, Section 5.2.3 Modified SSIA Alternative: "The alternative presents a less-construction intensive alternative that addresses only the most critical stressors on public safety, operations and maintenance and ecosystem function." Why limit the bypass improvements to only the Yolo Bypass? The benefits should be spread out between Sacramento and San Joaquin river systems.
- L_SJAFC3-08 5. The Cumulative Impacts section discussed the agricultural lands conversion effect on the population and employment that could increase recreational opportunities and therefore increasing jobs availability, but failed to discuss effect on the potential loss of agricultural related jobs.
- L_SJAFC3-09 6. The DPEIR should address environmental justice issues that may result from implementation of the Plan. The farmers are one social group that would be affected by the ecosystem restoration improvements converting acres of agricultural lands to setback levees.
- L_SJAFC3-10 7. The Modified SSIA alternative is noted as the "Environmentally Superior Alternative" which provides the greatest opportunity for avoidance and substantial reduction of significant environmental impacts. However, it does not meet the

overall purpose of the Plan to develop and implement a sustainable flood management plan for the entire Central Valley. Without the Paradise Cut and Mormon Slough Bypasses, the Stockton, Lathrop & Manteca communities would not meet their 200-year flood protection goal as mandated by SB5.

Again, we appreciate the opportunity to provide comments on the DPEIR. We look forward to working in partnership with DWR and the Board in the refinement, adoption and implementation of the Plan.



JAMES B. GIOTTONINI
EXECUTIVE DIRECTOR

JBG:GMB:mb

cc: Melinda Terry, Executive Director
California Central Valley Flood Control Association

John Maguire, Engineering Services Manager
San Joaquin County Flood Control and Water Conservation District

Roger Churchwell, Deputy Executive Director
SJAFCA

San Joaquin Area Flood Control Agency, James Giottonini

Response

L_SJAFCA3-01

See response to comment L_SJAFCA1-02.

L_SJAFCA3-02

See response to comment L_SJAFCA1-03.

L_SJAFCA3-03

See response to comment L_SJAFCA1-04.

L_SJAFCA3-04

See DPEIR Section 2.3.5, “Non–State Plan of Flood Control Levees.”

L_SJAFCA3-05

See Master Responses 5 and 23, and response to comment L_SJAFCA2-02.

L_SJAFCA3-06

See Master Responses 1, 2, 23, and 24.

The comment regarding Table ES.8-1, Table 5-1, and Table 5-2 of the DPEIR does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. For a more detailed explanation of the comparative analysis of alternatives, see Chapter 5.0, “Alternatives,” of the DPEIR.

L_SJAFCA3-07

See Section 5.2, “Alternatives Considered,” of the DPEIR. See also response to comment L_SJAFCA1-04.

L_SJAFCA3-08

See Impact PEH-3 on page 3.16-60 in Section 3.16, “Population, Employment, and Housing,” and page 4-53 in Chapter 4.0, “Cumulative Impacts,” of the DPEIR.

L_SJAFCA3-09

See Section 6.5, “Environmental Justice,” on pages 6-10 through 6-22 in Chapter 6.0, “Other CEQA-Required Sections and Additional Material.”

L_SJAFCA3-10

See Master Responses 23 and 24. See also responses to comments L_SJAFCA1-04 and L_SJAFCA2-08.



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



April 18, 2012

L_SJVAPCD1

Mary Ann Hadden
DWR, DFM
c/o MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

**Project: Draft Program Environmental Impact Report for the 2012 Central Valley
Flood Protection Plan (SCH # 2010102044)**
District CEQA Reference No: 20100832

Dear Ms. Hadden:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of broad management actions to improve the flood management system, policies, and institutions at a systemwide level, while enabling flexibility in addressing changing needs and funding scenarios. Projects along the Sacramento and San Joaquin River systems will include near-term management activities (NTMAs) and long-term management activities (LTMAs). The District offers the following comments:

L_SJVAPCD1-01

1. The Program Draft Environmental Impact Report (PDEIR) doesn't specify the number of projects, size and scope, or locations within the San Joaquin Valley Air Pollution Control District because at the time of circulation it was unknown. However, the PDEIR has provided examples similar to size and scope that clearly show project specific emissions of criteria pollutants would exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, or 15 tons/year PM10. Therefore, the District agrees with the determination made in the PDEIR that project specific criteria pollutant emissions would have a significant adverse impact on air quality.

L_SJVAPCD1-02

2. To assist in reducing a project's impact on air quality the District recommend the use of off-road construction fleets that can achieve fleet average emissions equal to or less than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
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Tel: (559) 230-6000 FAX: (559) 230-6081

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
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emissions equal to or less than the Tier II emissions standard of 4.8 NO_x g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

- L_SJVAPCD1-03 3. As presented in the PDEIR, the project would have a significant and unavoidable impact on air quality. Even though an Environmental Impact Report (EIR) is not required to consider every possible mitigation measure or alternative, the EIR must contain substantial evidence to support a determination that all feasible mitigations have been applied to substantially lessen a significant effect on the environment. The determination should be based to the extent possible on scientific and factual data. Therefore, the District recommends that the environmental document discuss the feasibility of or implementing a Voluntary Emission Reduction Agreement (VERA).

A voluntary emissions reduction agreement (VERA) is a mitigation measure by which a project proponent provides pound-for-pound mitigation of project specific emissions increases. The process provides opportunity for the project proponent to develop, fund, and implement emission reduction projects. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the developer agrees to mitigate project emissions by providing funds for use by the District's Emission Reduction Incentive Program. The District's role is to administer the agreement by funding projects that achieve the required emission reductions, verifying that actual emission reductions have been achieved, and ensuring enforceability of achieved reductions.

VERAs have been demonstrated to be feasible mitigation within the San Joaquin Valley. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of this type of off-site mitigation measure.

- L_SJVAPCD1-04 4. The District has reviewed the information provided and has determined the types of individual projects outlined as NTMAs and LTMA's within the DPEIR are not "Development Projects" pursuant to District Rule 9510, Section 3.13. Subsequently, District Rule 9510 requirements and related fees do not apply to these projects.

- L_SJVAPCD1-05 5. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small

Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

L_SJVAPCD1-06

6. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

David Warner
Director of Permit Services



for Arnaud Marjollet
Permit Services Manager

DW: dm

Cc: File

San Joaquin Valley Air Pollution Control District, Arnaud Marjollet

Response

L_SJVAPCD1-01

DWR notes that SJVAPCD agrees with the conclusion presented in Section 3.4, “Air Quality,” of the DPEIR that project-specific construction activities could result in significant adverse impacts from emissions of criteria pollutants. No changes to the text of the DPEIR are required.

L_SJVAPCD1-02

As stated in Master Response 23 and explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

Contrary to the assertions by several commenters, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements.

As noted by the commenter in L_SJVAPCD1-01, the DPEIR contains a program level of analysis. It is not possible at this time to specify the exact number of projects, their exact size and scope, or their exact locations. Therefore, DWR does not believe that the commenter’s suggestion to include project-specific mitigation aimed at achieving an emission standard of 4.8 g/hp-hr of NO_x for construction-related NTMAs or LTMAAs is appropriate because (1) depending on the project size, adverse air quality impacts may not occur, and therefore no mitigation will be required; (2) projects will occur in different air basins that have different requirements;

and (3) projects will occur at different points in time in the future, when the emissions reduction requirements may change. The DPEIR already contains a suite of mitigation measures that would reduce NO_x emissions (see Mitigation Measure AQ-1 in Section 3.4.4, “Environmental Impacts and Mitigation Measures for NTMA’s”).

L_SJVAPCD1-03

The commenter suggests the addition of a new mitigation measure called a VERA by which a project proponent (i.e., a “developer”) provides pound-for-pound mitigation of project-specific emissions increases by paying a fee into SJVAPCD’s Emission Reduction Incentive Program. However, the project proponent(s) that will be implementing the CVFPP are not “developers”; rather, they are State and local agencies, which will be making flood system improvements as mandated by SB 5. DWR does not believe that the commenter’s suggestion to include VERA requirements as mitigation is appropriate because: (1) depending on the project size, adverse air quality impacts may not occur and therefore no mitigation will be required; (2) projects will occur in different air basins that have different requirements; (3) projects will occur at different points in time in the future, when the emissions reductions requirements may change; and (4) the SJVAPCD’s VERA program is generally designed to address operational emissions from conventional developments (residential, commercial, institutional, etc.) and most of the activities under the CVFPP will not have significant operational emissions, so the SJFAPCD’s VERA program generally would be inapplicable to flood control improvements.

L_SJVAPCD1-04

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SJVAPCD1-05

DWR understands that individual projects undertaken as part of the CVFPP may be subject to various SJVAPCD rules and regulations, including those listed in the comment. Project proponent(s) will be required by law to implement all applicable SJVAPCD rules and regulations.

L_SJVAPCD1-06

The comments from SJVAPCD have been incorporated into the project record as part of this FPEIR. Therefore, all project proponent(s) for site-specific projects will have the opportunity to review these comments.



BOARD OF SUPERVISORS COUNTY OF SUTTER

1160 Civic Center Blvd.
Yuba City, CA 95993

(530) 822-7106
FAX: (530) 822-7103

April 16, 2012

L_SUTTER1

Mr. Mark Cowin
Director, California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

SUBJECT: Central Valley Flood Protection Plan Comments

Dear Mr. Cowin,

L_SUTTER1-01 The County of Sutter has reviewed the Public Draft of the Central Valley Flood Protection Plan (CVFPP), the accompanying attachments and the Draft Environmental Impact Report (DEIR). The County of Sutter desires to work with the Department of Water Resources (DWR) on a plan that includes system-wide benefits and meets the stated objectives of the CVFPP. However, the County has several concerns with the proposed CVFPP and the DEIR. Due to a number of factors, we believe that the CVFPP is infeasible as currently drafted, both practically and financially, and the DEIR does not identify and include major alternative approaches. These concerns are presented in greater detail within the two attached documents. A synopsis of specific concerns is presented here for your convenience:

L_SUTTER1-02

- The actual flood protection benefits are severely reduced by the intent to use the CVFPP as a platform for statewide habitat restoration and environmental improvement project. The supporting goal for promoting ecosystem functions was not intended to be a co-equal goal with flood protection;

L_SUTTER1-03

- The CVFPP alternatives do not include consideration for creating additional upstream storage capacity. The supporting goal of promoting multi-benefit projects, including projects that provide a water supply benefit, is not met. This is especially disturbing when climate change impacts are considered;

L_SUTTER1-04

- The FloodSafe vision specifically includes supporting economic growth, yet the draft CVFPP would eliminate future development behind levees, strip away local land use authority, take tens of thousands of acres of prime agricultural farmland out of production, and would result in the permanent loss of a significant number of jobs;

Members of the Board

Larry Montna	District 1
Stanley Cleveland, Jr.	District 2
Larry Munger	District 3
Jim Whiteaker	District 4
James Gallagher	District 5

County Administrator
Stephanie J. Larsen

Clerk of the Board
Donna M. Johnston

L_SUTTER1-05

- The project is economically infeasible given that too much of the cost is associated with ecosystem restoration and not enough to the primary purpose of flood control. There is potential that the Federal government may not participate due to the low benefit/cost ratio, the inability of the local governments to fund \$1.3 billion in local cost share, and the annual interest cost associated with future bonds compared to the anticipated annual savings in reduced flood damage;

L_SUTTER1-06

- The draft plan proposes to take up to 40,000 acres of lands to be used for expanding the bypasses, creating new bypasses, and constructing setback levees. The draft plan also proposes to purchase easements on additional acres of land. This unprecedented take of private property would have a devastating effect on agricultural communities and Sutter County as a whole;

L_SUTTER1-07

- The draft plan, which has no detailed hydraulic, hydrologic, or geologic studies completed, identifies specific lands that are being considered for future setback levees, bypass expansions, or new bypasses. If the CVFPP is approved with these vast, arbitrary setbacks, the State would place a cloud over these lands, such that the property values have been decreased and the ability of the property owners to sell these lands or enter into long-term leases would be drastically affected. Absent actual engineering studies and calculated benefits to the flood protection system, these references to specific levee setback locations must be deleted from the CVFPP prior to adoption; and

L_SUTTER1-08

- This draft CVFPP, which has no detailed hydraulic, hydrologic, or geologic studies completed, may be used to determine if local repair-in-place projects are no-regrets projects. If the draft CVFPP is used as such, it could delay implementation of local efforts, or even potentially result in local projects not being approved. Specific examples of projects that could be delayed or prohibited may include the Sutter-Butte Flood Control Agency - West Feather River Project or the ongoing Sacramento Area Flood Control Agency – Natomas Levee Improvement Project.

L_SUTTER1-09

Even though there is very little information provided on the modified SSIA alternative, Sutter County believes this is an intriguing alternative to further evaluate, and may mitigate many of our concerns.

L_SUTTER1-10

Due to these significant concerns, the County of Sutter would prefer that the Central Valley Flood Control Board not adopt the current draft CVFPP without substantial revisions, and re-evaluate the available flood protection enhancement alternatives including the development of new storage reservoirs. However, given that the Central Valley Flood Control Board is under a

L_SUTTER1-11

legislative mandate to adopt a CVFPP by July 1, 2012, we recommend that the Board should as a minimum action, remove all maps and references to specific levee setback locations to avoid unnecessary and unwarranted damage to property values and property rights and resultant adverse impact on the local communities and our economy.

Sincerely,

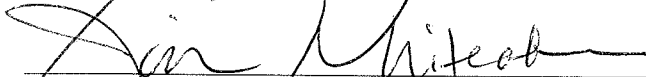

Larry Montna, Sutter County Supervisor, District 1



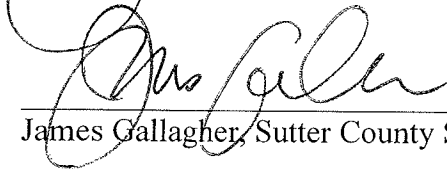
Stanley Cleveland, Sutter County Supervisor, District 2



Larry Munger, Sutter County Supervisor, District 3



Jim Whiteaker, Sutter County Supervisor, District 4



James Gallagher, Sutter County Supervisor, District 5

Attachments: Comments on the draft Central Valley Flood Protection Plan
 Comments on the draft Environmental Impact Report

CF:

Mary Ann Hadden, Staff Environmental Scientist, DWR, Division of Flood
Management, Department of Water Resources

Mr. William Edgar, Chairman, Central Valley Flood Protection Board

Comments on Central Valley Flood Protection Plan
Submitted by: County of Sutter

- L_SUTTER1-12 1. Due to the limited flood protection benefits as compared to the estimated project cost, it is doubtful that the Federal government will financially participate in the CVFPP;
- L_SUTTER1-13 2. The modified State Systemwide Improvement Approach (SSIA) should be evaluated within the CVFPP, as opposed to only being mentioned in the Draft Environmental Impact Report (DEIR);
- L_SUTTER1-14 3. The proposal to widen the Sutter Bypass, introduce vegetation, and reduce water velocity would result in increased sedimentation within the bypass. This would increase Operations and Maintenance costs, which would be contrary to the stated goals of the CVFPP;
- L_SUTTER1-15 4. One of the supporting goals of the CVFPP is to promote multi-benefit projects. In apparent conflict with this supporting goal, none of the alternatives considered by the CVFPP include provisions for new storage capacity within the system, nor do any of the alternatives have a positive effect on water supply. The Cherokee, Sutter, and Yolo bypasses are located within the bottom of drainage basins and are generally within areas having shallow groundwater elevations and tight (clayey) soils. Temporary retention of peak flows would result in very limited beneficial effects on groundwater aquifers in these areas;
- L_SUTTER1-16 5. The draft CVFPP proposes to take tens of thousands of prime agricultural lands out of production. Sutter County feels that preserving agricultural land is equally important as other objectives of the Plan;
- L_SUTTER1-17 6. The draft CVFPP, which has no detailed hydraulic, hydrologic, or geologic studies completed, will be used to guide State, Federal, and local actions for improving flood management. Sutter County is concerned that the State may attempt to use the CVFPP to determine if local repair-in-place projects are no-regrets projects. If the draft CVFPP is used as such, it could unnecessarily delay local projects such as the Sutter-Butte Flood Control Agency's - West Feather River Project or the ongoing Sacramento Area Flood Control Agency's - Natomas Levee Improvement Project;
- L_SUTTER1-18 7. Local governments cannot afford a \$1.3 billion price tag for projects, nor would local residents be willing to assess themselves as sole beneficiaries for a project that has statewide environmental and water delivery benefits. Many of the small, rural communities are economically challenged communities, and in many areas have already assessed themselves to the capacity of their electorate for existing flood protection projects;
- L_SUTTER1-19 8. The draft plan proposes to create up to 40,000 acres of new "flood system lands" by expanding the bypasses, creating new bypasses, and constructing setback levees. The draft plan also proposes to purchase easements on additional acres of land, and would dedicate 25% of the new lands located between the levees to habitat restoration. Additionally, the CVFPP proposes to widen and lower the weirs diverting flows to the Sutter Bypass, plus divert additional flows via the new Feather River Bypass. This would increase the frequency and duration of inundation within the Bypass and effectively eliminate any agricultural use of

lands within the Sutter Bypass. This unprecedented take of private property would have a devastating effect on agricultural communities and Sutter County as a whole:

- Tens of thousands of acres of prime farmland would be taken out of production;
- A significant number of jobs associated with agricultural activities on those lands taken out of production would be lost;
- A significant portion of the County's tax base would be eliminated;
- The State Drain, three State pumping plants associated with internal drainage, and potentially additional Levee District One pumping plants would have to be relocated to accommodate the proposed Bypass expansion and setback levees.

Instead of using expansion of the bypass system as a starting point, the CVFPP should first focus on maximizing and enhancing the existing bypass system; if further study shows a need for expansion, then that expansion should begin at the downstream portion of the system and should be directed by local input.

L_SUTTER1-20

9. The proposal to widen and lower the weirs diverting flows to the Sutter Bypass and the diversion of additional flows via the new Feather River Bypass appear to transfer flood risk from the Live Oak/Yuba City areas to the Meridian and Robbins Basins;

L_SUTTER1-21

10. The CVFPP contains numerous references to future land use and floodplain management, "Conservation Planning", "Corridor Management Plans", "Habitat Conservation Plans", regional flood management plans, a "Flood Corridor Program", and "Regional Advanced Mitigation Planning". These plans would dictate management, restoration, and maintenance activities for flood control facilities, floodplains, and agricultural lands. Sutter County is very concerned that the State is using the CVFPP as a means of usurping local land use authority. The State's ability to dictate agricultural activities may also constitute an inverse condemnation of private agricultural properties. This concern is elevated by language contained within Attachment 2, "Conservation Framework", which identifies access roads, drainage ditches, groundwater pumps, surface water supply canals, and other agricultural infrastructure as potentially useful for improving environmental benefits;

L_SUTTER1-22

11. Attachment 9A states that the RAMP work group is working on a pilot project that will include preparation of the first Regional Assessment (planned completion Spring 2012) to identify advance mitigation sites. The pilot study area encompasses approximately 70% of Sutter County, yet Sutter County was unaware of this pilot project and

L_SUTTER1-23

12. The draft plan, which has no detailed hydraulic, hydrologic, or geologic studies completed, identifies specific lands that are being considered for future setback levees, bypass expansions, or new bypasses. By doing so, the State has placed a cloud over these lands, such that the property values have been decreased and the ability of the property owners to sell these lands or enter into long-term leases has been drastically affected. This constitutes a "take", and is tantamount to an inverse condemnation of these lands. Absent the final studies and calculated benefits to the flood protection system, these references to specific levee setback locations should be deleted from the CVFPP.

L_SUTTER1-24

13. The CVFPP should commit to working with the local stakeholders and implementation of the projects should be locally driven.

L_SUTTER1-25

14. The CVFPP should include a robust Rural Levee Program that includes adequate funding and specifies a rural levee standard. This Rural Levee Program should encompass the State's commitment to encourage reform of the National Flood Insurance Program's floodplain regulations for agricultural basins. Furthermore, the CVFPP should also include a commitment to provide funding from Proposition 1E for this rural levee program.

L_SUTTER1-26

15. Attachment 8J, Appendix D identifies specific projects intended to protect small communities. The project to protect the community of Robbins leaves both community wells and the water treatment plant outside the proposed ring levee. Furthermore, neglecting the cost of constructing an internal drainage and pumping system to remove runoff from behind (inside) the ring levees results in the estimated project costs being severely understated.

**Comments on Central Valley Flood Protection Plan –
Draft Environmental Impact Report
Submitted by: County of Sutter**

Issue #1:

L_SUTTER1-27 (AG-1 NTMA & LTMA): Conversion of Substantial amounts of important farmland to nonagricultural uses and conversion of land under Williamson Act Contracts to an inconsistent use.

- The CVFPP proposes to create up to 40,000 acres of new “flood system lands” by expanding the bypasses, creating new bypasses, and constructing setback levees. There would be a significant loss of agricultural lands associated with the new or enlarged levees.
- There would be an even more significant loss of agricultural lands associated with the dedication of 25% of the new lands located between the levees to habitat restoration.

L_SUTTER1-28

- The widening and lowering of the weirs diverting flow to the Sutter Bypass would result in earlier and longer duration flooding of the bypass lands, making the continued use of those bypass lands for rice production infeasible.
- The widening and lowering of the weirs diverting flow to the Sutter Bypass would result in earlier and longer duration flooding of the bypass lands, resulting in slower water velocities and greater deposition of sediment. This increase in deposition would have a negative impact on agricultural activities within the Bypass.
- The widening and lowering of the weirs diverting flow to the Sutter Bypass would make travel across the Sutter Bypass more difficult and time – consuming, thus creating a discontinuity for farmers accessing land holdings on opposite banks of the Bypass.

L_SUTTER1-29

- The creation of a new Feather River Bypass would eliminate thousands of acres of agricultural lands for no apparent hydraulic benefit.

L_SUTTER1-30

- The “adaptive management” associated with Habitat Conservation Plans and Corridor Management Plans are identified as affecting drainage canals, irrigation canals, wells, access roads and other agricultural facilities/operations. The management of these lands for habitat purposes would undoubtedly interfere with agricultural activities, eventually making agriculture infeasible within the plan areas.

Issue #2:

L_SUTTER1-31 (AG-3 NTMA & LTMA): Effects of other NTMAs & LTMA on important farmland and Williamson Act contract land.

- The “adaptive management” associated with Habitat Conservation Plans and Corridor Management Plans are identified as affecting drainage canals, irrigation canals, wells, access roads and other agricultural facilities/operations. The management of these lands for habitat purposes would undoubtedly interfere with agricultural activities, eventually making agriculture infeasible within the plan areas.

L_SUTTER1-32 **Issue #3:**

(BIO-A-1 NTMA & LTMA): Potential effects on Special Status Fish - During Construction or Operations and Maintenance Activities.

- The CVFPP proposes to create up to 40,000 acres of new “flood system lands” by expanding the bypasses, creating new bypasses, and constructing setback levees. The CVFPP additionally proposes widening and lowering of the weirs diverting flow to the Sutter Bypass, which would result in earlier and longer duration flooding of the bypass lands. Combined, the CVFPP proposals would eliminate thousands of acres of existing rice land, which is prime Giant Garter Snake Habitat. The CVFPP would also result in decreased flows in the Sacramento and Feather Rivers, as a significant amount of flows would be diverted to the new Feather River Bypass and the Sutter Bypass. The impact upon special status fish due to the decreased flows in the Sacramento and Feather Rivers and the corresponding new flows in the Feather and Sutter Bypasses is not addressed in the EIR. There may be an increased potential for fish stranding and/or impacts to fish passage due to the lower flows.

L_SUTTER1-33

- Expanding the bypasses and constructing setback levees would likely eliminate lands currently under conservation easements, which could have an impact on special status fish or other species of concern.

L_SUTTER1-34 **Issue #4:**

(BIO-T-1 NTMA & LTMA): Construction-related effects on Sensitive Natural Communities and Habitats.

- The CVFPP proposes to create up to 40,000 acres of new “flood system lands” by expanding the bypasses, creating new bypasses, and constructing setback levees. The CVFPP also proposes widening and lowering of the weirs diverting flow to the Sutter Bypass, which would result in earlier and longer duration flooding of the bypass lands. Combined, the CVFPP proposals would eliminate thousands of acres of existing rice land, which is prime Giant Garter Snake Habitat.

L_SUTTER1-35

- Sutter County is several years into preparation of an NCCP/HCP affecting Sutter and Yuba Counties, the Cities of Live Oak, Yuba City, and Wheatland. The plans proposed under the CVFPP appear to conflict with this NCCP/HCP.

L_SUTTER1-36 **Issue #5:**

(GRW-5 LTMA): Degradation of water quality or adverse rise in groundwater elevation as a result of groundwater banking.

- Many portions of Sutter County currently experience high groundwater. Widened or new bypasses may exacerbate existing problems with shallow groundwater aquifers invading root zones. This may preclude the raising of many types of crops (especially orchards) and potentially damage existing infrastructure.

L_SUTTER1-37

Issue #6:

(HYD-1 NTMA & LTMA): Increased erosion and siltation from modifying the flood conveyance system.

- The proposal to widen the Sutter Bypass, widen and lower the weirs diverting flow to the Sutter Bypass, increase vegetation within the Sutter Bypass, and diverting new flows from the Feather River to the Sutter Bypass will cumulatively result in a significantly increased amount of siltation deposited within the Sutter Bypass. This will result in a need for routine dredging/silt removal, with the associated impacts on cost and on habitat.

L_SUTTER1-38

Issue #7:

(HYD-4 NTMA & LTMA): Modification of the flood conveyance system in a way that would redirect flood flows and increase flood risk or exposure of people or structures to a risk of loss, injury, or death involving flooding.

- The proposal to create a new Feather River Bypass will redirect flows from the Feather River westward to the Butte Sink. These flows will expose the populations of Biggs, Gridley, Live Oak, and Yuba City to an increased risk of loss, injury, or death due to the presence of 15 miles of new levees.
- The proposal to redirect flood flows to the Sutter Bypass will increase flood risk to the communities of Meridian and Robbins by adding additional stresses to the west levee of the Sutter Bypass.

L_SUTTER1-39

Issue #8:

(LU-5 NTMA & LTMA): Alterations of land uses or patterns of land use as a result of conveyance-related management activities that could cause a substantial adverse physical environmental effect.

- The CVFPP proposes to expand flood system lands by up to 40,000 acres, which would have a devastating effect on local agriculture.
 - More frequent and longer duration flooding of the Sutter Bypass would prohibit continued rice production (or virtually any other form of agriculture) within the Sutter Bypass.
 - Elimination of rice production would have a devastating effect on the Giant Garter Snake.

L_SUTTER1-40

L_SUTTER1-41

- What governing body will have land use control authority? The CVFPP appears to usurp local land use authority.

L_SUTTER1-42

Issue #9:

(LU-7 NTMA & LTMA): Alterations of land uses or patterns of land use as a result of policies related to the required level of flood protection that would cause a substantial adverse physical environmental effect.

- Establishment of “adaptive management” conservation practices on agricultural lands and facilities adjacent to levees would, at a minimum, make agriculture less profitable, and potentially make agriculture infeasible. Reference Attachment 2, Conservation Framework, which discusses how floodway management will include management of agricultural access roads, drainage ditches, groundwater pumps and surface supply canals. This could affect lands well beyond the 40,000 acres of expanded flood system lands.

L_SUTTER1-43

Issue #10:

(PEH-3 NTMA & LTMA): Changes in employment, either directly or indirectly, through changes in land use or policy changes.

- The elimination of 40,000 acres of farmland, combined with the establishment of “adaptive management” practices on agricultural land, will have the potential to eliminate a significant number of agriculturally-related jobs, including farm workers, mechanics, agricultural supply houses, heavy equipment operators, and other employees who provide support services.

L_SUTTER1-44

- The “Flood Corridor” program proposes to eliminate structures from flood-prone areas. Flood prone areas are defined by the State as any area subject to inundation from flooding (no set recurrence interval provided). This would eliminate employment associated with new development throughout most of Sutter County.

L_SUTTER1-45

- The U.S. Supreme Court has ruled that private property shall not be taken for public use without just compensation. What agency is responsible for properly acquiring these affected lands?

L_SUTTER1-46

- It is questionable whether a sufficient argument can be made justifying the take of private lands for the purpose of promoting ecosystem functions.
 - The entire reach of a bypass system would need to be widened to recognize substantial flood control benefits. It is unreasonable to assume that every affected property owner would be willing to sell the land required to widen a bypass. If the State cannot acquire all lands necessary to widen an entire bypass length from willing sellers, then there would be virtually no flood control benefits resulting from widening a portion of the bypass.

L_SUTTER1-47

Issue #11:

(TRN-2 NTMA & LTMA): Removal or temporary disruption of current transportation infrastructure.

- The proposed Feather River Bypass would disrupt and require relocation of State Highway 99, State Highway 162 and numerous County roads;
- The proposed Sutter Bypass expansion would disrupt and require relocation of State Highway 20, State Highway 113 and numerous County roads;

- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of State Highway 99.

L_SUTTER1-48 Issue #12:

(UTL-1 NTMA & LTMA): Potential disruption of utility service and modification or relocation of utility infrastructure from project construction activities.

- The proposed widening of the Sutter Bypass would require removal and relocation of the State Drain and three State pumping plants associated with internal drainage. These pumping plants are all located adjacent to the east levee of the Sutter Bypass.
- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of other internal drainage pumping facilities, such as those owned and operated by Levee District 1.

L_SUTTER1-49 Issue #13:

(UTL-2 NTMA & LTMA): Potential disruption of utility service and modification or relocation of utility infrastructure from project operation.

- The proposed widening of the Sutter Bypass would require removal and relocation of the State Drain and three State pumping plants associated with internal drainage. These pumping plants are all located adjacent to the east levee of the Sutter Bypass.
- Setback levees along the west levee of the Feather River could potentially disrupt or require relocation of other internal drainage pumping facilities, such as those owned and operated by Levee District 1.
- Changing the height and width of the Sutter Bypass levees and/or the Feather River levees could result in a need for increased pump size for the internal drainage pumps at the State pumping plants along the Sutter Bypass and the levee district pumps along the Feather River. This could also result in higher maintenance and operational costs associated with these internal drainage pumps, especially annual power costs.

L_SUTTER1-50 Issue #14:

(SWQ-3 NTMA & LTMA): Alteration of floodplain Inundation Patterns that could result in substantial erosion and adversely affect water quality.

- The proposed redirecting of up to 35,000 cfs of additional peak flows to the Sutter Bypass, combined with the more frequent flooding and longer inundation duration, would have the potential to substantially increase wave erosion and adversely affect water quality.

Sutter County Board of Supervisors, Jim Whiteaker and James Gallagher

Response

L_SUTTER1-01

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SUTTER1-02

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

The SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important SRA habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

In addition, as stated in Master Response 9, construction of the Central Valley's flood management facilities was originally driven by the need to

defend the developing valley floor against periodic floods while maintaining navigable channels for commerce. Over time, some facilities have become obsolete or have nearly exceeded their expected service lives, and they are in need of major modification or repair. Further, facilities originally constructed primarily for navigation, sediment transport, and flood management are now also recognized as important for water supply conveyance, ecosystem functions, recreation, and other beneficial uses.

Today, the SPFC must contend with a lack of stable funding and with concerns like deferred maintenance, changes to regulations and societal priorities, dated construction techniques, and imprudent development in deep floodplains, leaving almost a million people at risk. To address these challenges, and to meet legislative direction for a systemwide approach that focuses on public safety and promotes multi-benefit projects, DWR formulated the SSIA.

L_SUTTER1-03

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches—Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However,

no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP. For additional details, see Master Response 10.

L_SUTTER1-04

As stated in Master Response 3, the State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

As stated in Master Response 4, State law (SB 5) requires an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley so that these areas will withstand a 1-in-200-year flood event (CGC Sections 65865.5, 65962, and 66474.5). Under the terms of SB 5, adoption of the 2012 CVFPP by the Board would trigger the schedule of

compliance actions required for cities and counties to make findings related to an urban level of flood protection.

However, the CVFPP does not create any new requirements or assurances for levels of flood protection in the Central Valley; the local findings requirements regarding the required levels of protection were established by the State Legislature with the passage of SB 5. Similarly, the plan does not change existing State requirements related to new development in nonurbanized areas, including small communities, which must continue to meet the national FEMA standard of flood protection (per CGC Sections 65865.5, 65962, and 66474.5). This national standard corresponds to the minimum level of flood protection (100-year flood) required for participation in the NFIP, and is consistent with the existing Building Code. The Central Valley Flood Protection Act of 2008 further clarifies that the CVFPP is a descriptive document, and neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide any particular level of flood protection (CWC Sections 9603(a) and 9603(b)).

Furthermore, as stated in Master Response 2, the PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

In addition, as stated in Impact PEH-3 in Section 3.16, "Population, Employment, and Housing," the proposed program is also expected to include purchases of easements and development of habitat that could take agricultural land out of production (see Section 3.3, "Agriculture and Forestry Resources"), thereby reducing local agriculture-related employment to some degree. Purchasing easements could also result in the preservation of agricultural land and restoring habitat could increase recreational opportunities, thereby increasing the availability of jobs serving the recreation sector. Even in the unlikely event that implementing

NTMAs were to result in a net decrease in jobs, the decrease would not be considered substantial, especially if considered on a countywide or regional level. It should be noted that the proposed program will provide increased flood protection and therefore support greater economic stability.

L_SUTTER1-05

As stated in Master Response 9, construction of the Central Valley's flood management facilities was originally driven by the need to defend the developing valley floor against periodic floods while maintaining navigable channels for commerce. Over time, some facilities have become obsolete or have nearly exceeded their expected service lives, and they are in need of major modification or repair. Further, facilities originally constructed primarily for navigation, sediment transport, and flood management are now also recognized as important for water supply conveyance, ecosystem functions, recreation, and other beneficial uses.

Today, the SPFC must contend with a lack of stable funding and with concerns like deferred maintenance, changes to regulations and societal priorities, dated construction techniques, and imprudent development in deep floodplains, leaving almost a million people at risk. To address these challenges, and to meet legislative direction for a systemwide approach that focuses on public safety and promotes multi-benefit projects, DWR formulated the SSIA, with a preliminary cost estimated between \$14 billion and \$17 billion. The high cost of the SSIA reflects the costly nature of providing flood protection in the Central Valley's deep floodplains and the current conditions of the SPFC facilities, as described in the *Flood Control System Status Report* (DWR 2011).

Specific project features ultimately implemented for the SSIA will depend on a host of factors. These factors include the results of detailed project feasibility studies; designs and cost estimates; environmental benefits and impacts; interaction with other local projects and system improvements; participation by local, State, and federal agencies in project implementation; and changing physical, institutional, and economic conditions. Costs presented in the 2012 CVFPP are preliminary planning-level estimates. The actual costs of these elements will depend on the specific projects that are justified by feasibility studies, project scopes, implementation times, future economic and contractor-bidding conditions, and many other factors. Funding sources for SSIA projects will vary according to factors such as the type of project or program, beneficiaries, availability of funds, and project or program urgency. Cost-sharing among State, federal, and local agencies may also change depending on project objectives and agency interests. Post-adoption activities (regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will further develop and

refine additional project-specific details on cost, feasibility, funding, cost sharing, and local capacity to pay.

Currently available bond funding is insufficient to fully implement the recommended SSIA as a whole. After adoption of the CVFPP in 2012, DWR will prepare a framework for financing projects at a regional level. DWR will use the information gathered during preparation of the framework to prepare the financing plan for the CVFPP that will guide investment in flood-risk management in the Central Valley during the next 20 years (CWC Section 9616(a)(13)). The financing plan will be available in 2013, after adoption of the 2012 CVFPP. The financing plan is critical to implementation, given the uncertainty regarding State, federal, and local agencies' budgets and cost-sharing capabilities. The financing plan may include legislative actions to establish reliable funding for continued implementation of the SSIA in its totality to benefit the entire Central Valley and state of California. For additional details, see Master Response 9.

L_SUTTER1-06

As stated in Master Response 2, the 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

The PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that

particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments. For additional details, see Master Response 2.

L_SUTTER1-07

As stated in Master Response 2, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As explained further in Master Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

As further stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and

USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAAs). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

Several commenters expressed concern regarding the potential for particular properties to be included in a bypass proposal. Concerns were also expressed that preliminary identification of conceptual bypass designs might create a “cloud” over the properties, making it difficult to manage, obtain loans for, or sell those properties. DWR and the Board wish to make clear that the conceptual designs reflected in the CVFPP do not reflect a determination regarding any specific properties, and that the potential involvement of particular properties in any future bypass project is entirely speculative at this time. Potential agricultural land conversions and the resulting effects are discussed further in Master Responses 2 and 3.

L_SUTTER1-08

As stated in Master Response 14, the 2012 CVFPP describes the State’s vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP

Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Some elements of the SSIA have already been implemented (through the Early Implementation Projects Program since 2007, for example). Others may be accomplished before the first update of the CVFPP in 2017, and many will require additional time to fully develop and implement. Ongoing and new planning studies, engineering, feasibility studies, environmental review, designs, funding, and partnering are required to better define, and incrementally fund and implement, elements of the SSIA during the next 20–25 years.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal *Central Valley Integrated Flood Management Study* and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

The Board has review and permitting authority under the California Water Code and CCR Title 23 for any project, including those resulting from the CVFPP, that may encroach upon, improve, alter, or affect adopted plans of flood control (including the State-federal flood management systems, regulated streams, and designated floodways under the Board's jurisdiction). For additional details, see Master Response 14.

L_SUTTER1-09

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SUTTER1-10

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain

ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Some elements of the SSIA have already been implemented (through the Early Implementation Projects Program since 2007, for example). Others may be accomplished before the first update of the CVFPP in 2017, and many will require additional time to fully develop and implement. Ongoing and new planning studies, engineering, feasibility studies, environmental review, designs, funding, and partnering are required to better define, and incrementally fund and implement, elements of the SSIA during the next 20–25 years.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal *Central Valley Integrated Flood Management Study* and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

L_SUTTER1-11

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

L_ SUTTER1-12

As stated in Master Response 9, specific project features ultimately implemented for the SSIA will depend on a host of factors. These factors include the results of detailed project feasibility studies; designs and cost estimates; environmental benefits and impacts; interaction with other local projects and system improvements; participation by local, State, and federal agencies in project implementation; and changing physical, institutional, and economic conditions. Costs presented in the 2012 CVFPP are preliminary planning-level estimates. The actual costs of these elements will depend on the specific projects that are justified by feasibility studies, project scopes, implementation times, future economic and contractor-bidding conditions, and many other factors. Funding sources for SSIA projects will vary according to factors such as the type of project or program, beneficiaries, availability of funds, and project or program urgency. Cost-sharing among State, federal, and local agencies may also change depending on project objectives and agency interests. Post-adoption activities (regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will further develop and refine additional project-specific details on cost, feasibility, funding, cost sharing, and local capacity to pay.

Currently available bond funding is insufficient to fully implement the recommended SSIA as a whole. After adoption of the CVFPP in 2012, DWR will prepare a framework for financing projects at a regional level. DWR will use the information gathered during preparation of the framework to prepare the financing plan for the CVFPP that will guide investment in flood-risk management in the Central Valley during the next 20 years (CWC Section 9616(a)(13)). The financing plan will be available in 2013, after adoption of the 2012 CVFPP. The financing plan is critical to implementation, given the uncertainty regarding State, federal, and local agencies' budgets and cost-sharing capabilities. The financing plan may include legislative actions to establish reliable funding for continued implementation of the SSIA in its totality to benefit the entire Central

Valley and state of California. For additional details, see Master Response 9.

L_SUTTER1-13

As stated in Master Response 9, three preliminary approaches were used to explore a range of potential physical changes to the existing flood management system and help highlight needed policies or other management actions: Achieve SPFC Design Flow Capacity, Protect High-Risk Communities, and Enhance Flood System Capacity. Evaluating these preliminary approaches provided information on their costs, benefits, and overall effectiveness. None of the three preliminary approaches were found to fully satisfy the legislative requirements and CVFPP goals in a cost-effective manner. However, the most promising elements of each were combined to formulate the State's preferred approach—the SSIA. The CVFPP and accompanying attachments provide additional details about the formulation and screening of elements included in the SSIA.

As further stated in Master Response 8, in accordance with legislative direction and reflecting stakeholder input, DWR prepared the 2012 CVFPP to describe the State's vision for flood management in the Central Valley. This vision for flood management in the Central Valley is for a sustainable flood management system that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems.

In the CVFPP, DWR describes the SSIA, which is a proposal for achieving the State's vision for flood management. The SSIA helps achieve the State's vision for flood management in a balanced manner by promoting responsible investment of public funds, commensurate with flood risks, in projects that integrate multiple benefits, in proactive maintenance of SFPC facilities and residual risk management, and in wise management of floodplains protected by the SPFC.

L_SUTTER1-14

As stated in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta,

would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass. For additional details, see Master Response 1.

L_SUTTER1-15

As stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches—Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However, no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These

SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP. For additional details, see Master Response 10.

L_SUTTER1-16

As stated in Master Response 2, the PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments. For additional details, see Master Response 2.

L_SUTTER1-17

As stated in Master Response 14, the 2012 CVFPP describes the State's vision for a sustainable flood management system in the Central Valley that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems. The SSIA prioritizes State investments and other activities to contribute to achieving this vision on a systemwide scale, recognizing current funding limitations.

The SSIA is a conceptual plan for flood system improvements, and additional post-adoption work is needed to refine its individual elements. Anticipated post-adoption activities include regional flood management planning, development of basin-wide feasibility studies and the CVFPP

Financing Plan, completion of project-level proposals and environmental compliance, development of the Conservation Strategy, and State and USACE permitting.

Some elements of the SSIA have already been implemented (through the Early Implementation Projects Program since 2007, for example). Others may be accomplished before the first update of the CVFPP in 2017, and many will require additional time to fully develop and implement. Ongoing and new planning studies, engineering, feasibility studies, environmental review, designs, funding, and partnering are required to better define, and incrementally fund and implement, elements of the SSIA during the next 20–25 years.

DWR and the Board are the State lead agencies for implementing the CVFPP and preparing the 5-year CVFPP updates. CVFPP consistency is not a requirement of SB 5, and DWR and the Board retain flexibility in future activities; however, the State intends for all major flood management programs and projects in the Central Valley to be planned and implemented in a manner generally consistent with the vision, goals, and provisions of the CVFPP. DWR will also work closely with USACE and the Board to develop the federal *Central Valley Integrated Flood Management Study* and State basin-wide feasibility studies. In addition, the State is partnering with USACE on several regional feasibility and post authorization scope-change investigations aimed at modifying the State-federal flood management system.

The Board has review and permitting authority under the California Water Code and CCR Title 23 for any project, including those resulting from the CVFPP, that may encroach upon, improve, alter, or affect adopted plans of flood control (including the State-federal flood management systems, regulated streams, and designated floodways under the Board's jurisdiction). For additional details, see Master Response 14.

L_SUTTER1-18

As stated in Master Response 3, the State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas

(http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

In addition, as stated in Master Response 4, cost-sharing rules are governed by federal and State laws, regulations, and policies, which have continued to evolve over time. CWC Section 12585.7 identifies the State cost-share of nonfederal capital costs for flood management projects. The State normally pays 50 percent of the nonfederal cost-share, but will pay up to 20 percent more (for a maximum of 70 percent of the nonfederal cost-share) if the project makes significant contributions to other State interests and objectives (e.g., the ecosystem, recreation, open space, protection for disadvantaged communities, and protection for transportation and water supply facilities).

The 2012 CVFPP includes an estimate of potential cost-sharing by State, federal, and local entities for the SSIA, developed to assist with CVFPP development and analysis. However, cost-sharing for implementation of the SSIA will be refined during feasibility studies and project implementation as additional project-level information is gathered and the interests of the partnering agencies in elements of the SSIA are identified. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, and development of a financing plan for the CVFPP) will address cost-sharing and local capacity to pay.

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)).

L_SUTTER1-19

As stated in Master Response 1, the CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The

CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAAs). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

L_SUTTER1-20

As stated in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass. For additional details, see Master Response 1.

L_SUTTER1-21

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments.

L_SUTTER1-22

As stated in Master Response 13, a multiphase public engagement planning process informed development of the 2012 CVFPP and provided many different venues for communicating and engaging with a broad range of partners and interested parties. This extensive public engagement process for plan development, which began in January 2009, involved about 450 people representing public agencies, businesses, interest-based organizations, and members of the public. The process included nearly 300 meetings and more than 40 publications, in addition to development of a public Web site and webinars. A full list of participants and forms of engagement in plan development are available in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Flood Protection Plan.” The participants in the engagement process assisted DWR in identifying problems, developing CVFPP goals, identifying the range of management actions to consider in the CVFPP, and reviewing and commenting on the draft content of the CVFPP.

The Board provided various opportunities for members of the public and agencies to comment on the public draft CVFPP, released in December 2011. Hearings were held in 2012 on April 5 (Sacramento), April 6 (Marysville), April 9 (Stockton), and April 11 (Woodland), and public comments were heard and discussed at both regular and special Board meetings. DWR also accepted comments on the DPEIR, which was

released in early March 2012. More information on the Board's process for public review and plan adoption can be found on its Web site, <http://www.cvfpb.ca.gov/>. For additional details, see Master Response 13.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SUTTER1-23

As stated in Master Response 20, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As explained further in Master Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

As further stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and

USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMAs and LTMAAs). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments.

Several commenters expressed concern regarding the potential for particular properties to be included in a bypass proposal. Concerns were also expressed that preliminary identification of conceptual bypass designs might create a “cloud” over the properties, making it difficult to manage, obtain loans for, or sell those properties. DWR and the Board wish to make clear that the conceptual designs reflected in the CVFPP do not reflect a determination regarding any specific properties, and that the potential involvement of particular properties in any future bypass project is entirely speculative at this time. Potential agricultural land conversions and the resulting effects are discussed further in Master Responses 2 and 3.

L_SUTTER1-24

As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental

documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

L_SUTTER1-25

As stated in Master Response 3, the State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

In addition, as stated in Master Response 13, the State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas.

The State will work with local flood management interests to pursue reform of the FEMA NFIP.

L_SUTTER1-26

As stated in Master Response 20, these concerns reflect several apparent misunderstandings regarding the map and its intended purpose. First, the levee setback element of concern was included in the preliminary approach entitled “Enhance Flood System Capacity Approach,” but not in the recommended SSIA. The referenced map is from page E-12 in Appendix E to Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” However, as explained in the DPEIR, development of the SSIA is the State’s proposal for balanced, sustainable flood management in the Central Valley. The Enhance Flood System Capacity approach is not being proposed by DWR.

Other documents support the conclusion that the levee setback element of concern to the commenters was not included in the recommended SSIA. For example, Figure 7-25 in Attachment 7, “Plan Formulation Report,” found in Volume II of DPEIR Appendix A, “Central Valley Flood Protection Plan,” illustrates all the elements included in the Enhance Flood System Capacity approach. It shows a setback levee area in the lower Feather River under this approach. However, this setback element is not carried forward in the SSIA, as depicted in Figure 8-1 in Attachment 7 and in Figure 3-1 of the public draft CVFPP (these are the same figure).

This particular conceptual setback was developed primarily for cost evaluation and comparison purposes. Specifically, Tables 6-11 and 6-15 in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan,” summarize the cost items assumed for the Enhance Flood System Capacity approach and for the SSIA, respectively. The cost of any rural setback levees (including the conceptual setback of concern to the commenters) is reflected in Column 15, “Rural Setback Levees,” of each table. When comparing these two tables (regarding the SSIA and Enhance Flood System Capacity approach, respectively), the costs of conceptual rural setback levees were included in the Enhance Flood System Capacity approach (Table 6-11), but the corresponding value in Table 6-15 is zero, further confirming that the conceptual levee of concern to the commenters is not included in the recommended SSIA.

In addition, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As explained further in Master Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific

alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

L_SUTTER1-27

The DPEIR recognizes the potential conversion of Important Farmland to nonagricultural uses through the implementation of NTMAs and LTMA, and notes that these impacts would be potentially significant (see Impact AG-1 (NTMA and LTMA) in Section 3.3, “Agriculture and Forestry Resources”). The comment attempts to quantify the magnitude of the impact by noting that “[t]he CVFPP proposes to create up to 40,000 acres of ‘new flood system lands’ ” and by further noting that “[t]here would be an even more significant loss of agricultural lands associated with the dedication of 25% of the new lands located between the levees to habitat restoration.” However, the DPEIR states in Section 3.3 that it is currently impossible to calculate and that “the exact amount of land that could be affected is not known and each project would need to be examined on a case-by-case basis.” The DPEIR further explains this uncertainty by stating that “[t]he specific locations of levee repairs, reconstruction, and improvements are unknown at this time, and the acreage of Important Farmland and Williamson Act contract lands that could be affected cannot be sufficiently defined and would be determined as individual projects are proposed.”

The DPEIR goes on to articulate the range of possible effects that would affect Important Farmland, by stating that:

Where setback levees would be constructed, agricultural lands on the waterside of the setback levee may no longer be suitable for agricultural production because they would be inundated during high-water events. Soil conditions in a parcel may not change, agricultural infrastructure may remain in place (e.g., irrigation facilities), and other factors critical to agricultural productivity may remain unaffected. However, regular inundation of agricultural lands in the expanded floodway may make agricultural production no longer feasible and the land could be converted to another use (e.g., habitat restoration). Still, this may not always be the case, because under appropriate conditions multiple types of crops are currently cultivated in floodways in the Central Valley. The acreages of Important Farmland and land under Williamson Act contracts that may be directly converted to nonagricultural uses through changes in parcel size or configuration or placement of land in floodways cannot be quantified or reasonably estimated at this time. However, it is reasonable to assume that a limited number of such conversions would occur during implementation of the CVFPP.

The uncertainty surrounding the actual location and amount of land affected also needs to be seen in light of the potential efficacy of mitigation measures that have been identified, which include Mitigation Measure AG-1a (NTMA), “Preserve Agricultural Productivity of Important Farmland to the Extent Feasible”; Mitigation Measure AG-1b (NTMA), “Minimize Impacts on Williamson Act–Contracted Lands, Comply with Government Code Sections 51290–51293, and Coordinate with Landowners and Agricultural Operators”; and Mitigation Measure AG-1c (NTMA), “Establish Conservation Easements Where Potentially Significant Agricultural Land Use Impacts Remain after Implementation of Mitigation Measures AG-1a (NTMA) and AG-1b (NTMA).”

The DPEIR acknowledges that the degree to which these measures would be effective in avoiding or minimizing impacts on Important Farmland and Williamson Act lands is unknown by stating that implementing these mitigation measures “would substantially lessen significant impacts of Impact AG-1 (LTMA) associated with conversion of agricultural land uses, including lands classified as Important Farmland. However, until the case-by-case analysis for each project is complete, it is not possible to conclude that all potentially significant impacts could and would be mitigated.”

L_SUTTER1-28

The comment raises a range of concerns about the potential effects of increased flood frequency on the use of agricultural lands in the Sutter Bypass and other portions of the flood management system where flood conveyance and agriculture are joint uses. The DPEIR conclusions are generally consistent with the comment. More specifically, Impact AG-1 (NTMA) in DPEIR Section 3.3, “Agriculture and Forestry Resources,” states:

Where setback levees would be constructed, agricultural lands on the waterside of the setback levee may no longer be suitable for agricultural production because they would be inundated during high-water events. Soil conditions in a parcel may not change, agricultural infrastructure may remain in place (e.g., irrigation facilities), and other factors critical to agricultural productivity may remain unaffected. However, regular inundation of agricultural lands in the expanded floodway may make agricultural production no longer feasible and the land could be converted to another use (e.g., habitat restoration). Still, this may not always be the case, because under appropriate conditions multiple types of crops are currently cultivated in floodways in the Central Valley. The acreages of Important Farmland and land under Williamson Act contracts that may be directly converted to nonagricultural uses through changes in parcel size or configuration or placement of land in floodways cannot be quantified or reasonably estimated at this time.

However, it is reasonable to assume that a limited number of such conversions would occur during implementation of the CVFPP.

The comment suggests several specific effects that could occur in the Sutter Bypass. The potential for such effects to occur would depend on the future development and implementation of specific actions by relevant lead agencies. There is no evidence in the record to substantiate the speculation that increased siltation as a result of increased flooding could, in and of itself, reduce the agricultural productivity of prior-flooded farmlands. Further, the DPEIR reflects this level of uncertainty by acknowledging that “[i]mprovements to the flood protection provided by conveyance facilities as part of NTMAs would also, in some areas, reduce the frequency and severity of flood events that adversely affect agricultural lands. This could reduce the potential for conversion of agricultural land to other uses in some instances by reducing catastrophic losses that might lead to the abandonment of agricultural operations and conversion of the land to another purpose. Therefore, implementation of conveyance NTMAs could have a beneficial effect.”

Under Impact AG-3 (NTMA) in the DPEIR, DWR acknowledges that the implementation of conservation and habitat restoration actions could adversely affect agricultural land and production. More specifically, the DPEIR states that:

Integration of environmental conservation elements into NTMAs is designed to enhance habitat and restore natural ecosystem processes and functions. These elements would be developed to increase the quantity, quality, diversity, and connectivity of riparian, wetland, floodplain, emergent, and shaded riverine aquatic habitats. As a result, conversion of agricultural land to nonagricultural uses would result in some areas from implementation of these elements. This land would typically be placed under a conservation easement or some other mechanism would be used to preserve the habitat in perpetuity and, therefore, such land would no longer qualify as Important Farmland if it previously had that designation. This land also would not be eligible for Williamson Act contracts.

However, the DPEIR also recognizes that the magnitude of the potential conversion is not possible to measure at this time. Contrary to the statement in the comment that 40,000 acres of farmland would be converted, the DPEIR states that “[t]he acreages of Important Farmland and land under Williamson Act contracts that may be directly converted to nonagricultural uses as a result of placement of land in floodways and implementation of conservation elements cannot be quantified or reasonably estimated at this time.” Nevertheless, this impact is determined to be potentially significant

and the DPEIR identifies a requirement to implement Mitigation Measures AG-1a (NTMA), AG-1b (NTMA), and AG-1c (NTMA). Even with implementation of these measures, the DPEIR acknowledges that this impact may be significant and unavoidable.

L_SUTTER1-29

As discussed in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass. See also response to comment L_SUTTER1-28.

L_SUTTER1-30

This comment raises issues that are essentially identical to issues raised in Comment L_SUTTER1-28. See response to comment L_SUTTER1-28 for a discussion of the potential effects of conservation and habitat restoration actions on the conversion of Important Farmland and agricultural productivity.

L_SUTTER1-31

This comment raises issues that are essentially identical to issues raised in Comment L_SUTTER1-28. See response to comment L_SUTTER1-28 for a discussion of the potential effects of conservation and habitat restoration actions on the conversion of Important Farmland and agricultural productivity.

L_SUTTER1-32

The comment indicates that actions associated with the CVFPP that would increase flows into bypass areas, especially the Feather River and Sutter bypasses, would result in lower instream flows in the Feather and

Sacramento rivers that in turn would adversely affect sensitive species of fish, and that this impact is not addressed in the DPEIR.

Modification and creation of bypass systems are part of the LTMAAs associated with the proposed program. As such, they are conceptual in nature and are evaluated in the DPEIR in a very general manner in Section 3.5, “Biological Resources—Aquatic.” Specific, detailed environmental review will be required for each of them once final designs and hydrodynamic modeling are completed and before they are implemented. The level of evaluation on sensitive environmental resources in the DPEIR is adequate given the conceptual nature of the actions associated with the project.

In general, when water enters a bypass, flows in the mainstem river are already very high. Although bypasses can divert a substantial proportion of the flow, the habitat they create can be extremely productive in terms of seasonally available habitat for native fish. For example, Sacramento splittail spawn in the Yolo and Sutter bypasses under seasonal flooding conditions (Sommer et al. 1997, 2002). Comparable spawning habitat (flooded emergent vegetation) is not available in the mainstem rivers at this same time. Any project-specific evaluations for bypass operations would be required to evaluate the changes in streamflow and associated alterations in available habitat for fish. However, because floodplains provide generally productive habitat for a variety of species, the alteration of available instream habitat is expected to have a minimal effect on sensitive fish species.

The comment refers to flooding of giant garter snake habitat that could result from elimination of existing rice fields. See response to comment L_SUTTER1-34 for a discussion of the CVFPP’s effect on giant garter snake.

This comment does not provide sources of information or reference facts that would result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly reduce environmental impacts. Therefore, no changes to the DPEIR are required.

L_SUTTER1-33

This comment states that expanding bypasses and constructing setback levees could eliminate lands that are currently managed under conservation easements, which would in turn adversely affect sensitive species. No site-specific setback levees are proposed in the CVFPP. As noted in Chapter 1.0, “Introduction,” of the DPEIR this is a PEIR and as such acknowledges that project-specific impacts would need to be addressed as those

individual projects are proposed. During this subsequent site-specific environmental analysis, a more detailed analysis of conflicts with conservation easements would be evaluated. This comment does not provide sources of information or reference facts that would result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative or mitigation measure that would clearly reduce environmental impacts. Therefore, no changes to the DPEIR are required.

L_SUTTER1-34

The comment states that the CVFPP would create up to 40,000 acres of new flood management system lands and would cause earlier and longer inundation of the Sutter Bypass. The comment is noted. As stated in Master Response 2, the 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. This initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

The commenter also claims that these actions would result in the elimination of thousands of acres of existing rice land and prime giant garter snake habitat. As stated in Master Response 2, it is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated. It can be expected that rice would continue to be cultivated in areas of agricultural uses within the expanded flood management system. The PEIR states under Impacts BIO-T-1 (LTMA) and BIO-T-3 (LTMA) in Section 3.6, “Biological Resources—Terrestrial,” that construction-related LTMA, which could include constructing large setback levees or removing existing levees to widen floodways, widening or expanding existing weirs and bypasses, and constructing new levees and new bypasses, could result in significant impacts on sensitive natural

communities, habitats, and special-status plants and wildlife across a broader geographic setting and at a scale and magnitude of effects than the NTMAs. Potential impacts on giant garter snake are evaluated in the PEIR, and the association of this species with rice fields is noted. See Draft PEIR at pages 3.6-23, 34. Although the opportunity for habitat restoration and enhancement would be considered during the evaluation of these LTMAAs, the specific locations, designs, and scale of LTMAAs are unknown at this time, and the effects cannot be quantified. For additional details, see Master Response 2.

L_SUTTER1-35

The comment states that the CVFPP could conflict with the NCCP/HCP that is currently being prepared for Sutter and Yuba counties. The comment is noted. As stated in Impact BIO-T-5 (NTMA and LTMA) in Section 3.6, “Biological Resources—Terrestrial,” the proposed program may conflict with strategies, goals, policies, or specific ordinances in local plans, including HCPs, as well as NCCPs. Such a potential conflict is particularly likely in areas where adopted conservation plans emphasize the conservation of riparian, wetland, and other aquatic habitats. Construction-related NTMAs and LTMAAs could reduce the viability of special-status species, reduce habitat value or interfere with the management of conserved lands, or eliminate opportunities for conservation actions, thereby adversely affecting HCPs/NCCPs. State agencies such as DWR are not generally subject to local land use regulation; however, DWR would consider how project implementation may affect these local plans, particularly HCPs. Mitigation Measure BIO-T-5 (NTMA and LTMA), as proposed in the PEIR, state that before a NTMA or LTMA is implemented, the project proponent will identify applicable local conservation plans in the area and evaluate where the NTMA or LTMA is located within the permit areas of the local conservation plans. As feasible, the project proponent will consider developing a strategy to maintain plan consistency and will consult and/or coordinate with the appropriate entity or plan administrator to develop and implement measures to avoid, minimize, and where necessary, compensate for effects on local plans. As further stated in Master Responses 2, 13, and 14, conceptual elements proposed in the SSIA, including regional flood management planning and completion of project-level proposals and CEQA compliance, will be analyzed further and refined during anticipated post-adoption activities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction. Stakeholders

and the public will have additional opportunities to provide input. For additional detail, see Master Responses 2, 13, and 14.

L_SUTTER1-36

The comment states an opinion, which is not supported by evidence of any kind, that “widened or new bypasses may exacerbate existing problems with shallow groundwater aquifers invading root zones, [which] may preclude the raising of many types of crops (especially orchards) and potentially damage existing infrastructure.” This claim is speculative. Furthermore, this issue is unrelated to Impact GRW-5 (LTMA) in DPEIR Section 3.11, “Groundwater Resources,” which discusses potential effects from new groundwater banking projects that could be implemented under the CVFPP. Finally, although the commenter states an opinion that implementing the CVFPP could adversely affect crop production and damage infrastructure, the commenter provides no suggestions for new mitigation measures or revisions to existing mitigation measures to address the stated concerns. No changes to the DPEIR are required. These potential impacts are site-specific and highly dependent on specific local conditions, and would be evaluated as necessary in project-level CEQA documents; such impacts typically cannot be reasonably evaluated without speculation in a program-level CEQA document.

L_SUTTER1-37

The comment states that several of the options proposed as part of the CVFPP would result in a cumulatively significant amount of silt deposited within the Sutter Bypass, which in turn would result in a need for routine dredging and silt removal, with associated impacts on “cost and habitat.” First, DWR notes that Impacts HYD-1 (NTMA and LTMA) in Section 3.13, “Hydrology,” referred to by the commenter, address impacts of the proposed program; cumulative impacts are addressed in Chapter 4.0 of the DPEIR. Impacts HYD-1 (NTMA and LTMA) correctly conclude that although increased erosion and siltation would occur, the program-level impact would be less than significant for two reasons: (1) the hydraulic changes would occur in areas within the existing channel where soils are frequently reworked; and (2) complying with existing standards and requirements (e.g., developing a SWPPP, complying with SMARA (refer to Section 3.10, “Geology, Soils, and Seismicity (Including Mineral and Paleontological Resources),” for details)) would minimize bank erosion near levee modifications.

As stated in Chapter 4.0, “Cumulative Impacts,” of the DPEIR, implementing some NTMAs or LTMAAs could change the existing hydraulics of the affected river systems, increasing erosion or siltation. As a result of these hydraulic changes, the rivers and streams may be subject to

changes in the duration, depth, or velocity of flows, which could increase waterside erosion or siltation. Changes in flows from NTMAs would not be sufficient to result in a significant adverse effect. The combination of reoperating reservoirs, widening floodways, and operating floodplain storage areas under LTMA could increase erosion to a greater degree and could result in a significant impact. Implementing Mitigation Measure HYD-1 (LTMA) would reduce this impact to a less-than-significant level by identifying and implementing measures to minimize downstream erosion and siltation. The related projects, as they pertain to flood control, are designed to minimize erosion as part of the projects themselves; the remaining related projects are required to develop and implement BMPs and SWPPPs to reduce erosion. Therefore, the DPEIR correctly concludes that the proposed program would not result in a cumulatively considerable incremental contribution to a cumulatively significant impact related to increased erosion.

The commenter provides no evidence of any kind to support the stated opinion that either the program-level or cumulative impact conclusions related to erosion should be changed. The potential impacts of erosion and siltation on habitat are evaluated in DPEIR Section 3.5, “Biological Resources—Aquatic,” and Section 3.6, “Biological Resources—Terrestrial.” The commenter provides no discussion or suggestions for any proposed changes to the impact analysis or mitigation measures contained in Section 3.5 or Section 3.6.

With regard to the commenter’s opinion that erosion would result in an impact related to increased costs, as stated in CEQA Guidelines Section 15131, the economic or social effects of a project shall not be treated as significant effects on the environment. Therefore, the DPEIR does not contain, and is not required to contain, an analysis of the potential cost impacts. No changes to the DPEIR are required.

Finally, as stated in Master Response 1, the Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “...expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC, Section 9616(a)(2)). Bypasses have served an essential role in providing these functions. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River. The CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its

PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals. Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1.

L_SUTTER1-38

As stated in Master Response 12, hydraulic effects of SSIA elements are discussed in Sections 3.5.7 and 3.13 in Appendix A, “Central Valley Flood Protection Plan.” The State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. Based on current evaluations (see Section 3.13; Attachment 8C, “Riverine Channel Evaluations”; and Attachment 8D, “Estuary Channel Evaluations,” in Appendix A, “Central Valley Flood Protection Plan”), implementing the SSIA as a whole would not result in adverse systemwide hydraulic effects, including any in the Delta. Peak floodflows may increase slightly (over current conditions) in certain reaches, but the expansion of conveyance capacity proposed in the SSIA would attenuate flood peaks and result generally in reduced peak flood stages throughout the system.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of

hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is also addressed in Section 3.13, "Hydrology," in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented.

As stated in DPEIR Impact HYD-4 (NTMA and LTMA) in Section 3.13, "Hydrology," the primary purpose of the proposed program is to improve flood management, thereby reducing the frequency of destructive floodflows and the damage caused by flooding. No NTMAs would be undertaken that would increase flood risk in the reaches where improvements are made. The project proponent for any NTMA would analyze the potential of the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. The project proponent would also need to obtain permits, such as Section 408 and 208.10 and Board encroachment permits, to be able to implement the project. Should an NTMA be found to have the potential to locally impede flow or transfer flood risk to downstream or upstream areas, individual NTMAs would be designed to reduce the impacts of redirected floodflows to less-than-significant levels. Individual NTMAs would not be implemented nor approved if water surface elevations for a proposed project, any redirected flood risks, would increase above permitted allowances, which are typically extremely small such as 0.1 foot or less. Actions would be incorporated into project design to reduce the potential for redirected floodflow impacts, using known and accepted engineering design standards and features to less-than-significant levels. Therefore, the impact was properly determined to be less than significant. The commenter provides no evidence of any kind to support the suggested change in the

significance conclusion. Furthermore, DWR notes that levees are specifically designed to reduce loss, injury, or death from flooding.

The commenter further opines that redirecting floodflows to the Sutter Bypass will increase flood risk to the communities of Meridian and Robbins, “by additional stresses to the west levee of the Sutter Bypass.” The commenter does not elaborate regarding the types of “additional stresses.” However, as explained in detail above, no NTMAs would be undertaken that would increase flood risk in the reaches where improvements are made.

Furthermore, as explained in Master Response 14, as part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

The State has a strong interest in coordinating and implementing integrated projects that achieve multiple benefits. Effective integration across planning efforts means that all programs and projects, when implemented, work together to achieve key goals in a cost-effective manner; are sequenced and prioritized appropriately; and do not adversely affect or interfere with intended benefits. Although effectively integrating planning across programs while considering multiple benefits can be challenging, doing so can also provide opportunities to share knowledge and identify mutually beneficial solutions that might not have been considered otherwise, thus minimizing duplication and reducing costs.

Implementing the SSIA requires a wide range of actions for planning, developing, analyzing, constructing, and managing improvements to the SPFC. This work will be organized into several programs, established and led by DWR and implemented in coordination with local, State, and federal partnering agencies. These programs are under DWR’s existing FloodSAFE California Program. Each program is responsible for specialized implementation of different portions of the SSIA; together, they cover all work required for implementation and management. DWR’s major flood management programs include the following elements:

- Flood Emergency Response Program
- Flood System Operations and Maintenance Program
- Floodplain Risk Management Program
- Flood System Assessment, Engineering, Feasibility, and Permitting Program

- Flood Risk Reduction Projects Program

The first three programs are responsible for residual risk management. The fourth program is responsible for conducting the feasibility evaluations and design, engineering, and other activities necessary for implementation. The last program is responsible for working with partnering agencies to implement on-the-ground projects that make up the SSIA. For additional details, see Master Response 14.

L_SUTTER1-39

The analysis in Section 3.14, “Land Use and Planning,” of the DPEIR draws the conclusion that changes in land use could have significant adverse effects on land use, including the possibility to convert agricultural lands to nonagricultural uses. CVFPP management actions could adversely affect land uses in the Sutter Bypass. The certainty of the specific type of effect about which the commenter speculates (possible loss of rice production in the Sutter Bypass because of increased frequency and/or duration of flooding) is currently unknown, but represents one example of the type of effect disclosed in the DPEIR.

As noted in Section 3.14, Impact LU-5 (NTMA) would be significant. Mitigation measures identified specifically to address adverse effects on agricultural resources include Mitigation Measure LU-5b (NTMA), “Implement Mitigation Measure AG-1a (NTMA), ‘Preserve Agricultural Productivity of Important Farmland to the Extent Possible’ ”; and Mitigation Measure LU-5c (NTMA), “Implement Mitigation Measure AG-1c (NTMA), ‘Establish Conservation Easements Where Potentially Significant Agricultural Land Use Impacts Still Occur after Implementation of Mitigation Measures AG-1a and AG-1b.’”

Notwithstanding the implementation of these measures, the DPEIR concludes that Impact LU-5 (NTMA) would be significant and unavoidable with regard to agricultural resources.

L_SUTTER1-40

The comment addresses the potential for changes to land uses or land use patterns as a secondary result of NTMAs and LTMA to adversely affect biological resources, in particular the giant garter snake. Impact LU-5 (NTMA and LTMA) addresses the effects of NTMAs and LTMA on land use and not on any particular habitat or species. The effects of the proposed CVFPP management actions on giant garter snake are more specifically considered and evaluated in Section 3.6, “Biological Resources—Terrestrial,” and in particular under Impacts BIO-T-2, BIO-T-3, and BIO-T-7 (NTMA and LTMA).

L_SUTTER1-41

The constitutional delegation of powers among levels of government in California is established in the California Government Code. The authority to regulate land use in California is delegated to local jurisdictions, mainly cities and counties. CGC Title 7, “Planning and Land Use,” confers upon cities and counties the authority to regulate land use through the establishment of general plans, zoning regulations, and subdivision actions. Nothing in the proposed CVFPP alters the established authorities and responsibilities established under the CGC.

Outside of land use planning and regulation, there are many different ways in which the State is granted the authority to regulate activities that affect the health and safety of Californians. As is noted in Chapter 2.0, “Program Description,” of the DPEIR, one of the objectives established in CWC Section 9616 states that one of the desired outcomes is to “ensur[e] a better connection between State flood protection decisions and local land use decisions.” This clarifies that the CVFPP is intended to establish the State’s goals and policies related to flood protection, distinct and separate from the planning and regulation of land use that is the authority of local cities and counties.

L_SUTTER1-42

Impact LU-7 (NTMA) addresses the potential secondary or indirect physical environmental effects that could result as a result of local land use agencies within the Sacramento–San Joaquin Valley complying with requirements to update their general plans and zoning ordinances to appropriately reflect information contained in the CVFPP. As is required in State law, where appropriate, those agencies would be required to make one of several possible findings related to the required level of flood protection (protection against a 200-year flood in urban and urbanizing areas and against a 100-year flood in nonurbanized areas) before they could do any of the following with regard to land within a flood hazard zone: enter into a development agreement for a property, approve a discretionary permit or entitlement for any property development or use, approve a ministerial permit that would result in construction of a new residence, or approve a tentative map/parcel map for a subdivision. (See CGC Sections 65865.5, 65962, and 66474.5.)

The DPEIR acknowledges that “[r]edirecting land uses in this manner could result in the urbanization of areas currently designated for agriculture or open space...Revising such plans and ordinances could lead to the loss of previously protected agricultural and open space lands...” However, the DPEIR also acknowledges that “redirecting new land development from the more flood-prone lands on the valley floor to higher lands on the east

and west sides of the Sacramento–San Joaquin Valley could, in some instances, reduce the loss of productive farmlands, which are the predominant use of undeveloped flatland on the valley floor.” In this manner, the DPEIR describes the ways in which the effects of such changes could be environmentally adverse or beneficial, depending on the nature of future land use planning undertaken by local agencies and jurisdictions with land use authority.

Consistent with Section 15145 of the CEQA Guidelines, which states that if “a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact,” the DPEIR concludes that it is currently not possible to know which cities and counties would revise their land use plans to redirect land use and development away from flood-prone areas, and to what extent such changed plans would result in adverse or beneficial environmental effects. Thus, the DPEIR concludes that “a reasonable conclusion cannot currently be reached about the potential for adverse environmental effects to result from redirecting land use and development to comply with the required level of flood protection,” and that “this impact is too speculative to make a significance determination.”

The commenter’s suggestion that methods of adaptive management be used to avoid or minimize adverse indirect effects of changed land use patterns presumes a conclusion that the DPEIR concludes is entirely speculative at this time. For these reasons, it would be inappropriate to identify such measures as mitigation measures for this EIR.

L_ SUTTER1-43

In addressing the potential direct or indirect effects of changes in land use plans or policies on employment, the DPEIR concludes that the potential total job loss would be insubstantial, especially when viewed at a county or regional perspective. The analysis recognizes that there are aspects of the program that could result in both the loss of jobs (e.g., purchase of easements or development of habitat on previously farmed lands), and the creation of new jobs (e.g., construction or repair of flood management facilities, new recreational uses). In concluding that the impact would be less than significant, the DPEIR recognizes that “even in the unlikely event that implementing LTMAAs were to result in an overall net decrease in jobs, this decrease would not be of sufficient size to result in substantial unemployment. It should be noted that the proposed program will provide increased flood protection and therefore support greater economic stability.”

Because the impact is determined to be less than significant, no mitigation is necessary. Thus, there is no basis to require mitigation of the loss of jobs

as a result of adverse effects on agriculture-related jobs through use of adaptive management programs.

L_SUTTER1-44

The Flood Corridor Program is a unique local assistance program focused on providing nonstructural flood risk reduction integrated with natural resource and agricultural land protection. The Flood Corridor Program would involve implementing multi-objective projects that would create and restore natural floodways, reconnecting streams and rivers to their historic floodplains, where feasible, and using other nonstructural approaches such as constructing levee setbacks, creating detention basins, and in some situations removing structures from flood-prone areas. The integrated approach would help DWR and the State achieve public goals of making communities safe from flooding while restoring important wildlife habitat and protecting farmland.

Under Impact LU-1 (NTMA) in the DPEIR, DWR has acknowledged that some residences may need to be removed from flood prone areas. In particular, that impact states:

Some individual residences or small clusters of residences may be located within or immediately adjacent to the levee footprints and/or rights-of-way and could be affected by NTMAs. Some residences may be located within the footprints of small setback levees and could be affected by levee construction. In addition, residences may be located within the floodway, on the waterside of the proposed small setback levees; those structures would have to be removed or relocated, or the property would require some other type of alteration. In each of these cases, the affected residences or other land uses likely would be isolated and would be located outside of or on the fringe of an established community.

Based on DWR's review of a wide variety of past flood control projects in the Central Valley, there is little evidence that flood control projects in the Central Valley would result in large-scale removal of existing residences or other developed land uses. Among the projects reviewed were the West Sacramento Levee Improvements Program's The Rivers Project (USACE and West Sacramento Area Flood Control Agency); the SAFCA Natomas Levee Improvement Program; and the TRLIA Feather-Bear Rivers Levee Setback Project, Feather River Levee Repair Project, and Upper Yuba River Levee Improvement Project. Based on the review of these projects that have been implemented over the last decade, only limited numbers of existing structures have been removed to accommodate either flood management structures or to accommodate future expanded floodways. Similarly, there are no current plans for large-scale removal of employment

generating uses in flood-prone areas of Sutter County (those areas subject to a flood with a greater probability than 0.5 percent in any given year—the 200-year flood).

L_SUTTER1-45

There are no current plans for the use of eminent domain to acquire any property in Sutter County as part of CVFPP activities. In the event that future steps necessitate the use of eminent domain, such actions would be undertaken by agencies with the legal authority to exercise such powers and in compliance with federal and State law. California State law limits public agencies' use of eminent domain, and agencies seeking to implement management actions under the CVFPP would be subject to all the restrictions and limitations that exist for other agencies in California.. Please also see Master Responses 2 and 3 with regard to agricultural land conversions and effects.

L_SUTTER1-46

Please see response to comment L_SUTTER1-45 and Master Responses 2 and 3.

L_SUTTER1-47

The comment provides an opinion that the proposed Feather River Bypass, Sutter Bypass expansion, and setback levees along the west side of the Feather River, would require relocation of SRs 99, 162, and 113, and various county roads. As discussed in Impacts TRN-2 (NTMA and LTMA) in Section 3.19, "Transportation and Traffic," removal or temporary disruption of current transportation infrastructure in the study area could cause traffic to relocate to alternative routes. Such relocation of traffic may create unacceptable traffic conditions as defined by the applicable plan, ordinance, or policies of the local transportation agency, including unacceptable LOS. Although it is anticipated that such situations would be rare, because the nature and scope of the NTMAs and LTMAs is currently uncertain, the impacts were determined to be potentially significant. Mitigation Measure TRN-2 (NTMA and LTMA) requires the project proponent to provide easily recognizable detour signs and prepare and implement a traffic management plan to minimize temporary traffic impacts, in consultation with the local transportation agency. If management actions require removal of transportation infrastructure, efforts will be undertaken to make sure that a convenient transportation alternative option is available for travel. For effects on rail lines, the project proponent will work with the respective rail owner to maintain maximum use of the line.

Given the nature and scale of the reasonably anticipated NTMAs and the temporary nature of most impacts, the DPEIR properly determined that implementing this mitigation measure would reduce Impact TRN-2 (NTMA) to a less-than-significant level. For most LTMA, implementing this mitigation measure would reduce Impact TRN-2 (LTMA) to a less-than-significant level. However, for projects where long-term or permanent detours or alternate routes could be required, or where such detours or alternate routes may be infeasible, Impact TRN-2 (LTMA) was determined to be potentially significant and unavoidable. DWR acknowledges that relocation of certain roadways may be required; however, a site-specific analysis has not yet been performed, and the commenter provides no evidence to support his opinion that SRs 99, 162, and 113, and various county roads would have to be relocated. Furthermore, the commenter does propose any changes to the existing mitigation measures or new mitigation measures that would further address the stated concerns.

As stated in Master Response 23, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. Therefore, DWR believes that the level of analysis contained in the DPEIR is appropriate and adequate, and no changes to the DPEIR are required.

Finally, as stated in Master Response 1, the Central Valley Flood Protection Act of 2008 requires DWR to evaluate ways to “....expand the capacity of the flood protection system in the Sacramento–San Joaquin Valley to either reduce floodflows or convey flood waters away from urban areas” (CWC, Section 9616(a)(2)). Bypasses have served an essential role in providing these functions. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

The CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does

not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available. For additional details, see Master Response 1.

L_SUTTER1-48

The comment presents an opinion that widening the Sutter Bypass and constructing setback levees along the west side of the Feather River would require removal and relocation of various existing facilities such as pumping plants, the State Drain, and other drainage facilities owned and operated by Levee District 1. As stated in DPEIR Impact UTL-1 (NTMA and LTMA) in Section 3.20, "Utilities and Service Systems," construction-related activities could encroach on multiple types of utility equipment and facilities: storm drains, irrigation lines, electric power lines, petroleum and natural gas pipelines, and communications systems. The extent and intensity of construction-related activities are unknown; however, these activities may require vertical and/or horizontal relocation of or cause damage to existing utility infrastructure, interrupt utility services, or otherwise affect the ability of service providers to quickly repair damage and/or restore interrupted service. Therefore, Impact UTL-1 (NTMA and LTMA) was considered potentially significant. Mitigation Measure UTL-1 (NTMA and LTMA) would require coordination with utility service providers to implement orderly relocation of utilities that need to be removed or relocated, and provides a bulleted list of performance standards

related to coordination, relocation, and flood-proofing of utilities. The DPEIR properly considered that implementation of this mitigation measure would reduce the impact to a less-than-significant level. The commenter provides a list of potential facilities that could be affected, but does not suggest that the significance conclusions in the DPEIR should be changed, nor does the comment suggest changes to the existing mitigation measure or new mitigation measures to address the stated concerns.

Furthermore, as stated in Master Response 23, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. Therefore, DWR believes that the level of analysis contained in the DPEIR is appropriate and adequate, and no changes to the DPEIR are required.

As stated in Master Response 1, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals. For additional details, see Master Response 1.

L_SUTTER1-49

Although the commenter refers to Impact UTL-2 (NTMA and LTMA), the impact addresses project operation under NTMAs and LTMAs, and the issues raised by the commenter are related to construction. Construction-related impacts are addressed in DPEIR Impact UTL-1 (NTMA and LTMA). Therefore, see response to comment L_SUTTER1-48.

The commenter further opines that changing the height and width of levees could result in higher maintenance and operational costs associated with drainage pumps. As stated in CEQA Guidelines Section 15131, the economic or social effects of a project shall not be treated as significant effects on the environment. Therefore, the DPEIR does not contain, and is not required to contain, an analysis of the potential cost impacts. No changes to the DPEIR are required.

L_SUTTER1-50

The commenter opines that proposed redirecting of additional peak flows to the Sutter Bypass, combined with more frequent flooding and longer inundation duration, could substantially increase wave erosion and adversely affect water quality. As stated in Impact SWQ-3 (NTMA and LTMA) in Section 3.21, “Water Quality,” project-related improvements that would alter the frequency, areal extent, and duration of floodplain inundation may result in either increased or decreased availability and mobilization of sediments and associated contaminants. Setting back levees, purchasing floodplain easements, and changing reservoir operations could all have this effect. Inundating floodplain areas that are not inundated under current flow regimes and levee alignments may allow sediments and associated contaminants in these areas to be flushed into the river systems. The likelihood of an adverse impact on water quality occurring is largely dependent on past land use history, and would be determined during subsequent site-specific studies. The DPEIR considered this impact to be potentially significant. Mitigation Measure SWQ-3 (NTMA and LTMA) requires that a Phase I Environmental Site Assessment be conducted, and that project proponents of subsequent site-specific projects must implement all the recommended actions and measures identified in the Phase I Environmental Site Assessment. In addition, the project proponent will be required to comply with the ESA and CESA and incorporate associated measures into the project design/planning features. Therefore, the DPEIR concluded that this impact would be reduced to a less-than-significant level. The commenter provides no evidence to support the claim that wave erosion would increase to a level that would result in a significant, adverse, erosion-related effect on water quality.

Furthermore, as stated in Master Response 23, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements. Therefore, DWR believes that the level of analysis contained in the DPEIR is appropriate and adequate, and no changes to the DPEIR are required.

As stated in Master Response 1, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment

approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals. For additional details, see Master Response 1.

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JAMES GALLAGHER
FIFTH DISTRICT

April 20, 2012

Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Honorable Board Members:

L_SUTTER2-01 I wish to offer you a perspective on the Draft Central Valley Flood Protection Plan ("CVFPP") from the eyes of a rural county protected by 215 miles of levees. A small county who, like many areas north of Sacramento, have been your partners in flood protection from the very beginning and who want to continue to be your partners in flood protection and preserving and protecting our vital water resources.

For well over 100 years, we have given a lot to this partnership with the State of California. Sutter County was the site of the very first levee district, Levee District No. 1, in which local citizens were among the very first to tax themselves in order to build levees in the Sacramento Valley. Landowners in Sutter County, Colusa County, and Yolo County were the very first to give up their land to develop the Bypass System on the Sacramento River that is the keystone of flood protection in the Sacramento Valley. Our reclamation districts, levee districts, and water districts have contributed scarce resources to expensive and vital projects, including pump stations, fish screens, weirs, channels, dams, and conservation easements all to help the goal of water supply, conservation, flood protection, and ecological sustainability.

My concern with this Plan is that it doesn't do enough to recognize these vital contributions that we have already given to the stated missions of the CVFPP. We are asked again under this Plan to give more and though we want to be part of the solution, we simply have to ask: are we valued as partners? If so, on behalf of my constituents I respectfully request that the Plan be modified in accordance with the following principles:

L_SUTTER2-02

1. Setback proposals should be secondary to the primary goal of repairing, restoring, and enhancing the existing levee and bypass system. Proposition 1E was primarily an infrastructure improvement bond designed to rehabilitate and enhance our antiquated flood control system. As such, monies should be allocated first to projects such as fix-in-place levee projects, sediment and vegetation removal, dam/reservoir management and channel improvements. Benefits of setbacks must be proven by further study and should be locally-driven. Maps containing "conceptual" setback proposals for which there has been no cost-benefit study should be removed so as to not negatively affect the value of property.

L_SUTTER2-03

2. A real commitment must be made to repairing and rehabilitating rural levees at the same time as urban levees. A rural levee standard should be established and money should be

immediately allocated and safeguarded for rural levee projects. Without corresponding rural levee repairs rural basins north of Sacramento will experience an increase in overall flood risk as urban levees are improved. This is not “getting better together.”

L_SUTTER2-04

3. The Plan must ensure that agriculture is preserved, protected, and respected. As currently drafted, rural, agricultural counties will bear all of the brunt of NFIP flood insurance and construction requirements which seriously impact the future of farming operations, while urban areas avoid this cost and get better flood protection. To address this impact DWR should make a very serious commitment, financial and otherwise, to reforming the NFIP as it applies to agricultural basins. Furthermore, proposed ecological restoration projects, setbacks, and bypass expansions will take 40,000 acres of agricultural lands out of production. This is unacceptable to your partners in flood protection.

L_SUTTER2-05

L_SUTTER2-06

4. Before committing scarce funding to bypass expansions, DWR should fund projects that enhance the existing footprint of the Sutter and Yolo Bypasses including sediment and vegetation removal and rehabilitation of critical sites along the Bypass levees. If further study shows a need for Bypass expansions, they should begin at the bottom of the system and should provide for local input on the scope, size, and operation of such expansions.

L_SUTTER2-07 I would also like the Board and DWR to reconsider the following in the CVFPP:

North Levee of Natomas Cross Canal: The North Levee of the Natomas Cross Canal is currently shown as a “rural” levee in the Plan. This should be reconsidered for characterization as an “urban” levee. The Sacramento Area Flood Protection Agency (SAFCA) has recognized that this levee provides protection for the urban Natomas Basin and has allocated \$9 million from its Developer Impact Fee (DIF) program for improvements to this levee. Furthermore, the 1999 Water Resources Development Act (WRDA) authorized a project to raise this levee to the same height as the southern levee of the Natomas Cross Canal, so there already exists an identified federal share for this project. Considering that this project has an identified local and federal share and helps to protect an urban basin, this levee should be identified as urban.

L_SUTTER2-08 Small Communities Designation: The Plan fails to identify several small communities in Sutter County that are in need of protection under the Plan. These communities include Rio Oso, East Nicolaus, and Pleasant Grove. These are also small communities protected by State Plan of Flood Control levees. In the case of Pleasant Grove, the community has been impacted by the SPFC, specifically by the creation of the Pleasant Grove Creek Canal such that drainage to the Sacramento River is blocked causing residual flooding in the community. These communities should be identified as small communities so as to be eligible for funding under the Plan.

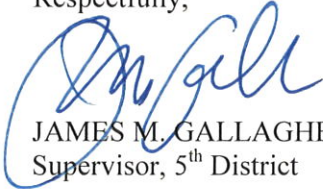
L_SUTTER2-09 Water Supply: In discussing water supply objectives that are interlinked with state flood control interests there is no mention of water storage projects. This is a significant hole in the Plan especially when you consider that DWR has been concurrently involved in a water bond package that includes building Sites Reservoir and other water storage projects. Such water storage projects, and other more conceptual storage projects should at least be discussed in the Plan. **It would seem a gross inconsistency that the draft Plan outlines extremely broad, costly and expansive objectives for capacity enhancement and ecosystem restoration, but is much more limited when it comes to addressing the goals of water storage and improving rural levees.**

L_SUTTER2-10 Recognize Value of Agriculture to Ecological Sustainability. There is little to no recognition in the Plan or the Conservation Framework that ensuring the vitality of agriculture meets the Plan's goal of ecological sustainability. In addition to contributing billions of dollars to the California economy, our farmers provide vital habitat for species. For instance, our rice lands have played a vital role in the Natomas Basin Habitat Conservation Plan for Swainson's hawk and the Giant Garter Snake and also in restoring migratory bird habitat and the Pacific Flyway. The taking of agricultural lands would be a devastating environmental and economic impact that cannot be taken lightly. Further, habitat restoration and re-vegetation projects appear to be the favored use of setback areas and bypass expansions. If further study shows a need for setbacks and bypass expansions, the preferred use should instead be agriculture if at all feasible. Agriculture provides the ecological values, but more importantly keeps the channels and bypasses clear and better maintained for flood capacity purposes.

L_SUTTER2-11

L_SUTTER2-12 In closing, we are very much willing to work with the State on a system-wide enhancement approach to flood control. However, we must be ensured that our levees will also be improved so that we can better provide for the public safety of our citizens. The Plan must do much more to preserve, protect and give credit to our agricultural lands which contribute to the values of ecological stewardship, reducing flood risk, and economic sustainability. The Plan must prioritize the maximization of the bypass footprint that we have already given to the mission of capacity before seeking to expand that footprint. These are the things we must have and need from the Plan. Considering all that we have given and will continue to give to the mission of flood protection in the Central Valley, it seems like a pretty small task.

Respectfully,



JAMES M. GALLAGHER
Supervisor, 5th District

JMG/ja

**Supervisor, 5th District, Sutter County Board of Supervisors,
James Gallagher**

Response

L_SUTTER2-01

DWR appreciates the long-standing partnership and participation by Sutter County. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_SUTTER2-02

As stated in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits). This is highlighted in the evaluation conducted for the preliminary approach called “Achieve SPFC Design Flow Capacity.”

The Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the

floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

Investments in SPFC reconstruction would initially reduce SPFC O&M costs, but long-term costs to maintain the system would remain high. Thus, this approach would only partially contribute to the goal of improving O&M. Opportunities to integrate ecosystem restoration and enhancement would be limited and would not contribute to improved ecosystem functions on a systemwide scale. There would also be few opportunities to promote multipurpose benefits including incorporating new groundwater recharge or other water-related benefits, and promoting ecosystem functions, recreation, or agricultural sustainability. Consequently, an approach focusing on maintenance, repair, and reconstruction of existing facilities would contribute in only a minor way to the supporting goals of multi-benefit projects.

Improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures). For additional details, see Master Response 6.

See also Master Response 20 regarding maps containing “conceptual” setback proposals.

L_SUTTER2-03

See response to comment L_SUTTER2-02. Furthermore, as stated in Master Response 4, in recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments would vary from region to region depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, all areas protected by the SPFC would receive flood risk management benefits from fully implementing the SSIA. Furthermore, the State places a priority on flood management improvement projects that provide multiple benefits to support broad State interests and expand cost-sharing opportunities.

The CVFPP does not include levee design criteria for rural areas, but recognizes that the urban levee design criteria are not always practical or affordable for protecting rural areas. DWR supports future development and implementation of rural levee repair criteria in coordination with local

and regional flood management agencies. For additional details, see Master Response 4.

The comment requests that a rural levee standard be included in the CVFPP. DWR currently is working with local maintaining agencies to draft guidelines for nonurban levee repair criteria. Suggestions may be presented during various elements of future implementation of the CVFPP, as described in Master Response 14; however, no change to the CVFPP was made.

L_SUTTER2-04

As stated in Master Response 3, the SSIA describes an approach to managing rural flood risks through a combination of physical improvements and nonstructural actions to protect small communities and support sustainable rural-agricultural enterprises. Implementing the SSIA would increase the percentage of the population receiving at least 100-year (1 percent annual chance) flood protection from the current 21 percent to more than 90 percent (CVFPP, page 3-40). The remaining 10 percent of the population would receive benefits through residual risk management actions. Based on initial planning-level cost estimates developed to evaluate elements of various scenarios considered under the 2012 CVFPP, more than 20 percent of total SSIA investments would support rural-agricultural and small community improvements, and residual risk management. In addition, systemwide elements (which account for almost 40 percent of total SSIA investments) are anticipated to provide flood stage reduction benefits to many of the areas in the system, including small communities and rural-agricultural areas.

In addition, the DPEIR prepared for the CVFPP includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. For example, Mitigation Measure AG-1a (NTMA) on pages 3.3-34 and 3.3-35 of the DPEIR calls for, among other things, design and siting of projects to minimize conversion of Important Farmland to nonagricultural uses and avoid splitting or fragmenting parcels that would remain in agricultural use. In addition, during construction and operation of facilities, a means of convenient access to agricultural properties would be maintained, agricultural infrastructure and other improvements affected by projects (e.g., irrigation pipelines, power lines, drainage systems) may be replaced or relocated, and various methods of preserving topsoil would be followed.

The State supports the continued viability of small communities to preserve cultural and historical continuity and provide important social, economic, and public services to rural populations and agricultural enterprises. The

SSIA describes State investment priorities in small community flood protection while avoiding the inducement of imprudent growth within SPFC floodplains. Under the SSIA, many small communities would receive increased flood protection benefits as a result of system improvements focused on protecting nearby urban areas. For example, levee improvements may be constructed upstream from an urban area to prevent a scenario in which floodwaters from an upstream levee breach would flow down gradient into the urban area. The upstream levee improvement that may extend into rural locations would therefore also reduce flood risks for the rural area immediately adjacent to the improved levee segment. Conditions in small communities would also be evaluated on a case-by-case basis to identify appropriate State investments in additional structural and/or nonstructural actions (e.g., levees, flood walls, floodproofing, or relocations).

The SSIA also outlines various State investments that would contribute to improved flood-risk management in rural-agricultural areas outside small communities. These actions are aimed at promoting sustainable rural-agricultural economies without inducing imprudent urban development or increasing flood risks within lands protected by the SPFC. No target minimum level of flood protection has been established for prioritizing State investments in rural-agricultural areas (see CWC Section 9603). However, the SSIA proposes (1) projects that maintain levee crown elevations for rural SPFC levees and provide all-weather access roads for inspection and floodfighting; (2) economically feasible projects that resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs; (3) system elements (e.g., bypass expansion) that lower peak flood stages within some rural channels; and (4) actions to manage residual flood risks.

All areas protected by the SPFC would benefit from State investments included in the SSIA to improve residual risk management, such as enhanced flood emergency preparedness, response, and recovery. The SSIA also proposes State investments to preserve agriculture and discourage urban development in rural floodplains (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). In addition, the SSIA proposes FEMA flood insurance reforms to support the sustainability of rural-agricultural enterprises.

The State recognizes potential regional differences in the capacity to pay for flood system improvements and O&M. The CVFPP proposes working with rural interests to develop appropriate criteria for rural levee repairs to cost-effectively address known problems (see CVFPP Sections 3.4.1 and 4.1.4). Further, the plan proposes reviewing O&M roles and responsibilities for SPFC facilities and forming regional maintenance authorities, as

appropriate, in the interest of improving maintenance efficiency and more equitably distributing system maintenance costs to beneficiaries. For example, DWR has developed cost-sharing guidelines to promote multiobjective projects and to provide additional financial support for economically disadvantaged areas (www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf).

As stated in Master Response 3, the State supports efforts to reform FEMA's NFIP to more equitably reflect corresponding flood risks, including establishing a flood zone for agriculturally based communities to allow replacement of existing structures or reinvestment development in the floodplain. The State also supports identifying a special, lower-premium rate structure that reflects actual flood risks for agricultural buildings in rural-agricultural areas located in Special Flood Hazard Areas. The State will work with local flood management interests to pursue reform of the NFIP.

L_SUTTER2-05

As described in Master Response 2, the 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these

preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

The DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments. For additional details, see Master Response 2.

L_SUTTER2-06

See response to comment L_SUTTER2-02.

L_SUTTER2-07

The comment states that the north levee of the Natomas Cross canal protecting RD 1001 should be identified as “urban levee.” PRC Section

5096.805 (k) defines an "urban area" to mean any contiguous area in which more than 10,000 residents are protected by project levees. However, CGC 65007(j) further defines an urban area as "a developed area in which there are 10,000 residents or more." The CVFPP Attachment 4 Glossary defines rural community as "a city, town, or settlement outside of urban and urbanizing areas with an expected population of less than 10,000 within the next 10 years." This area has not been designated as an urban area. Therefore, the SPFC levee protecting this area would be defined as rural and not urban under California codes.

L_SUTTER2-08

The comment states that Rio Oso, East Nicolaus, and Pleasant Grove are in need of protection under the CVFPP. The CVFPP Attachment 4 Glossary defines a small community as a "developed area with less than 10,000." Pleasant Grove is not in the SPFC planning area. Small communities selected for inclusion in the CVFPP are discussed in Attachment 7, Plan Formulation. The communities in Figures 3-1 and 3-2 of the CVFPP are a representative sample, based on the preliminary small community assessment conducted as part of the Protect High Risk Communities Approach. However, no specific communities are listed in the SSIA; rather, CVFPP Section 3.3 describes the types of investments and priorities the State will consider with respect to small community protection. The flood protection needs of individual small communities within the SPFC Planning Area will be considered as part of post-adoption regional planning and basin-wide feasibility studies. Members of small communities will have opportunities to participate in regional planning and help define specific small community needs and priorities (see Master Response 14). Through post-adoption activities, the State will evaluate and prioritize specific State investments in small community flood protection, consistent with the SSIA.

L_SUTTER2-09

As stated in Master Response 7, the SSIA includes an F-CO Program that seeks to coordinate flood releases from existing reservoirs located on tributaries to major Central Valley rivers. Considering the timing and magnitude of flood releases from reservoirs, the F-CO Program seeks to optimize the use of downstream channel capacity in balance with total available flood storage space in the system to reduce overall downstream peak floodflows. The F-CO Program also can modify operation of reservoirs in a way that will improve flood management and provide opportunities for more aggressive refilling of reservoirs during dry years. Such operations could increase water supplies within reservoirs, especially in dry years when the water supply system is most stressed.

Water supply benefits from the F-CO Program would vary depending on current reservoir operations rules, watershed hydrology, flexibility in reservoir operation and physical outlet facilities (i.e., adequate release capacity), quality of reservoir inflow forecasts, and other factors. Therefore, a case-by-case study of flood management and multipurpose reservoirs will be needed to adequately define and quantify the potential benefits.

Furthermore, as stated in Master Response 10, in developing the CVFPP and formulating the SSIA, DWR considered various forms of storage for flood management, including operational changes to existing reservoirs with flood storage, new or expanded flood storage in reservoirs, and storage in floodplains. Specifically, one of the preliminary approaches—Enhance Flood System Capacity—included enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC. This evaluation found potential benefits from and opportunities for reservoir flood storage and operational changes, such as improving flexibility in managing hydrologic changes (such as climate change) and potentially offsetting the hydraulic effects of certain system improvements on downstream reaches. At the same time, these analyses addressed both the physical limitations of these opportunities and the potential negative effects of increasing flood-storage allocations on water supply and other beneficial uses. The analyses of reservoir storage and flood operations that were conducted in support of the 2012 CVFPP are described in Attachment 8B in Appendix A, “Central Valley Flood Protection Plan.”

Storage elements ultimately retained in the SSIA are based on preliminary systemwide analyses conducted for the 2012 CVFPP, legislative direction for the CVFPP, and the findings of prior and ongoing studies. Among those studies are ongoing surface storage investigations and prior local, State, and federal studies such as the Shasta Lake Water Resources Investigation, North-of-the-Delta Offstream Storage (Sites Reservoir), In-Delta Storage Program, Los Vaqueros Reservoir Expansion, and Upper San Joaquin River Basin Storage Investigation (Temperance Flat Reservoir). However, no new site-specific investigations of surface storage were included in the systemwide analyses conducted to support the 2012 CVFPP.

In the 2012 CVFPP, the SSIA includes coordinated reservoir operations aimed at making the most efficient and effective use of current flood storage allocations in existing reservoirs, and implementation of the authorized Folsom Dam Raise (see Section 3.5.4 of the CVFPP). These SSIA storage elements appropriately reflect the conceptual level of detail and systemwide focus of the 2012 CVFPP, without precluding future consideration of new or expanded storage by the State or local agencies. At

this time, the SSIA does not include new reservoirs or expansion of storage (other than at Folsom Dam) solely for the purpose of flood management; however, DWR will continue to consider flood management in the context of, and as an objective of, its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these State investigations or other related efforts by local or federal agencies identify flood management as a component of a feasible reservoir storage project, this may be reflected in future updates to the CVFPP.

DWR recognizes the importance of developing additional water storage capacity in California to support an increasing population, to help compensate for the anticipated loss of snowpack storage as a result of climate change, and to maintain the important role of Central Valley agriculture for the nation and the world. For these reasons, multipurpose reservoir projects will likely continue to be proposed and, if successful, may help to meet needs for flood storage capacity.

However, these proposals face daunting challenges. Despite their benefits, new or expanded reservoirs generally face considerable opposition given their environmental effects, costs, perceived risks, and other factors. Also, environmental laws established mostly in the 1970s now apply to these proposals. Among these laws is the requirement under Section 404 of the CWA that any project affecting waters of the United States can be approved only if it is demonstrated to be the least environmentally damaging practicable alternative. Many other laws also present permitting challenges.

It is recognized that in certain cases and to some degree, upstream floodway conveyance and storage could reduce the need for (or scale of) some types of downstream flood management actions associated with the SPFC. However, opportunities to reduce flood risks on lands protected by the SPFC by increasing floodway conveyance and storage are limited, and depend on a variety of factors identified in Master Response 10. For additional details, see Master Response 10.

L_ SUTTER2-10

The comment states that there is little to no recognition in the CVFPP or the Conservation Framework that ensuring the vitality of agriculture meets the plan's goal of ecological sustainability. The commenter refers to the habitat provided by agricultural lands (such as rice lands in the Natomas Basin providing habitat for Swainson's hawk, giant garter snake, and migratory birds). The comment is noted.

L_SUTTER2-11

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and DPEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and

USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

In addition to expansion of the bypass system, levee reconstruction, and other elements, the SSIA includes State investments in agricultural conservation easements, which involves working with willing landowners where easements would be consistent with local land use plans. These easements would be used to preserve agriculture and prevent urban development in current agricultural areas, discouraging conversion to land uses that would increase flood risks within floodplains protected by SPFC facilities. Agricultural conservation easements could be purchased through various DWR programs; an example is DWR's Flood Corridor Program, which focuses on nonstructural flood risk reduction integrated with protection of natural resources and agricultural lands.

The DPEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topic or information was raised in the comments.

Planting of vegetation in the floodway may not be authorized by the Board, USACE, or other agencies if the vegetation would impede floodflows sufficiently that a rise in water surface elevation would cause a significant increase in risk to public safety.

L_SUTTER2-12

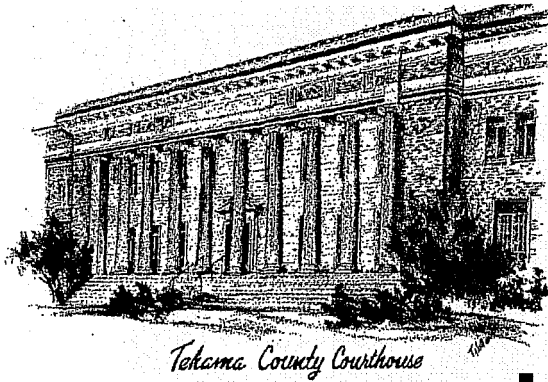
See responses to comments L_SUTTER2-02 and L_SUTTER2-05.

Furthermore, as stated in Master Response 1, expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Constructing new bypasses, such as constructing a bypass from the upper Feather River to the Butte Basin and expanding Paradise Cut from the San Joaquin River into the south Delta, would further contribute to reducing peak flood stage along reaches of the Feather River and lower San Joaquin River.

Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and continued compatible agricultural land uses within the bypass.

Board of Supervisors
COUNTY OF TEHAMA

District 1 – Gregg Avilla
District 2 – George Russell
District 3 – Dennis Garton
District 4 – Bob Williams
District 5 – Ron Warner



Williams J. Goodwin
Chief Administrator

L_TEHAMA1

April 17, 2012

Central Valley Flood Protection Plan (CVFPP)
Central Valley Flood Protection Board
Attn: Nancy Moricz
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Central Valley Flood Protection Board Members:

I have reviewed the draft 2012 Central Valley Flood Protection Plan (CVFPP), and share the concerns expressed by others that the draft Plan sacrifices sensible flood planning for nebulous environmental goals, and fails to fulfill its critical and legally-mandated function. However, the purpose of this letter is more specific – to warn the Board that adoption of the Plan and its technical attachments in their current form raises a substantial risk of State liability for "pre-condemnation" damages under *Klopping v. City of Whittier* (1972) 8 Cal.3d 39.

The California Supreme Court has authorized private property owners to recover inverse condemnation damages whenever a government agency acts improperly either by unreasonably delaying eminent domain action following an announcement of intent to condemn *or by other unreasonable conduct prior to condemnation*. The courts have clarified that such liability does not require that the government *formally* commence the eminent domain process, but may also be established where the government makes its intention to "take" private property clear in other ways, *and then proceeds to engage in conduct that significantly invades or appropriates the use or enjoyment of that property*.

The draft CVFPP makes it abundantly clear that the State intends to "take" identifiable private properties in clearly defined areas for floodway expansion and habitat purposes. (The technical attachments expressly propose the deliberate flooding of identified properties, which is inherently a compensable "taking.") The effects upon the value of these properties and the ability of the owners to use and enjoy their land is obvious.

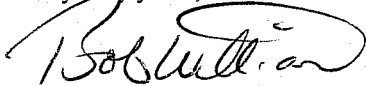
Unlike merely conceptual flood planning activities, which do not generally give rise to *Klopping* liability, the CVFPP goes much farther. State law (including Senate Bill 5) expressly gives the CVFPP binding effect: Local governments must incorporate the CVFPP's analysis into their General Plans and zoning ordinances, and are effectively precluded from approving any land use or development that may conflict with the CVFPP. Further, the Board's own regulations require that property owners obtain an encroachment permit for any construction or other work "within any area for which there is an adopted plan of flood control" or simply "if it is *foreseeable* that the plan of work *could be* injurious to or interfere with the successful execution, functioning, or operation of any facilities of an adopted plan of flood control *or of a plan under study*." Under these provisions, it is virtually inconceivable that the State or any local government will permit an owner whose property is affected by the CVFPP to undertake any development or other use

of their property that might hinder the CVFPP's contemplated "taking" of that land. Quite the contrary, the intended and likely effect of the CVFPP will be to "freeze" the use of that property in its current state, thereby depressing its value to the benefit of the future condemnor (i.e., the State) and the detriment of the property owner. This is precisely the type of "oppressive conduct" and "special and direct interference with the owner's property" that the Supreme Court held compensable in *Klopping*.

As a taxpayer and property rights advocate, I oppose both the burden that this places on the affected property owners, and the unnecessary public expense that these ill-advised proposals will surely create. I urge the Board to reject the current draft CVFPP and technical attachments, and to direct its staff to develop a revised draft that properly balances genuine flood planning needs with meaningful consideration of taxpayer expense and private property rights.

Thank you for your consideration.

Very truly yours,



Bob Williams
Tehama County Supervisor
District 4

Emailed to:

Senator Doug LaMalfa
Assemblyman Jim Nielsen
Supervisor Steve Lambert (Butte County)
Supervisor James Gallagher (Sutter County)
Supervisor Denise Carter (Colusa County)
Supervisor Roger Abe (Yuba County)
cvfppcom@water.ca.gov

Tehama County Board of Supervisors, Bob Williams

Response

L_TEHAMA1-01

The commenter states his opinion that the CVFPP “sacrifices sensible flood planning for nebulous environmental goals.” As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction to meet multiple objectives, where feasible, when proposing improvements to flood management facilities, including integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

The SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important shaded riverine aquatic habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework.

Appendix E, “2012 Central Valley Flood Protection Plan Conservation Framework,” provides a preview of a long-term Conservation Strategy that DWR is developing to support the 2017 CVFPP Update. The Conservation Framework focuses on promoting ecosystem functions and multi-benefit projects in the context of integrated flood management for near-term implementation actions and projects. The Conservation Framework

provides an overview of the floodway ecosystem conditions and trends and key conservation goals that further clarify the CVFPP's ecosystem goal.

The commenter further states his opinion that the CVFPP "fails to fulfill its critical and legally-mandated function." The commenter provides no details as to exactly what his concerns are in this regard. As stated in Master Response 19, the California Central Valley Flood Protection Act of 2008 (SB 5) defined multiple objectives for the CVFPP, codified in CWC Section 9616, to be achieved wherever feasible. Goals for the CVFPP were collaboratively drafted by DWR, its partners (the Board and USACE), and interested parties through an extensive communications and engagement process, capturing the guidance and objectives provided by CWC Section 9616. As a result of this process, one primary goal and four supporting CVFPP goals were established and provided guidance in forming specific CVFPP policies and physical elements. These are described in detail in Master Response 19. The process used to develop CVFPP goals is described in Section 1.6 of the plan, titled "Formulation of the 2012 Central Valley Flood Protection Plan." Much of this information is repeated and/or summarized in Section 2.1.2, "Purpose and Objectives of the Proposed Program," and Section 2.2, "Development of the Proposed Program," of the DPEIR. DWR and the Board believe that the CVFPP meets the identified and goals and objectives, and is consistent with the requirements of SB 5.

L_TEHAMA1-02

This comment is based on the misunderstanding that the SSIA "expressly propose[s] the deliberate flooding of identified properties." As stated in Master Response 1, the conceptual designs reflected in the CVFPP do not reflect a determination regarding any specific properties, and the potential involvement of particular properties in any future bypass or other project is entirely speculative at this time. In fact, the comment itself does not identify any particular property or properties claimed to be affected.

The comment also does not identify the map(s) to which the commenter is referring as a basis for claiming that particular properties have been identified. Several other commenters expressed concern with a map included in page E-12 in Appendix E to Attachment 8J, "Cost Estimates," found in Volume IV of DPEIR Appendix A, "Central Valley Flood Protection Plan." However, as explained in Master Response 20, this map relates to a conceptual bypass alignment that is not included in the proposed program, but instead was developed for purposes of comparing the costs of the SSIA to another, unadopted, approach. In any event, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As stated further in Master Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to

address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

The comment correctly recognizes that conceptual flood planning activities do not give rise to *Klopping* liability. The CVFPP is conceptual only. The *Klopping* decision recognizes that: “To allow recovery in every instance in which a public authority announces its intention to condemn some unspecified portion of a larger area in which an individual's land is located would be to severely hamper long-range planning by such authorities . . . some of which may be required by state law . . .” 8 Cal.3d at 45 (citations omitted). *Klopping* liability also requires a showing of unreasonable governmental conduct performed for the purpose of depressing market value. The commenter has identified no facts that could support these elements.

The comment also speculates about future local planning and zoning actions under the 2006 flood legislation, in the process significantly oversimplifying and mis-stating the relevant provisions. In particular, local agencies have a number of options for addressing flood concerns. The comment also overstates the degree to which the CVFPP constrains local land use regulation. For the reasons described in the DPEIR, predicting these future local actions, particularly with respect to any identifiable parcel, would be entirely speculative.

As stated in Master Response 2, because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated. The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and

USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable. For additional details, see Master Response 2.

L_TRLIA1

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Larry Dacus	TRLIA	dacus@mbkenengineers.com	2012 CVFPP Attachment 8; Appendix E	Figure E-8	E-15	The Three Rivers Levee Improvement authority (TRLIA) notes that Figure E-8 indicates that the recently completed (2006) Bear River Setback Levee is proposed to be removed and replaced by a new Bear Setback Levee further to the north. TRLIA recommends that this alternative (FTR_1A) be removed from the array of considered alternatives. The existing Bear River Setback Levee was constructed using DWR grant funds. To abandon this improvement so soon after being constructed does not indicate adequate evaluation of this alternative during CVFPP formulation. Prior to selecting the implemented alignment, TRLIA evaluated an alternative very similar to FTR_1A and found the implemented solution to be cost effective, have less severe impacts to unique agricultural lands, and to eliminate certain hydraulic impacts which occur with a northern alignment.	Delete Alternative FTR_1A from array of alternatives
Larry Dacus	TRLIA	dacus@mbkenengineers.com	2012 CVFPP Attachment 8; Appendix A	Chapter 4.2, Table 4-12	Pg. 4-14	TRLIA also suggests additional information be added to Table 4-12. In addition to the two TRLIA EIP projects, TRLIA has accomplished additional repairs to the RD 784 Levee System and is currently involved in evaluating the Yuba Goldfields and its ability to serve as high ground for the State Plan of Flood Control. TRLIA suggests two additional lines to this table as follows: TRLIA Proposition 13 RD 784 Levee System Improvements Feather \$61.0 to \$105.0 TRLIA Goldfields High Ground Evaluation Yuba \$10.0 to \$50.0	Add information to Table 4-12 TRLIA Proposition 13 RD 784 Levee System Improvements Feather \$61.0 to \$105.0 TRLIA Goldfields High Ground Evaluation Yuba \$10.0 to \$50.0

L_TRLIA1-01

L_TRLIA1-02

Three Rivers Levee Improvement Authority, Larry Dacus

Response

L_TRLIA1-01

The levee setback element of concern was included in the preliminary CVFPP approach, entitled “Enhance Flood System Capacity Approach,” but it is not in the recommended SSIA. The referenced map is on pages E-15 through E-19 in Appendix E to Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” However, as explained in the DPEIR, development of the SSIA is the State’s proposal for balanced, sustainable flood management in the Central Valley. The Enhance Flood System Capacity approach is not being proposed by DWR.

This particular conceptual setback was developed primarily for cost evaluation and comparison purposes. Specifically, Tables 6-11 and 6-15 in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan,” summarize the cost items assumed for the Enhance Flood System Capacity approach and for the SSIA, respectively. The cost of any rural setback levees (including the conceptual setback of concern to the commenters) is reflected in Column 15, “Rural Setback Levees,” of each table. When comparing these two tables (regarding the SSIA and Enhance Flood System Capacity approach, respectively), the costs of conceptual rural setback levees were included in the Enhance Flood System Capacity approach (Table 6-11), but the corresponding value in Table 6-15 is zero, further confirming that the conceptual levee of concern to the commenters is not included in the recommended SSIA.

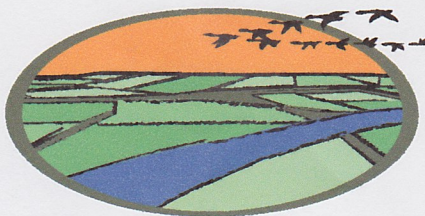
In addition, all of the conceptual setback evaluations (even those evaluated under the SSIA) are conceptual only. As explained further in Master Responses 1 and 23, additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific setback project proposals (if any) will involve substantial additional analysis and public participation.

L_TRLIA1-02

The referenced table is from page 4-14 in Appendix A to Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” The appendix describes the cost estimating methodology used for the Attachment 8J document. The cost estimating

was conducted to assist with CVFPP preparation and cost evaluation and comparison purposes. Making the adjustments suggested by the comment would increase the total costs in Table 4-12 by approximately 1–3 percent and would not alter the CVFPP or the analysis and conclusions in the DPEIR. The specific change has been considered and is noted; however, no change to the CVFPP text has been made.

DIRECTORS
ERIC LARRABEE
KEN ANDERSON
LANCE TENNIS
BRYCE LUNDBERG
GREG JOHNSON



**WESTERN CANAL
 WATER DISTRICT**

OFFICERS
**GENERAL MANAGER
 & SECRETARY**
TED TRIMBLE
ATTORNEY
JEFFREY MEITH
MINASIAN LAW FIRM

L_WCWD1

April 19, 2012

Nancy Moricz
 Central Valley Flood Protection Board
 3310 El Camino Ave, Room 151
 Sacramento, CA 95812

Via email: cvfppcom@water.ca.gov

Dear Ms. Moricz:

L_WCWD1-01 Western Canal Water District (WCWD) submits the following comments on the draft Central Valley Flood Protection Plan (draft Plan). WCWD encompasses approximately 67,500 acres located in the Butte Basin and adjacent to the proposed Feather River Bypass (Cherokee Canal) at our eastern border. WCWD's main water supply is delivered from the Thermalito Afterbay to the WCWD system, passing under the Cherokee Siphon and into the WCWD main canal which serves approximately 90% of the district.

Given the draft Plan's negligible details, including the reference to a potential "flood control structure" in the Cherokee area, we have serious concerns any future proposed development of a "Feather River Bypass" project will seriously impact our ability to deliver water to our landowners. Rather the focus should be shifted to improving flood capacity and rectifying deferred maintenance on the Cherokee Canal and other such designated flood relief channels.

L_WCWD1-02 Additionally, the specific nature and locations of proposed restoration of "shaded riparian aquatic habitat, wetlands or other habitat" would remove existing agricultural land from production and impact adjacent landowner operations and local economy.

L_WCWD1-03 Finally, WCWD supports comments submitted by the Counties of Butte and Sutter and incorporate them into our own. WCWD staff is pleased to work with the Central Valley Flood Protection Board staff to review this and any future proposed projects in our area of concern. For additional information please feel free to contact me at 530-342-5083.

Sincerely,

Ted Trimble
 General Manager



Western Canal Water District, Ted Trimble

Response

L_WCWD1-01

The comment is noted about serious concerns regarding any future “Feather River Bypass” project, and the recommendation to improve flood capacity and rectify deferred maintenance on the Cherokee Canal and other such designated flood relief projects.

As stated in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits). This is highlighted in the evaluation conducted for the preliminary approach called “Achieve SPFC Design Flow Capacity.”

The Achieve SPFC Design Flow Capacity preliminary approach focuses on reconstructing SPFC facilities to meet current engineering criteria without making major changes to facility footprints or operations. To achieve the design flow capacity, reconstruction is required because the original specifications focused primarily on levee prism geometry, and current evaluations have shown them to be insufficient in passing design flows if geotechnical and other engineering conditions (e.g., underseepage) are not improved. This approach was formulated to address legislation that required DWR to consider structural actions necessary to reconstruct SPFC facilities to their design standard (CWC Section 9614(g)). It also addresses requests from stakeholders to consider reconstructing the existing flood management system in place, or without major modification to facility locations.

Based on an initial assessment, this preliminary approach is estimated to cost approximately \$19 billion to \$23 billion and take 30–35 years to implement. This approach would improve the reliability of SPFC facilities compared to existing conditions. However, in many locations, upstream levee reconstruction would increase peak flows and stages downstream because upstream levee failures would be reduced compared to existing conditions. Further, the level of protection would be highly variable throughout the system and would not be linked to the current public safety needs and legislated requirements, and to assets at risk within the floodplain. Consequently, this approach would only partially address the primary CVFPP goal of improving flood risk management.

Investments in SPFC reconstruction would initially reduce SPFC O&M costs, but long-term costs to maintain the system would remain high. Thus, this approach would only partially contribute to the goal of improving O&M. Opportunities to integrate ecosystem restoration and enhancement would be limited and would not contribute to improved ecosystem functions on a systemwide scale. There would also be few opportunities to promote multipurpose benefits including incorporating new groundwater recharge or other water-related benefits, and promoting ecosystem functions, recreation, or agricultural sustainability. Consequently, an approach focusing on maintenance, repair, and reconstruction of existing facilities would contribute in only a minor way to the supporting goals of multi-benefit projects.

Improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

The SSIA promotes efficient and sustainable long-term O&M practices through the following:

- Reforming and consolidating State and local agencies' roles and responsibilities for O&M
- Standardizing criteria by which maintenance practices, procedures, and inspections are performed and reported
- Implementing strategies to adequately and reliably fund routine activities and streamline permitting

Some of the proposed activities may involve legislative action, new institutional arrangements involving local maintaining agencies, modifications to existing State programs, and additional or redirected funding.

As stated in Master Response 1, details on bypass footprints/capacities and the process for refinement is covered in Section 4.4 in Appendix A, "Central Valley Flood Protection Plan," and discussed below.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The CVFPP and the PEIR do not permit any specific actions to move forward that

would be subject to further CEQA evaluation. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

L_WCWD1-02

As stated in Master Response 2, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

The 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction,

including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

The conceptual elements proposed in the SSIA will be analyzed further and refined during anticipated post-adoption activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these post-adoption activities are completed, site-specific proposals will be developed with dimensions, locations, and operational parameters for potential facilities. These follow-on planning efforts are anticipated to commence in mid to late 2012, and will provide opportunities for landowners, local governments, and other stakeholders to participate. The State desires to complete its refined analysis of bypass system expansion and other SSIA system elements as part of basin-wide feasibility studies sometime by 2015, at which time potential needs for land acquisition—in fee title and as easements—could be identified. The CVFPP states the preference to work with willing landowners for needed land acquisitions. All land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

The PEIR recognizes that converting lands from agricultural uses would result in potentially significant and unavoidable impacts, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level.

L_WCWD1-03

The comment is noted. DWR and the Board appreciate the Western Canal Water District's interest in the CVFPP.



April 18, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

L_WSAFCA1

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft
Programmatic Environmental Impact Report.

Dear Ms. Moricz:

L_WSAFCA1-01 The West Sacramento Area Flood Control Agency (WSAFCA) and the City of West Sacramento (City) have reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and **not** a list of projects to be approved now for implementation. We appreciate DWR's efforts to date on the CVFPP development.

We support the CVFPP's prioritization for improving the urban levees. Our community has greatly benefited from being able to take advantage of the Early Implementation Program, using this program to repair levees for the I Street, CHP Academy, and Rivers EIP Projects. We look forward to continuing to work with the CVFPB and DWR on implementation of our next phase of improvements as part of the Southport Sacramento River EIP Project. We believe these projects go beyond being just supportive of the CVFPP by achieving multiple objectives such as recreation and ecosystem restoration in addition to much needed flood protection improvements. We encourage the CVFPB and DWR to continue to make improving the urban levees a high priority as you move toward implementation of the Plan.

L_WSAFCA1-02 We also support the concept of system improvements, such as modifications to the Yolo Bypass. However, modifications to the Flood Control System of this scale may have significant adverse effects to levees protecting the City of West Sacramento, and to Yolo County agriculture and property owners that need to be carefully considered and mitigated. We encourage the CVFPB and DWR to partner with local agencies in implementation of the CVFPP to ensure local concerns are addressed. We believe giving local agencies an option of leading the system improvements process (planning, design, construction) will significantly increase the chances that we will be successful in carrying out the vision contained in the plan.

We appreciate both DWR and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to continued cooperation as we implement the Plan.

Thank you for the opportunity to provide these comments.

City of West Sacramento
Toby Ross, City Manager

WSAFCA
Kenneth A. Ruzich, General Manager

**West Sacramento Area Flood Control Agency,
Toby Ross and Kenneth Ruzich**

Response

L_WSAFCA1-01

The comment is noted. As discussed in Master Response 4, the SSIA proposes flood protection investments for rural-agricultural areas, small communities, and urban areas consistent with legislative direction and commensurate with flood risk to people and property.

L_WSAFCA1-02

As stated in Master Response 1, specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options.

Additional public involvement is planned as the CVFPP moves forward. Anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.



COUNTY OF YOLO

Board of Supervisors

District 1, **Michael H. McGowan**
District 2, **Don Saylor**
District 3, **Matt Rexroad**
District 4, **Jim Provenza**
District 5, **Duane Chamberlain**

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County Administrator, **Patrick S. Blacklock**
Deputy Clerk of the Board, **Julie Dachtler**

April 20, 2012

VIA ELECTRONIC MAIL ONLY

Mary Ann Hadden
Staff Environmental Scientist
DWR, DFM
C/O MWH
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Re: Comments of Yolo County—Draft Environmental Impact Report (Draft EIR) for
the Central Valley Flood Protection Plan (CVFPP)

Dear Ms. Hadden:

L_YCBOS1-01

This letter sets forth the County of Yolo's (County) comments on the Draft EIR for the CVFPP. The County submits these comments in its capacity as the local agency with primary legal responsibility for ensuring the health, safety, and welfare of its citizens. The County also submits these comments in its capacity as a "responsible agency" under the California Environmental Quality Act (CEQA).¹

L_YCBOS1-02

Consistent with the County's February 9, 2012 letter regarding the CVFPP, this letter focuses on the proposed expansion of the Yolo Bypass and related modifications to the Fremont Weir. The County continues to oppose these elements of the CVFPP. As described below, many of the County's concerns with the proposed physical changes to the Yolo Bypass and Fremont Weir arise from the potential environmental impacts of such changes. The Draft EIR, however, fails to describe and study the environmental impacts of these (and other) program elements in the manner required by CEQA. Consequently, adoption of the CVFPP is inappropriate until the Draft EIR is substantially revised and recirculated for additional public review.

L_YCBOS1-03

1. Legal Standards for a Programmatic EIR.

In preparing these comments, the County fully considered the "programmatic" nature of the Draft EIR for the CVFPP. Just like a project-level, EIR, however, a programmatic EIR must "give the public and government agencies the information needed to make informed decisions, thus protecting not only the environment but also informed self-government." (In re Bay-Delta

¹ The County is a responsible agency under CEQA because, among other things, the County must ensure that its general plan and zoning conform to the CVFPP following its adoption. (Cal. Gov. Code §§ 65302.9 and 65860.1.) This is discussed in the Draft EIR at p. 2-37 (and in other locations).

Programmatic Environmental Impact Report Coordinated Proceedings, 43 Cal.4th 1143, 1162 (2008).) The “semantic label accorded to the [EIR]” does not determine the level of specificity required. (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners of the City of Long Beach, 18 Cal. App. 4th 729, 741-42 (1993).) Rather, the “degree of specificity required in an [EIR] will correspond to the degree of specificity involved in the underlying activity which is described in the [EIR].” (In re Bay-Delta, 43 Cal.4th at 1176, citing CEQA Guidelines § 15146.) The level of detail in the Draft EIR must therefore reflect—at a minimum—the level of detail in the CVFPP. Similarly, both project-level and programmatic environmental analyses must include “accurate, stable, and finite” project descriptions. (Rio Vista Farm Bureau Center v. County of Solano, 5 Cal. App. 4th 351, 370 (1992).)

Additionally, while subsequent environmental analyses will “tier” from or otherwise draw upon a programmatic EIR, tiering is not a device for deferring the analysis of present issues. “Tiering is properly used to defer analysis of environmental impacts and mitigation measures to later phases *when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases.*” (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412, 431 (2007) (emphasis added).) “[T]iering” is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause,” and “fundamental and general matters” should be addressed in the first-tier EIR. (Stanislaus Natural Heritage Project v. County of Stanislaus, 48 Cal. App. 4th 182, 199 (1996).) The Draft EIR for the CVFPP, accordingly, must identify and consider foreseeable significant environmental impacts that will result from the actions authorized by its adoption.

Lastly, the EIR must set forth alternatives “to permit a reasoned choice” and examine in detail “the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” (In re Bay-Delta, 43 Cal.4th at 1163, quotations and citations omitted.) An EIR’s alternatives analysis “must contain sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” and “must explain in meaningful detail . . . a range of alternatives to the proposed project and, if [the agency] finds them to be infeasible, the reasons and facts that [the agency] claims support its conclusion.” (Sierra Club v. City of Orange, 163 Cal. App. 4th 523, 546 (2008), citing Laurel Heights Improvement Association v. Regents of the University of California, 47 Cal.3d 376, 406 (1988); CEQA Guidelines § 15126.6(d).) Further, the analysis of alternatives must not be “devoid of substantive factual information from which one could reach an intelligent decision as to the environmental consequences and relative merits of the available alternatives to the proposed project” and may not omit “relevant, crucial information.” (Friends of the Eel River v. Sonoma County Water Agency, 108 Cal. App. 4th 859, 873 (2003).)

2. CEQA Deficiencies of the Draft EIR.

Unfortunately, the Draft EIR fails to meet many of the legal standards set forth above. This section describes the key deficiencies observed by the County in its initial review of the Draft EIR. The County reserves the right to provide additional comments on the legal adequacy of the EIR prior to a final decision on adoption of the CVFPP.

A. The Public Review Process is Inadequate.

Due to the unusual length and complexity of the CVFPP and the Draft EIR, a 45-day public review period—while authorized by CEQA—nonetheless frustrates the core CEQA policy of informed public involvement and decisionmaking. Section 15141 of the CEQA Guidelines states that “the text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.” The Draft EIR for the CVFPP, however, exceeds *1,200 pages* (not including appendices). This is significant by itself but, as described in the following section of this letter, a reader must actually review *thousands of additional pages* of information to properly understand the full scope of the “proposed program.” On these grounds, the County seriously questions the legal adequacy of providing only the minimum statutory period for public review at the conclusion of a planning and environmental review effort that itself consumed over four years.

B. The Description of the “Proposed Program” is Incomplete, Internally Inconsistent, and Misleading.

As noted above, all environmental documents prepared pursuant to CEQA must contain an accurate, stable, and finite project description. (*County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977); *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 185 (2010).) The Draft EIR not only fails to meet this basic standard, it is so thoroughly bereft of meaningful descriptive information that one could seriously question whether a good faith effort at full disclosure has been made.

(1) The Proposed Program is Not Fully Described and Readily Available Information has been Ignored.

The Draft EIR contains an incomplete program description. The Draft EIR defines the “proposed program” studied therein as the State Systemwide Investment Approach (SSIA) set forth in the CVFPP. Central to the SSIA is an expansion of the Yolo Bypass and related lowering or widening of the Fremont Weir.² The CVFPP describes the potential expansion as consisting of:

- Widening the Fremont Weir by “about one mile” and/or lowering the Weir by an unspecified amount. (CVFPP at pp. 2-12 and 3-13.)
- Widening areas of the Yolo Bypass, shown vaguely (to be generous) in Figure 3-1 of the CFPP, and building “[a]bout 42 miles of new levees” to increase its capacity by 40,000 cubic feet per second. (CVFPP at p. 2-12 and 3-13.)

Surely, the Department of Water Resources (DWR) did not decide to feature an expansion of the Yolo Bypass in the CVFPP based on this paltry description of key project design, location, operation, and other details. The same is true for features of the floodplain habitat restoration

² As these improvements appear to be part of an integrated project proposed for future evaluation, references in this letter to the “Yolo Bypass expansion” are intended to include both the Bypass expansion and any related modifications to the Fremont Weir.

apparently intended for integration into the design and operation of an expanded Yolo Bypass and modified Fremont Weir. However, aside from passing references to 10,000 total acres of “new habitats” expected to result from implementation of the SSIA (e.g., CVFPP at p. 3-41), the CVFPP and the Draft EIR are bereft of any information concerning the purported ecosystem component of the Yolo Bypass expansion.

In describing the SSIA (and otherwise), both the Draft EIR and the CVFPP thus omit information regarding the conceptual design of Yolo Bypass expansion and related habitat features. The CVFPP contains several opaque references to “preliminary planning” efforts (CVFPP at pp. 3-43 and 3-44) that apparently included an assessment of the potential farmland impacts of these program elements. The CVFPP cites these “preliminary planning” efforts as the basis for 10,000 acre estimate of “new habitats” and a few other quantitative acreage impacts presented therein (discussed below). However, despite many hours spent scouring thousands of pages of CVFPP appendices and related documents, County staff could not to locate any additional substantive information concerning these “preliminary planning” efforts or the proposed Yolo Bypass expansion.

This changed, however, on the eve of the close of the Draft EIR public comment period. Buried in Appendix A (CVFPP Cost Estimate Methodology) to Attachment 8J (Cost Estimates) to the CVFPP, there is a significant additional amount of information concerning the proposed Yolo Bypass expansion and other CVFPP elements. All of the following assumptions were apparently relied on in developing estimated costs for CVFPP implementation:

- The Yolo Bypass expansion will require the acquisition of **25,500 acres**;
- Agriculture on **6,500 acres** of the land acquired for the Yolo Bypass expansion will be “developed for environmental conservation.” Presumably, this means agricultural production will cease. The remaining **19,000 acres** will be “leased back to farmers for environmentally friendly agricultural practices such as planting of corn, rice, and other grains.”
- In the regions that include Yolo County (Lower Sacramento and Delta North), an additional **10,000 to 20,000 acres** will be acquired for agricultural conservation easements;
- Based on a GIS analysis of specific proposed levee locations, the following new levees will be built to facilitate the Yolo Bypass expansion:
 - Yolo Bypass near Fremont Weir, Left Bank 2.5 miles
 - Yolo Bypass upstream of Putah Creek, Right Bank 16.5 miles
 - Yolo Bypass downstream of Putah Creek and near Rio Vista, Right Bank 18.5 miles

These figures provide a much more meaningful picture of the scope of the proposed Yolo Bypass expansion than any data provided in the CVFPP or the Draft EIR. Presumably, if the acreage figures and location data are good enough to rely on in developing estimated costs for decisionmaking purposes, this information is also good enough to use in evaluating environmental impacts—particularly in the absence of other meaningful information. Moreover, the use of “GIS analyses” necessarily means that *a map exists* of the potential location of new levees for the Yolo Bypass expansion. This map should be produced and evaluated in the Draft EIR, together with any other relevant information from the “preliminary planning” efforts referenced in the CVFPP.

L_YCBOS1-10

(2) The Proposed Program Description is Internally Inconsistent.

The Draft EIR is internally inconsistent because--despite purporting to incorporate the SSIA as the “proposed program” under consideration--it frequently conflicts with or ignores information in the CVFPP and Attachment 8J thereto. This shortcoming is so fundamental that the Draft EIR does not even specifically mention, much less analyze, some of the basic details of the Yolo Bypass Expansion that it supposedly incorporates from the CVFPP. For instance, aside from two brief references in Chapter 2 (Project Description), the Draft EIR does not analyze the CVFPP's estimate that 10,000 acres of farmland will be permanently converted to habitat by “increas[ing] the overall area of frequently activated floodplain” by the proposed expansion of the Yolo Bypass (and other bypasses). (Draft EIR at p. 2-44.) And nowhere does the Draft EIR reference the CVFPP's estimate that 75 percent of the farmland affected by bypass expansions will continue to be farmed. (CVFPP at p. 3-44.) This means that *40,000 acres of farmland* will be affected by the bypass expansions, but none of this is specifically analyzed in the Draft EIR.³

This information, together with the information in CVFPP Attachment 8J, is vital to an evaluation of impacts on agricultural resources. To varying extents, this information is also relevant to other categories of potential impacts (including impacts on terrestrial species). Despite this, the Draft EIR instead offers only a *qualitative* evaluation of the potential conversion of farmland and related environmental impacts. The following language is typical of the approach taken in Chapter 3.3 (Agricultural and Forestry Resources) and throughout of the Draft EIR:

[T]he exact amount of land that could be affected [by bypass expansions] is not known, and each project would need to be examined on a case-by-case basis. Although no numeric thresholds have been established, it is likely that these actions would result in conversion of substantial amounts of Important Farmland and cancellation of a substantial number of Williamson Act contracts, which could have a potentially significant impact on the environment. (Draft EIR at p. 3.3-44.)

The disparity between this conclusory analysis and the specific figures set forth in the CVFPP and other sources mentioned above is obvious and must be addressed not just in the describing the “proposed program” in Chapter 2, but also in other chapters where the conversion of

³ For reasons described below, the County believes that even this figure significantly underestimates the total acreage that would be affected by changes to the Fremont Weir and Yolo Bypass.

farmland is relevant, including Chapters 3.3 and 3.6. The same is true for other inconsistencies between the level of detail provided in the CVFPP, Attachment 8J thereto, and the Draft EIR.

(3) The Proposed Program Description is Misleading.

Third and finally, the description of the proposed program is also misleading in certain respects. Of fundamental concern to the County is the CVFPP's emphasis on the purported ecological benefits of the SSIA, including the expansion of the Yolo Bypass and modification of the Fremont Weir. This emphasis rests upon two premises that are utterly false in the context of the Yolo Bypass projects: that these ecological benefits are dependent upon implementation of the SSIA; and that the Yolo Bypass expansion and Weir modification are necessary to achieve such benefits. In reality, as the CVFPP notes (at p. 3-24), the Bay Delta Conservation Plan (BDCP) process is intensively examining a suite of measures intended to achieve the exact same ecological benefits *without* expanding the Yolo Bypass *or* lengthening the Fremont Weir *or* lowering the Fremont Weir. The ecological benefits of this element of the SSIA are therefore illusory and should not be considered in the Draft EIR or otherwise offered as justification for these modifications to the Fremont Weir and Yolo Bypass.⁴

Similarly, the "proposed program" evaluated in the Draft EIR includes land acquisitions for bypass expansions within the "near term" (i.e., between 2012-2017), as proposed in the CVFPP (at pp. 4-31 through 4-35.) This presumably includes acquisitions in furtherance of the 25,500-acre figure for the Yolo Bypass expansion that appears in CVFPP Attachment 8J. As a matter of law, however, land acquisitions cannot proceed until the proposed Yolo Bypass expansion is defined and studied in a project-level environmental document. This is almost certainly infeasible in the "near term." Hence, land acquisitions for a Yolo Bypass expansion will be legally impossible during this period and all references to near term land acquisitions for bypass expansions should be deleted from the CVFPP and EIR. The public may otherwise be misled to believe that adoption of the CVFPP represents a commitment to implement--rather than study--a Yolo Bypass expansion, which the County does not believe is intended.

C. The Draft EIR Fails to Consider the Full Range of Potential Environmental Impacts of the Conversion of Farmland, Changes in Agricultural Practices, and Related Effects.

Central to the CVFPP is the recognition that a significant amount of farmland will be affected by implementation of the SSIA. As already asserted, the specific acreage figures in the CVFPP and Attachment 8J need to be included and analyzed in numerous chapters of the Draft EIR. In the County's opinion, a proper analysis of these figures and related supporting information would result in a much broader analysis of the direct, indirect, and cumulative environmental effects of

⁴ In theory, it could be argued that the success of the BDCP process is uncertain and that the CVFPP offers a needed alternative approach to Yolo Bypass habitat restoration. This is not necessarily true, however, as the BDCP *approach* (which relies primarily on construction of an operable gate in the Fremont Weir) could still proceed even if the BDCP *process* fails to culminate in an adopted plan. Other ecological benefits common to the CVFPP and BDCP, such as fish passage improvements, are similarly independent upon the Fremont Weir modifications and Yolo Bypass expansion proposed as part of the SSIA.

eliminating or changing agriculture on 40,000 acres of farmland. The range of factual information and environmental effects that should be evaluated more comprehensively includes the following:

- **An expanded discussion of the “preliminary planning” data, particularly with respect to the cessation and impairment of agricultural uses**—Additional information must be included regarding the substance of the "preliminary planning" (CVFPP, p. 3-44) indicating that the 40,000 acres of farmland will be affected by the SSIA. Other related information from the "preliminary planning" effort should also be explained and evaluated where relevant in the Draft EIR, including in the cumulative effects (Chapter 4) portion of the Draft EIR. Lastly, unless covered by the "preliminary planning" estimates of affected agricultural acreage, the Draft EIR should explain why *all* of the agricultural acreage included within the Yolo Bypass would not be adversely affected by the proposal to lower the Fremont Weir to flood the Yolo Bypass more frequently and for longer durations.
- **An analysis of the direct and indirect environmental effects of the potential cessation and impairment of agricultural uses**—With the additional information from Attachment 8J and the preliminary planning effort, the Draft EIR should analyze the nature and extent of potential farmland conversions, the impairment of agriculture on additional affected acreage, and the probable environmental consequences of these effects. This includes a discussion of the details and environmental effects of the anticipated frequency, duration, and extent of inundation of all agricultural lands that will be included within the expanded Yolo Bypass footprint. To the extent that changes in crop selection are foreseeable, this should also be mentioned because of, among other things, its relevance to impacts on certain species and the potential for indirect environmental effects of economic changes in the agricultural sector. The potential for more frequent inundation to affect crop insurance and agricultural loans should also be evaluated, as decreasing the ability of growers to obtain insurance and loans will directly affect the future of agriculture in the Yolo Bypass.⁵
- **An evaluation of economic effects and the potential for indirect environmental effects**—The economic impacts of farmland conversions is a topic that requires serious attention in the Draft EIR. This includes consideration of the direct and indirect environmental effects of lost or reduced opportunities to grow common crops. To use one example, the potential decline of rice cultivation in the Yolo Bypass⁶ due to ecosystem

⁵ This issue is noted at pages 2-8 through 2-12 in the publication "Important Considerations for the Central Valley Flood Protection Plan Related to Sacramento-San Joaquin Valley Agriculture" (May 2010 Draft) (hereinafter, "Important Considerations--Agriculture"), available on the Board's website.

⁶ The County is currently completing an agricultural impacts analysis that examines the likelihood of such a decline under a variety of scenarios relevant to the BDCP. We will forward this analysis to the Central Valley Flood Protection Board when it is complete (likely within a few weeks).

restoration could lead to a “tipping point”—meaning that rice cultivation ceases to be commercially viable even on unaffected lands throughout the County—due to a decline in rice volumes, the resulting closure of local rice mills, and the eventual rise of unit processing costs to unacceptable levels.⁷

- **A focused discussion of local effects.** In refining the Draft EIR's discussion of agricultural resource impacts, the current regional-level analysis provided in Chapter 3.3 should be expanded to include a discussion of local effects of major program elements. In the specific context of the Yolo Bypass expansion and modification of the Fremont Weir, the Draft EIR should analyze the Attachment 8J acreage figures. The Draft EIR should also provide estimates of the size and location of other farmland conversions, including lands that may be affected by borrow pitting and related activities. The potential location(s) of this acreage and its current uses (i.e., agricultural crop types, etc.) should also be identified.
- **An evaluation of potential effects on agricultural support infrastructure.** At p. 3.3-11, the Draft EIR identifies several impacts of flooding on agricultural production and infrastructure. All of these impacts are also a consequence of the periodic inundation of lands within flood bypasses. The effects of the proposed program on agricultural support infrastructure located in bypasses—including roads and other facilities within the proposed footprint of the expanded Yolo Bypass—should be evaluated with respect to these issues.

Finally, the proposed mitigation measures included in Chapter 3.3 are both incomplete and inadequate. A broader range of mitigation should be evaluated, potentially including programs intended to sustain agriculture on lands affected (but not converted) by ecosystem restoration projects as a means of helping to offset the local effects--including indirect environmental effects--of changes in agriculture. Additionally, the proposed use of conservation easements in Mitigation Measure AG-1c improperly defers the formulation of adequate mitigation because it fails to clearly specify the appropriate mitigation ratio. (Draft EIR at p. 3.3-37 and 3-3.38.) It also appears to endorse the “stacking” of agricultural and habitat easements, an approach that the County has long rejected on policy grounds because it typically leads to the curtailment of certain agricultural uses. In lieu of these elements of Mitigation Measure AG-1c, the County urges the Board to consider requiring project proponents to adhere to the requirements of locally-adopted mitigation programs and policies.⁸

⁷ It does not appear that potential regional or local economic effects of agricultural production *losses* have been studied at any point in the development of the CVFPP, calling into question claims that the CVFPP and SSIA benefit the regional agricultural economy. (See CVFPP Attachment 8H: Regional Economic Analysis, p. 4-12 (stating that regional economic effects of agricultural production damages have not been considered.)

⁸ Yolo County generally requires 1:1 mitigation for the conversion of farmland and has adopted a detailed ordinance that includes various requirements for mitigation lands. (Yolo County Code § 8-2.2416.)

L_YCBOS1-19

D. The Draft EIR Ignores the Redirected Flood Risk and Vegetation Management Conflicts Inherent in the Proposed Yolo Bypass Expansion.

The CVFPP recognizes that there are serious problems with the levees bounding the Yolo Bypass, with Figure 1-7 indicating that most of the Bypass levees are of "medium" or "higher" concern. Text at page 3-18 reinforces this concern, stating in part:

Evaluations would also need to consider the extent of potential impacts from more frequent and longer durations of flooding in the bypasses. For example, some levees along the bypasses may not be as durable as levees along the main rivers--levee reliability could be lowered by longer duration wetting.

Presumably, a diligent effort will be made to address significant problems with the Yolo Bypass levees in the near future. The County is concerned, however, that the proposed allocation of significant funding to *studies* as part of the CVFPP will dilute the pool of funds available for levee repair *projects*. We sincerely hope that scarce funds will not be diverted from high-priority levee repair projects to studies for projects that may never be built. Further, major habitat restoration efforts should not be funded with bond monies allocated to flood improvement projects, reducing available funding for flood protection elsewhere in the Delta. If in fact these outcomes are a consequence of adopting the SSIA rather than other alternatives, however, the public safety and property damage tradeoffs should be evaluated in the Draft EIR.

L_YCBOS1-20

Further, the Draft EIR should also evaluate the potential public safety and property damage consequences of the proposed incremental increase in the frequency, duration, and amount of floodwaters diverted into an expanded Yolo Bypass. Needless to say, while an expanded Yolo Bypass may have regional flood control benefits, the County will not share those benefits. It will instead have to endure an array of new environmental, economic, and public safety impacts due to increased diversions into the Yolo Bypass. Consequently, the analysis of various impacts that appears in Chapter 3.13 (Hydrology) of the Draft EIR should be revisited with this specific "redirected impacts" concern in mind. The County takes some comfort in representations that redirected impacts must be reduced to a less than significant level as a prerequisite to any project. (Draft EIR at pp. 3.13-83 and 84.) However, these representations do not actually appear in any of the mitigation measures accompanying Chapter 3.13 and, in any event, would not eliminate the need for a more robust analysis of the potential for such impacts in the first instance.

L_YCBOS1-21

Lastly, farmland conversions can lead to the potential establishment of vegetation within ecosystem restoration areas (or on fallowed lands), as noted in Chapters 3.3 (at p. 3.3-2) and 3.7 (at p. 3.7-58) of the Draft EIR. (See also *Important Considerations--Agriculture* at pp. 4-2 and 4-3.) Improper vegetation management could adversely affect the conveyance of floodwaters through the Yolo Bypass.⁹ This issue needs to be addressed in appropriate chapters of the Draft EIR, including Chapter 3-18 and potentially Chapter 4 (Cumulative Impacts), because it is a reasonably foreseeable consequence of ecosystem restoration and other projects, plans, and

⁹ While the CVFPP and Draft EIR generally refer to "vegetation management" in the context of levee maintenance, the County is using this term more broadly to encompass the control of nuisance vegetation throughout the Yolo Bypass.

programs that are contemplated in the CVFPP. (See *Important Considerations--Agriculture*, pp. 4-2 and 4-3.) To some extent, this analysis dovetails with the additional agricultural impact analyses discussed above, as the scale of agricultural impacts (including the potential for indirect impacts, such as the cessation of agriculture on unaffected lands) directly influences the maintenance of vegetation in many flood-prone areas of the Delta.

E. Other Specific Deficiencies in the Draft EIR.

(1) Land Use.

Many of the County's concerns with the Land Use and Planning chapter of the Draft EIR (Chapter 3.14) relate directly or indirectly to the conversion of farmland and other changes in agricultural practices. As noted at p. 3.14-14 of the Draft EIR, “[a]quiring farmed land and subsequently retiring that land affects the economic base for both farm support industries and community businesses that rely on patronage from citizens working in farming or farm support industries.” Statements such as this demonstrate a basis for an evaluation of the indirect environmental effects—such as urban blight and the prospect of reaching an economic “tipping point,” as described above—of these economic changes. While such analyses are becoming commonplace under CEQA, the Draft EIR does not include any meaningful discussion of these issues. This is a fundamental flaw that should be addressed.

Chapter 3.14 also neglects to fully discuss potential conflicts with the implementation of local general plans. While Chapter 3.14 evaluates certain potential conflicts, such as the potential for local governments to increasingly direct future development away from areas subject to flood risk in response to the CVFPP, it should also consider the potential for projects contemplated by the CVFPP to preclude the implementation of components of local general plans. Of immediate concern to the County is the future viability of development in the Elkhorn area. In its 2030 General Plan (adopted in October 2009), the County designated 348 acres in Elkhorn for future development as a “gateway to Yolo County” through a specific plan process. The proposed Yolo Bypass expansion, however, could preclude any development of this area. This significant conflict should be evaluated in the Draft EIR and avoided in the event an expanded Yolo Bypass is eventually considered for approval.

Lastly, the discussion of Impacts LU-8 (NTMA) and LU-8 (LTMA) is vague and conclusory. These impact analyses appear intended to cover the effects of farmland conversions and related changes in agricultural uses. With the discussion consisting of only a few sentences apiece, however, it is difficult to determine the intended scope of Impacts LU-8 (NTMA) and LU-8 (LTMA). Consequently, it is hard to evaluate whether the proposed mitigation measure—which does not contemplate agricultural conservation easements—is adequate. This section should be clarified and revised, with corresponding changes to the mitigation measure as needed.

(2) Terrestrial Species.

The conversion of farmland to other uses, fallowing, and changes in crop selection could adversely affect species that are dependent on the agricultural landscape, including the

Swainson's hawk, giant garter snake, and many migratory waterfowl and other bird species.¹⁰ (Draft EIR at p. 3.6-33.) With regard to the giant garter snake, for example, the conversion of rice fields to other crops, habitat, or fallowed land as a consequence of longer bypass inundation periods could be very significant. Similarly, the potential for a widespread conversion of Swainson's hawk foraging habitat to uses that provide diminished foraging value is quite clear in light of estimates that 40,000 acres of farmland will be affected by the SSIA. Yet Chapter 3.6 (Biological Resources--Terrestrial) of the Draft EIR does not discuss these issues in any detail and, perhaps more troubling, dismisses virtually all potentially significant effects on the giant garter snake, Swainson's hawk, and other species as less than significant with mitigation.

The County is perplexed by these determinations in Chapter 3.6 and the range of similar determinations appearing in Chapter 4 (Cumulative Effects). The Draft EIR offers no sound analytical support for these determinations and, in particular, does not explain how the various proposed mitigation measures could possibly make up for the construction and operational effects of many elements of the SSIA (including the Yolo Bypass expansion and related changes) or its incremental contribution to cumulative impacts on terrestrial species. The proposed bypass expansions alone will involve many miles of new levees and permanently eliminate 10,000 acres of farmland--roughly the equivalent of building a new city of 80,000 residents. Projects with a far more modest impact on the giant garter snake, Swainson's hawk, and other terrestrial species are routinely deemed to have a "significant and unavoidable" impact on such species in other environmental documents, even where similar mitigation measures are adopted.

Additionally, the proposed mitigation measures do not—and cannot—eliminate the net loss of species habitat and the potential (or more accurately, likelihood) for a direct take during construction and operation of the expanded bypasses and other elements of the SSIA. The inevitability of such net losses was central to the conclusion in Chapter 3.3 (Agricultural Resources) that farmland conversions are "significant and unavoidable" even if conservation easements are used to preserve other lands. Precisely the same "net loss" dynamic exists in the context of terrestrial species habitat. Further, the feasibility of mitigating certain terrestrial species impacts is also highly questionable. Many species—particularly plant species—exist solely in small geographic areas. In such instances, there is no "replacement habitat" to preserve or restore. The Draft EIR should recognize and account for this problem in assessing the significance of terrestrial species effects.

For all of these reasons, under CEQA Guidelines § 15065 and other provisions of CEQA, these significance conclusions and the related discussion appearing in Chapters 3.6 and 4 of the Draft EIR are utterly wrong and would not withstand judicial scrutiny.

¹⁰ In the context of the Yolo Natural Heritage Program (a local HCP/NCCP under preparation by a joint powers authority that includes the County), the California Department of Fish and Game (CDFG) has strongly urged the preservation of alfalfa and rice for the Swainson's hawk and giant garter snake, respectively. Presumably, CDFG provided similar input during the development of the Draft EIR pursuant to CEQA Guidelines § 21104.2 (requiring state lead agencies to consult with CDFG on potential impacts to threatened and endangered species).

L_YCBOS1-28

(3) Recreation.

The County is concerned with the potential effects of the SSIA, including the proposed Yolo Bypass expansion and Fremont Weir modification, on the current operation of the Yolo Bypass Wildlife Area and the numerous hunting clubs located throughout the Yolo Bypass. At the outset, Chapter 3.18 (Recreation) notes that implementation of the SSIA could affect “land based activities such as hunting, wildlife viewing, and hiking” (Draft EIR at p. 3.18-1.) Chapter 3.18 also discusses current Wildlife Area operations and references the existence of nearly two dozen private hunting clubs in the Yolo Bypass. (See Draft EIR at p. 3.18-26 and pp. 3.18-29.) Despite this, Chapter 3.18 does not even generally discuss how the proposed Yolo Bypass expansion and related activities could affect recreational activities and facilities within the Wildlife Area and on private hunting lands.

This analysis should be included in Chapter 3.18. There are many ways in which the proposed Yolo Bypass expansion and Fremont Weir modification could affect the Wildlife Area and other recreational opportunities within the Bypass. For instance, changes in agriculture within the Yolo Bypass Wildlife Area could detrimentally affect operation of the Wildlife Area, as it depends on revenue from agricultural leases to sustain its operations. The potential for such effects should be analyzed in the Draft EIR, likely in Chapters 3.18 and 4 (Cumulative Effects), and to the greatest feasible extent, ways to avoid such impacts should be identified.¹¹

L_YCBOS1-29

More frequent and longer periods of inundation could also cause impacts that rise to the level of “indications that a project may require the construction or expansion of recreational facilities,” described in the Draft EIR (at p. 3.18-47) as including:

- The permanent displacement of existing recreational facilities or substantial permanent decrease in access to existing recreational facilities or opportunities;
- A substantial decrease in the quality of recreation in an area.

The specific potential for such effects within the Yolo Bypass should be evaluated in the Draft EIR. The County believes that proper consideration of this issue may result in changes to the significance determinations expressed in Chapters 3.18 and 4 of the Draft EIR, all of which currently indicate that impacts on recreation will be less than significant (often with mitigation). The mitigation measures offered in Chapter 3.18 are inadequate to reduce the impacts of a Yolo Bypass Expansion and Fremont Weir modification—which will include massive and prolonged construction efforts and, subsequently, significant changes in the character of the Yolo Bypass—to a less than significant level.

¹¹ If impacts cannot be reduced to an insignificant level, then mitigation should be considered. This could include requiring the creation of a stable alternative revenue source for Wildlife Area operations and improvements.

L_YCBOS1-30

(4) Climate Change and Greenhouse Gas Emissions.

Ecosystem restoration proposals included within the BDCP indicate that floodplain within the Yolo Bypass may be activated more frequently and for longer periods of time—including into April and occasionally May—than under current conditions. Given the paucity of information provided in the Draft EIR for the CVFPP, it is impossible to determine whether ecosystem restoration accompanying the Yolo Bypass expansion will be similar in character and duration. Assuming so, however, the potential for large emissions of methane is highlighted in the following Draft EIR text:

When wetlands are inundated, particularly during prolonged warmer temperatures, anaerobic conditions in the carbon-rich soils can cause relatively large amounts of methane to form. The tissues of emergent plants provide pathways for much of this methane to move from sediments to the atmosphere. Consequently, wetlands can emit large amounts of methane into the atmosphere. (Draft EIR at p. 3.7-19.)

The Draft EIR contains only a brief analysis of this causal relationship in the context of bypass expansions and related projects. This analysis concludes that (in sum) there are too many variables at play to determine even generally whether GHG emissions could increase as a consequence of such projects. (Draft EIR at pp. 3.7-57 through 3.7-59.) This is yet another clear instance where an adequate description of program activities affecting the Yolo Bypass and other locations would greatly bolster the impact analysis. With such information, the field of unknown factors would likely be narrowed enough to allow for a meaningful qualitative analysis in the Draft EIR.

L_YCBOS1-31

Additionally, the Draft EIR should observe that an earlier end to Yolo Bypass inundation would help obviate the potential problem of increased methane emissions resulting from anaerobic conditions that develop during warmer weather. An earlier end to inundation could, in addition, minimize a wide array of other impacts. For example, information developed as part of our agricultural impacts analysis (see footnote 6, above) indicates that a February 15 end date for inundation would substantially avoid all agricultural impacts while also providing benefits for numerous aquatic species. The County thus encourages the Board to identify this approach in the Draft EIR and propose a full evaluation of the potential for an “early” end date to ecosystem-related inundation in appropriate chapters.¹²

L_YCBOS1-32

(5) Water Quality.

Although not discussed in the Draft EIR, the potential for adverse mercury effects in connection with increased inundation of the Yolo Bypass is a significant topic. Another contemporary

¹² As a final comment on Chapter 3.7, the text at p. 3.7-58 (lines 24-29) erroneously states that “[w]here agricultural land would be converted to habitat, GHG emissions from agricultural operations would cease and newly planted vegetation could result in carbon sequestration.” This statement ignores the need for vegetation maintenance within a bypass or floodway. For this reason, it is debatable whether newly emergent and riparian vegetation would provide a greater rate of carbon sequestration than the continuation of agriculture.

document, the Preliminary Draft EIR/EIS for the BDCP, makes this clear.¹³ The BDCP EIR/EIS extensively discusses the hazards posed by mercury and methymercury and, in addition, specifically notes problems that currently exist in the Yolo Bypass. For example, at pp. 8-64 and 8-65 of the BDCP EIR/EIS, the discussion references recent studies that identified elevated fish tissue mercury concentrations—*five times* higher than the Delta TMDL recommendation—in fish originating in the Yolo Bypass. Apparently for this and other reasons, the BDCP EIR/EIS includes the following proposed mitigation measure:

[Ensure] [a]ppropriate consideration of conservation measure locations, preferably not in the direct path of large mercury or selenium loading sources such as the Sacramento River, Yolo Bypass, Consumnes River or San Joaquin River. (BDCP EIR/EIS at p. 8-459 (emphasis added).)

These portions of the BDCP EIR/EIS demonstrate the need for analysis of Yolo Bypass mercury issues in the Draft EIR for the CVFPP. Both are programmatic documents that propose increasing the frequency and duration of flooding in the Yolo Bypass. Substantially the same scientific information on mercury and related water quality issues is available to the drafters of each document. Consequently, the absence of any discussion of such issues in the Draft EIR for the CVFPP is quite notable and should be promptly remedied in appropriate places, likely include Chapters 3.21 (Water Quality) and 4 (Cumulative Impacts).

6. Alternatives.

Chapter 5 of the Draft EIR describes and analyzes various alternatives to the SSIA as a means of attempting to satisfy CEQA Guidelines § 15126.6, which requires an EIR to describe a range of reasonable alternatives to the proposed project that would feasibly attain most of the basic project objectives while also avoiding or substantially lessening its significant environmental effects. There are at least three problems with Chapter 5.

First, Chapter 5 does not contain an adequate range of alternatives. The California Supreme Court has clearly stated that one of an EIR's major purposes is to ensure that the lead agency thoroughly assesses all reasonable alternatives to a proposed project. (Laurel Heights, 47 Cal.3d at 406). The Draft EIR for the CVFPP, however, fails to provide the public and decision makers with meaningful choices among different approaches to achieving most of the basic program objectives. The largest and most environmentally damaging component of the SSIA—the Yolo Bypass expansion—is included in each alternative selected for analysis with the exception of the “Modified SSIA” alternative.¹⁴ No consideration appears to have been given to proposing a more modest expansion of the Yolo Bypass than vast project contemplated in the SSIA. As a result, the approach leads the County to believe that the authors of the Draft EIR have already determined that a major Yolo Bypass expansion should be adopted as a key part of their preferred program.

¹³ Relevant portions of the Preliminary Draft BDCP EIR/EIS are available online at www.baydeltaconservationplan.com.

¹⁴ The fact that the Yolo Bypass expansion is also excluded from the “no project” alternatives is of no consequence, as the analysis in Chapter 5 dismisses the viability of those alternatives and makes clear they are included simply for legal purposes.

L_YCBOS1-35

Second, in light of the many deficiencies in the Draft EIR noted in this letter, it is impossible to evaluate whether the alternatives described in Chapter 5 avoid or substantially lessen the environmental effects of the proposed program. This automatically renders the alternatives analysis legally deficient. As noted repeatedly, beginning with the project description, the Draft EIR fails to accurately and fully describe the SSIA. This fundamental problem plagues the analysis throughout the balance of the document, compromising virtually every substantive chapter following Chapter 2 (Project Description). A valid alternatives analysis is legally impossible in these circumstances.

L_YCBOS1-36

Third, for much the same reason, the alternatives are not fully described in the Draft EIR. This deficiency is yet another symptom of the fundamentally inadequate description of the “proposed program” in Chapter 2 of the Draft EIR. Because Chapter 2 does not properly define the “proposed program,” the alternatives analysis—just like other chapters of the Draft EIR—necessarily suffers because many of the offered alternatives borrow heavily from elements of the SSIA that are poorly described at the outset. Perhaps the best example of this deficiency appears in Table 5.1, which compares the alternatives and the SSIA and, importantly, purports to describe the “percentage of footprint onsite/offsite” for each. The “percentages” have no meaning to a reader because the Draft EIR provides no acreage-based metrics that could be used to convert the percentages into meaningful estimates of affected land area. Consequently, the alternatives analysis does not allow for a useful comparison as required by CEQA. (Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692 (1990).)

* * *

L_YCBOS1-37

The County appreciates the opportunity to comment on the Draft EIR for the CVFPP. We look forward to continuing to participate in the environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Provenza', followed by a horizontal line.

Jim Provenza, Chair
Yolo County Board of Supervisors

Yolo County Board of Supervisors, Jim Provenza

Response

L_YCBOS1-01

The comment is an introductory statement and identifies Yolo County as a responsible agency under CEQA. CEQA Section 21104 identifies specific requirements for commenting responsible agencies. As specifically stated in CEQA Section 21104(c):

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project that are within an area of expertise of the agency or that are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.

See also CEQA Guidelines Section 15086(c), as well as CEQA Guidelines Section 15096(d), which states, “Comments shall be as specific as possible and supported by either oral or written documentation.” Most of Yolo County’s comments are general in nature and do not have supporting documentation. This generality and lack of identified support has limited DWR’s ability to understand or respond to many of Yolo County’s comments, but a good-faith effort has been made to do so.

The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_YCBOS1-02

The comments regarding Yolo County’s continued opposition to the proposed expansion of the Yolo Bypass and related modifications to the Fremont Weir are noted. The comment introduces themes to be addressed in additional detail in subsequent comments in the letter, including the suggestion that there are deficiencies in the DPEIR and that it should be revised and recirculated. DWR disagrees with Yolo County’s assertion that the environmental analysis in the PEIR is inadequate, and believes that the PEIR adequately addresses potential environmental impacts at a program level of analysis as required by CEQA. Additionally, no significant new information has been presented by Yolo County, and additional public review is not warranted as a result of the county’s comments. Where further detailed comments provide specific facts, examples, or evidence regarding these issues, they are responded to below.

L_YCBOS1-03

As stated in Master Response 23, and as explained in the DPEIR, the environmental document for the CVFPP is a first-tier PEIR. A PEIR is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways (CEQA Guidelines Section 15168(a)). An advantage of using a PEIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines Section 15168(b)(4)). Accordingly, a PEIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations (CEQA Guidelines Section 15161).

Contrary to the assertions by the commenter, CEQA does not mandate that a first-tier PEIR identify with certainty the characteristics and impacts of second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific impacts is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of potential future projects may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review (CEQA Guidelines Sections 15146 and 15152). The CVFPP PEIR satisfies these requirements.

The comment cites *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008), 43 Cal.4th 1143, 1163 (*CALFED Proceedings*), in support of the argument that a greater level of project detail was required in the CVFPP PEIR. In fact, the California Supreme Court’s decision on *CALFED Proceedings* fully validated DWR’s PEIR in that case, stating:

In addressing the appropriate amount of detail required at different stages in the tiering process, the CEQA Guidelines state that “[w]here a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof ..., the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographic scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.” (Cal. Code Regs., tit. 14, § 15152, subd. (c).) This court has explained that “[t]iering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the

later phases.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, *supra*, 40 Cal.4th at p. 431.)

Id. at 1170. A comparison of the EIR at issue in *CALFED Proceedings*, which is comparatively general, with the more detailed analysis contained in the CVFPP PEIR demonstrates that the standard articulated in *CALFED Proceedings* has been more than satisfied here.

The comment also cites *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351 (*Rio Vista*); however, like *CALFED Proceedings*, that case upheld the adequacy of a program-level EIR that, like the CVFPP PEIR here, supported a program-level action that did not commit the agency to any future projects. Specifically, *Rio Vista* concerned the validity of a final EIR for a county’s hazardous waste management plan. The plan did not select any specific sites for hazardous waste disposal facilities, but instead merely designated certain areas within the county as being potentially consistent with the stated criteria for such a facility. Much like the argument made by the commenters here, at issue was whether the EIR was defective for failing to provide a sufficient project description or to sufficiently analyze the environmental impacts of, possible mitigation measures for, and project alternatives to constructing hazardous waste disposal facilities at identified potential sites. Rejecting the claim, the Court of Appeal stated: “The flaw in appellant’s argument is that the Plan makes no commitment to future facilities other than furnishing siting criteria and designating generally acceptable locations. While the Plan suggests that new facilities may be needed by the County, no siting decisions are made; the Plan does not even determine that future facilities will ever be built.” (*Id.* at 371.) The Court of Appeal added: “Where, as here, an EIR cannot provide meaningful information about a speculative future project, deferral of an environmental assessment does not violate CEQA.” (*Id.* at 373.)

Finally, the comment argues that DWR has failed to disclose the full scope of the program, pointing to various analyses in the draft CVFPP and DPEIR of conceptual future projects, such as certain bypass expansions. However, these analyses simply implemented DWR’s obligation under CEQA’s “rule of reason” to make reasonable forecasts necessary to support informed decision making and public participation at the program level. As in *Rio Vista*, the draft CVFPP and DPEIR carefully explained that no commitments are presently being made to future facilities such as bypass expansions. Instead, extensive technical and other analyses as well as public participation will precede any specific project proposals. For additional details, see Master Response 23.

L_YCBOS1-04

See response to comment L_YCBOS1-03. The comment does not identify any particular significant environmental impacts that the commenter considers to have been inadequately analyzed at a program level.

L_YCBOS1-05

As stated in Master Response 24, CEQA requires that an EIR, in addition to analyzing the environmental effects of a proposed project, consider and analyze project alternatives that would reduce adverse environmental impacts (PRC Section 21061; *CALFED Proceedings* at 1143, 1163).

Section 15126.6 of the CEQA Guidelines indicates that an EIR must “describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. ...” An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible. (*Id.*; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 574 (*Goleta*).) “In determining the nature and scope of alternatives to be examined in an EIR, the Legislature has decreed that local agencies shall be guided by the doctrine of ‘feasibility.’ ” *Id.* at 565. CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (PRC Section 21061.1; see also CEQA Guidelines Section 15364.)

“There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.” CEQA Guidelines Section 15126.6(a). The rule of reason “requires the EIR to set forth only those alternatives necessary to permit a reasoned choice” and to “examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” CEQA Guidelines Section 15126.6(f). An EIR does not have to consider alternatives “whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.” CEQA Guidelines Section 15126.6(f)(3). Further, “an EIR need not study in detail an alternative that is infeasible or that the lead agency has reasonably determined cannot achieve the project's underlying fundamental purpose.” *CALFED Proceedings, supra*, at 1165 (citing and quoting *Goleta, supra*, at 574 (“a project alternative which cannot be feasibly accomplished need not be extensively considered”).) Further, “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal.” *CALFED Proceedings, supra*, at 1166.

The DPEIR evaluated a reasonable range of alternatives (seven were considered and five received full analysis, and a sixth alternative is included in the FPEIR for the non-CEQA purpose of helping support a future vegetation variance application to USACE) (see Chapter 5.0, “Alternatives”). The DPEIR explained how additional alternatives were screened and the basis for eliminating some alternatives from more detailed consideration. The scope of the alternatives analysis in the DPEIR was sufficient to “foster informed decision making and public participation.” Attachment 7, “Plan Formulation Report,” in CVFPP Volume II provides additional information regarding the foundational development of alternatives presented in the DPEIR.

The comment also broadly criticizes the level of detail in the analysis of the alternatives, without identifying specific information considered to have been inappropriately omitted. A review of the 142-page alternatives analysis in the DPEIR demonstrates that the alternatives were adequately described and the potential environmental impacts comprehensively analyzed. The standard articulated in the CEQA Guidelines and case law has been more than satisfied. For additional details, see Master Response 24.

L_YCBOS1-06

The comment provides an introduction to the second section of the comment letter. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

The comment asserts a right to file late comments. As a responsible agency, Yolo County does not have the authority to change the public comment period. That comment period closed on April 20, 2012; DWR, as lead agency, determined not to extend that period for the reasons described in Master Response 22 and in response to comment L_YCBOS1-07, below.

L_YCBOS1-07

As stated in Master Response 22, the CVFPP SSIA is a complex integrated flood management plan that covers a large geographic area. The State Legislature required DWR to prepare the first public draft CVFPP by January 1, 2012, for adoption by the Board by July 1, 2012. DWR believes that the CVFPP and DPEIR speak for themselves regarding the magnitude of the required effort in light of these statutory deadlines. In this context, Yolo County’s comment criticizes the PEIR for exceeding the length advised by Section 15141 of the CEQA Guidelines. DWR considers the

length of the PEIR to be reasonable in light of the complexity of the subject matter and geographic scope being addressed. DWR also notes that in several comments, Yolo County has requested that additional details or information be provided in the PEIR. Including such details or information would correspondingly have increased the length of the PEIR.

Although CEQA Guidelines Section 15141 states that “the text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity **should normally** be less than 300 pages” (emphasis added), it is well known among CEQA practitioners and those regularly involved with the CEQA process that these suggested page limits are not realistic given current standards and best practices for preparation of EIRs, particularly regarding complex programs or projects. As an example, on the Yolo County’s Web site, the Clark Pacific Expansion Project Draft EIR and appendices total 640 pages, and Yolo County provided a 46-day public review period (<http://www.yolocounty.org/Index.aspx?page=2198>). A project with the scope and complexity of the CVFPP would be expected to exceed the suggested page counts identified in Section 15141.

The Public Draft CVFPP was released, on time, on December 30, 2011. Several of the attached supporting documents, specifically the *State Plan of Flood Control Descriptive Document* (November 2010) and the *Draft Flood Control System Status Report* (December 2011), were published before the Public Draft CVFPP and informed its development. Most CVFPP attachments were released with the public draft or in early February 2012; exceptions include the “Flood Damage Analysis,” “Riverine Channel Evaluations,” “Cost Estimates,” and “Reservoir Analysis” attachments, which were released between mid-February and the publication of the DPEIR.

CEQA Guidelines Section 15105(a) states that when a draft EIR is submitted to the State Clearinghouse for review by State agencies, the public review period shall not be less than 45 days. The DPEIR was made available for public comment on March 6, 2012; however, as described above, most attachments (the CFVPP and attachments) were publicly available several months before.

Four comments that were received on the last day of the noticed comment period requested an extension of the time to comment. No requests for extension were made before then. DWR decided not to extend the 45-day public comment period after considering several factors: (1) Many of the key documents had been available for more than 45 days; (2) the vast majority of commenters did not see a need to request an extension; (3) a number of commenters had already responded in a timely manner, many with very detailed comments; (4) the commenters requesting extensions

were simultaneously filing comments reflecting a thoughtful review; (5) a highly publicized outreach and engagement program was initiated with stakeholders; and (6) it was necessary to ensure compliance with the rapidly approaching July 1 statutory deadline. DWR appreciates the diligent efforts made by all of those who have participated in the development of the CVFPP, including those who submitted timely comments on the DPEIR. For additional details, see Master Response 22.

L_YCBOS1-08

See response to comment L_YCBOS1-03, above. The project description is accurate, stable, and finite to the degree that the project description could be at a program level, and provides information consistent with CEQA Guidelines Section 15124. Note that this comment introduces Section B of the comment letter, and more detailed comments addressing the themes of this introductory statement are provided. Responses to the more detailed comments are provided below.

L_YCBOS1-09

As stated in Master Response 1, the CVFPP's recommended approach—the SSIA—includes proposals for new bypasses and expansions as a potentially cost-effective, systemwide approach to (1) provide flood protection benefits to large areas throughout the SPFC planning area (including rural-agricultural areas, small communities, and urban areas); (2) provide opportunities to improve ecosystem functions and continuity and contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

Expansion of the Sutter, Yolo, and Sacramento bypasses were identified as examples of increasing the overall capacity of the flood management system to convey and attenuate large flood events. Peak flood stages could be reduced along the Sacramento River, and to a lesser extent, along its tributaries. Lowering flood stages throughout much of the system would benefit urban, small-community, and rural-agricultural areas alike. Several factors would be considered in the design and operation of bypass improvement elements: existing land uses, hydraulic considerations, ecosystem restoration features and benefits (including conservation and restoration of aquatic and floodplain habitats), and compatible agricultural land uses within the bypass.

The CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The SSIA is a responsible and balanced investment approach to achieve this vision. The

CVFPP and its PEIR do not permit any specific actions to move forward that would be subject to further evaluation under CEQA. The CVFPP does not provide detailed project descriptions or funding assurances, nor does it preclude any future actions that could contribute to flood management goals.

Specific dimensions, capacities, and alignments for expanded and new bypasses have not been determined as part of the preliminary analyses conducted for the 2012 CVFPP. The analyses contained in the 2012 CVFPP are intended to be conceptual only; they were included as a basis for a program-level analysis that would allow broad comparisons of various flood management options. Potential locations and preliminary sizes described in the plan were identified using information obtained from previous studies and through discussions with local agencies and stakeholders.

Considerable additional work will be required before the bypass projects proposed in the plan are approved and implemented. Details about the dimensions, capacities, and alignments of expanded and new bypasses will be refined during post-adoption implementation activities. These activities include regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, and State and USACE permitting. As these activities are conducted, the feasibility of proposed bypass elements will be evaluated and opportunities for public engagement and input will become available.

Regarding the particular elements of concern to Yolo County, specifically a potential expansion of the Yolo Bypass and lowering or widening of the Fremont Weir, the PEIR adequately describes those elements at a program level. The commenter's assertion that DWR has withheld a more specific project proposal is inaccurate. Specifically, Attachment 8J, "Cost Estimates," to the CVFPP does not reflect a specific project proposal; rather, it provides an evaluation of conceptual program elements to serve the public-participation and informational purposes of CEQA at a program level.

The commenter also inaccurately states that Attachment 8J was released "on the eve of the close of the Draft EIR public comment period." In fact, Attachment 8J was released on February 27, 2012, before the public comment period was opened. The DPEIR incorporated the CVFPP, including the attachments, by reference to elaborate on the program description. Thus, all of this information was included in the material provided for public review.

Moreover, even if CVFPP Attachment 8J had not been incorporated by reference into the program description in the DPEIR, the information from Attachment 8J referenced by Yolo County is entirely consistent with the DPEIR's summary description of the program. Specifically, Yolo County's reference to the estimate in Table 4.1 of CVFPP Attachment 8J—that the conceptual Yolo Bypass expansion would require acquisition of approximately 25,500 acres of land, out of a total of 36,800 acres of potential acquisitions for the entire SSIA—is consistent with the approximately 35,000–40,000 acres estimated elsewhere in the program description. Likewise, the estimate in Table 4.3 that approximately 6,500 acres of those 25,500 acres would be “developed for environmental conservation” is consistent with the general estimate that approximately 25 percent of the expanded bypasses would be applied to habitat purposes.

The PEIR recognizes that converting current land uses (particularly agricultural uses) to bypass and related uses (such as habitat and recreation) would result in potentially significant and unavoidable impacts, particularly on agriculture, as analyzed in Impacts AG-1, AG-2, and AG-3 (NTMA and LTMA). Many commenters expressed the view that such conversions should not occur, and that including such conversions in the SSIA undervalues agriculture as a primary industry in the Central Valley that provides a range of economic, social, habitat, and other benefits. Many commenters also explained that particular lands have been in family ownership for generations, often dating back to the earliest days of statehood. DWR and the Board respect these benefits and the relationships that many individuals have to any lands that might be converted, which are anticipated to be substantial topics during any project-level public engagement processes. However, the DPEIR has adequately addressed the environmental issues at a program level and no new significant environmental topics or information were raised in the comments. For additional details, see Master Response 1.

In addition, as stated in Master Response 2, the 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA can be implemented within the existing footprint of the SPFC, while others will require new lands and/or easements. Because the SSIA was developed at a conceptual or program level, it does not identify any specific project; therefore, any lands or properties that may be needed to implement the plan are unknown at this time. Initial, preliminary planning-level analyses indicate that actions outlined in the SSIA (expansion of the bypass system; new bypasses; and levee reconstruction, including levee setbacks) could expand flood system lands by as much as 40,000 acres. However, this initial estimate will be refined during follow-on studies and further analysis conducted after adoption of the CVFPP. It is anticipated that land uses

within any expansions of the flood management system would be a mix of flood facilities and agricultural and environmental conservation uses; however, the exact amount and geographical distribution of these land uses will require further analyses as future specific projects are considered and evaluated.

A portion of the lands and easements needed to implement the SSIA would support improvements to urban levees, but the majority (by surface area) would support floodway expansion and repair and/or reconstruction of levees in rural areas. For preliminary planning purposes, it has been estimated that about 75 percent of lands that could be used for bypass expansion could continue to support agricultural uses (would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. However, these preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements. For additional details, see Master Response 2.

Regarding preliminary planning efforts, as stated in Master Response 9, three preliminary approaches were used to explore a range of potential physical changes to the existing flood management system and help highlight needed policies or other management actions: Achieve SPFC Design Flow Capacity, Protect High-Risk Communities, and Enhance Flood System Capacity. Evaluating these preliminary approaches provided information on their costs, benefits, and overall effectiveness. None of the three preliminary approaches were found to fully satisfy the legislative requirements and CVFPP goals in a cost-effective manner. However, the most promising elements of each were combined to formulate the State's preferred approach—the SSIA. The CVFPP and accompanying attachments provide additional details about the formulation and screening of elements included in the SSIA. For additional details, see Master Response 9.

All of the bypass expansion evaluations (even those evaluated under the SSIA) are conceptual only. Additional improvements would be evaluated on a case-by-case basis to address known performance problems and to incorporate additional environmental and other benefits. No specific alignments are being proposed at this time, and the development of more specific bypass project proposals (if any) will involve substantial additional analysis and public participation. For additional details, see Master Response 20. The commenter's assumption that a more detailed map exists of the conceptual Yolo Bypass expansion is incorrect. Instead, costs, acreages, and other factors were estimated on a conceptual basis, supported by the best professional judgment of the preparers.

See response to comment L_YCBOS1-03, above, regarding the level of detail in the PEIR.

L_YCBOS1-10

See responses to comments L_YCBOS1-03 and L_YCBOS1-09, above. The commenter's assertion that the fact that approximately 40,000 acres of farmland could be affected by the conceptual bypass expansions was not specifically analyzed in the DPEIR is incorrect. In fact, that was a key subject analyzed at length in the DPEIR.

L_YCBOS1-11

The first paragraph of this comment is unclear. The commenter appears to be arguing that the habitat improvement components of the proposed program are unnecessary because habitat improvement components may also be included in the BDCP. The commenter also appears to claim that these habitat improvements of the CVFPP and BDCP are "exactly the same." However, the BDCP is still in preparation, so it is speculative to predict what habitat improvements will be included. Likewise, as described in response to comment L-CYBOS1-09, the details of any future habitat improvement components of the CVFPP remain to be determined. As a result, the commenter's assumed overlap between the habitat components of the two programs is presently speculative, and indeed unlikely. It is more likely that those components will be developed in a separate, but complementary, fashion. As stated in Master Response 18, the CVFPP will be integrated with other large plans within the context of its primary goal to improve flood management in the SPFC planning area by considering an urban level of flood protection against a 200-year (0.5 percent annual chance) flood for urban and urbanizing areas; structural and nonstructural options for protecting small communities from a 100-year (1 percent annual chance) flood; and flood protection options for rural-agricultural areas, with a focus on integrated projects that achieve multiple benefits and help preserve rural-agricultural lands from urban development. Additional project-level study and coordination with local, State, and federal governments and agencies, and with local major programs and projects, is necessary to implement many of the elements proposed in the CVFPP. For example, the Yolo Bypass expansion would need to be implemented in coordination with the CVP and SWP Long-term Operations Criteria and Plan Biological Opinion and BDCP, in consultation with Yolo County's Natural Heritage Program and other programs that focus on the region.

The comment also ignores the fact that the CVFPP and BDCP are independent programs addressing different legislative directives and other requirements. As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (SB 5) sets legislative direction for the CVFPP to

“...include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the State Plan of Flood Control, and, wherever feasible, meet multiple objectives...” (CWC Section 9616(a)). The legislation further identifies 14 objectives, including several relating to improving ecological conditions. There is no basis in SB 5 for ignoring these objectives based on a prediction that the objectives might also be furthered by other projects or programs.

Implementing SB 5, the SSIA includes the supporting goal of improving ecological conditions on a systemwide basis, using integrated policies, programs, and flood-risk reduction projects that will help to (1) provide ecological benefits, (2) move beyond traditional project-by-project compensatory mitigation, and (3) create opportunities to develop flood management projects that may be more sustainable and cost-effective over time. Under the SSIA, ecosystem restoration opportunities are integral parts of flood system improvements, including projects for urban areas, small communities, and rural-agricultural areas. Integrating ecosystem restoration into these flood protection projects will focus on preserving important SRA habitat along riverbanks and help restore the regional continuity/connectivity of such habitats. In addition, SSIA ecosystem restoration activities may include improving fish passage, increasing the extent of inundated floodplain habitat, creating opportunities to allow river meandering and other geomorphic processes, or other measures that may be identified during post-adoption activities. Potential effects on flood management and channel capacity will be considered during implementation of any ecosystem restoration actions. Post-adoption activities (e.g., regional flood management planning, development of basin-wide feasibility studies, completion of project-level proposals and CEQA compliance, development of a Conservation Strategy, State and USACE permitting) will allow for detailed development and review of the conceptual ecosystem restoration targets described in the CVFPP and its attached Conservation Framework. For additional details, see Master Response 7.

The CVFPP and PEIR do not assert that ecological benefits are dependent on implementation of the SSIA or any particular project. These documents indicate that bypass expansions and other activities provide opportunities for ecosystem restoration, but implementing ecosystem restoration does not require that a particular action alternative be selected or that a particular project be implemented. For example, the analysis of alternatives in DPEIR Chapter 5.0, “Alternatives,” identifies that various action alternatives have more or fewer opportunities for ecosystem restoration, but it does not state that ecosystem restoration could not occur under a particular action alternative. In particular, see Section 5.5.5, “Biological Resources—

Terrestrial,” of the DPEIR. Also see response to comment L_YCBOS1-09, above, regarding the level of detail of bypass proposals considered in the CVFPP and the PEIR and information provided in Attachment 8J.

The reference to land acquisition in the “near-term” identified in the comment does not apply to any one particular project. Therefore, although land acquisition for any potential Yolo Bypass expansion likely would not occur before 2017, land acquisition could occur before 2017 as part of other CVFPP activities.

L_YCBOS1-12

See response to comment L_YCBOS1-03, above, regarding the level of detail in the PEIR. See response to comment L_YCBOS1-09, above, regarding CVFPP Attachment 8J and the details of agricultural impacts. Cumulative impacts, including those related to agricultural resources, are addressed in DPEIR Chapter 4.0, “Cumulative Impacts.” Note that this comment introduces Section C of the comment letter, and more detailed comments addressing the themes of this introductory statement are provided. Responses to the more detailed comments are provided below.

L_YCBOS1-13

See response to comment L_YCBOS1-03, above, regarding the level of detail in the PEIR. See response to comment L_YCBOS1-09, above, regarding preliminary planning efforts, their appropriate role in the PEIR, and agricultural impacts. Information in these responses relates to the high-level nature of the CVFPP, and the proper level of specificity for assessing agricultural impacts would apply to both program-specific impacts and the program’s contribution to cumulative impacts.

As indicated in past responses related to the level of detail in the CVFPP and PEIR, it would be premature for the PEIR to address potential impacts on agricultural land (or other environmental resources) at a project level in one location where a particular project could occur (e.g., the Yolo Bypass). However, the potential for changes in inundation frequency to adversely affect agricultural lands is addressed in the PEIR. For example, Impact AG-1 (NTMA), “Conversion of Substantial Amounts of Important Farmland to Nonagricultural Uses and Conversion of Land under Williamson Act Contracts to an Inconsistent Use Resulting from Conveyance-Related Management Activities,” in DPEIR Section 3.3, “Agriculture and Forestry Resources,” includes the following information:

Where setback levees would be constructed, agricultural lands on the waterside of the setback levee may no longer be suitable for agricultural production because they would be inundated during high-water events.

Soil conditions in a parcel may not change, agricultural infrastructure may remain in place (e.g., irrigation facilities), and other factors critical to agricultural productivity may remain unaffected. However, regular inundation of agricultural lands in the expanded floodway may make agricultural production no longer feasible and the land could be converted to another use (e.g., habitat restoration). Still, this may not always be the case, because under appropriate conditions multiple types of crops are currently cultivated in floodways in the Central Valley.

This impact discussion addresses the issue of placing agricultural land within an expanded floodway. The issue of changing inundation frequency and/or duration of agricultural land already in the floodway is addressed in Impact AG-2 (NTMA), “Conversion of Important Farmland to Nonagricultural Uses and Conversion of Land under Williamson Act Contracts to an Inconsistent Use Resulting from Storage-Related Management Activities.” As stated in Impact AG-2 (NTMA) in DPEIR Section 3.3, “Agriculture and Forestry Resources”:

Reoperating water storage facilities (changing reservoir operations) to alter the timing, frequency, and magnitude of flood releases to downstream channels could affect flood stages and flow volumes along rivers. These alterations, if sufficiently large, could result in the conversion of Important Farmland to nonagricultural uses or the cancellation of Williamson Act contracts, particularly for agricultural lands within established floodways. For example, increases in the frequency or duration of inundation events could make agricultural lands in a floodway no longer suitable for cultivation; as a result, the land could be converted to another use and any Williamson Act contracts that might be in place could be cancelled.

As indicated in the impact discussions, inundation of agricultural land within a floodway does not necessarily result in an inability to continue agricultural production. There are multiple locations where orchards and various crops are being cultivated within the SPFC floodways. The ability to farm in the floodway depends on multiple factors, including the timing, frequency, and duration of inundation; availability of agricultural infrastructure (e.g., irrigation); and the type of crop cultivated.

These same issues are also addressed in the cumulative impact analysis in the DPEIR. See Section 4.4.2, “Cumulative Impacts,” of the DPEIR.

L_YCBOS1-14

See responses to comments L_YCBOS1-03, L_YCBOS1-09, and L_YCBOS1-13, above. The comment also suggests that the potential for more frequent inundation of agricultural land could affect the ability of

landowners to obtain crop insurance and agricultural loans, thereby leading to the inability to continue agricultural operations. No information or evidence is provided supporting this assertion. However, if this impact mechanism were considered, it would not alter the impact conclusions in the DPEIR. The DPEIR identifies that changing inundation frequency and/or duration of agricultural land, via various mechanisms, could result in this land no longer being viable for agricultural production, and potentially being converted to a nonagricultural land use (e.g., habitat). Ultimately, the cessation of agricultural production in these circumstances relates to the economic viability of continuing operations; that is, a profitable crop can no longer be cultivated given the altered inundation conditions. Changes in the ability to obtain crop insurance or agricultural loans would simply factor into the ability or inability to continue cultivating a profitable crop and whether agricultural operations would continue on a particular parcel. These changes would not alter the “potentially significant and unavoidable” impact conclusion in the DPEIR related to conversion of Important Farmland to a nonagricultural use.

The issue of indirect environmental effects of economic changes in the agricultural sector is addressed in more detail in subsequent comments and is addressed there (e.g., response to comment L_YCBOS1-15).

Regarding the issue of a nexus between agricultural lands and wildlife impacts, this is recognized in the PEIR. The DPEIR identifies the biological resources value provided by agricultural lands. For example, Section 3.6, “Biological Resources—Terrestrial,” includes the following description of the potential wildlife habitat functions of agricultural lands:

The value of agricultural habitat for sensitive and common wildlife species varies greatly among crop types and agricultural practices. Rice fields can provide relatively high-quality agricultural habitat. Seasonal flooding creates surrogate wetlands that can be exploited by a variety of resident and migratory birds, and dry rice fields can attract rodents and their predators (e.g., raptors). Flooded rice fields and irrigation canals also provide important habitat for the giant garter snake, a sensitive species that, like waterfowl and shorebirds, has had its preferred wetland habitat greatly reduced and now uses rice fields as surrogate habitat.

The discussion of Impact BIO-T-3 (NTMA) includes the following statement:

Construction-related activities of NTMAs may also affect special-status species that are associated with grassland and agriculture. These include 12 species of special-status plants (such as Red Hills vervain

and heartscale) and seven species of birds (among them northern harrier and white-tailed kite). Some special-status species associated with grasslands and agriculture—such as western pond turtle, giant garter snake, and Swainson’s hawk—are also associated with wetland and riparian habitats. These species could also be affected by the construction of levee improvements, particularly landside seepage and stability berms.

L_YCBOS1-15

The comment asserts that reduced agricultural production in an area as a direct result of the CVFPP could cause a “tipping point” to be passed that would trigger indirect agricultural impacts on other lands, primarily through the loss of local infrastructure. However, no specific information is provided to support this assertion, and DWR considers it to be highly speculative.

Multiple variables are involved in assessing the potential for changes in agricultural production in one location (whether a change in the volume or type of crop) to make continued agricultural operations in another area infeasible. The following is a small sampling of variables that may be involved:

- The size of the location where crop production is changed relative to the size of other lands that could be indirectly affected (e.g., is the affected property a small or large portion of the overall production area?)
- The specificity of services required to support the particular crop (e.g., can supporting industries only service one crop type?)
- The size and overlap of the service area of agricultural supporting business (e.g., is only one service provider available to support an area?)
- The strength and stability of the local agricultural economy (e.g., is the area resilient to changing conditions?)

An additional level of uncertainty applies to this issue when attempting to apply an analysis to the CVFPP, given the high-level nature of the CVFPP and lack of detail regarding future projects. To attempt to determine where a “tipping point” might be for a local agricultural industry to become economically infeasible because production conditions are changed as a result of the CVFPP is speculative at this time. Such an analysis is not required in the DPEIR. In response to footnote #6 associated with this comment, DWR and the Board would appreciate receiving the referenced

analysis. Just as the referenced agricultural impact analysis is being prepared for specific project effects in a specific area, it would be expected that such analyses could be part of future planning activities and/or project-level analysis of CVFPP activities.

L_YCBOS1-16

See response to comment L_YCBOS1-03, above, regarding the level of detail in the PEIR. See response to comment L_YCBOS1-09, above, regarding CVFPP Attachment 8J and details of agricultural impacts.

L_YCBOS1-17

The DPEIR takes a conservative approach in assessing impacts on agricultural lands placed in the floodway by assuming that the effect on crops from a change in inundation patterns alone could be enough to result in circumstances where agricultural operations could no longer be feasible. As stated in the DPEIR in the discussion of Impact AG-1 (NTMA) in Section 3.3, “Agriculture and Forestry Resources”:

Where setback levees would be constructed, agricultural lands on the waterside of the setback levee may no longer be suitable for agricultural production because they would be inundated during high-water events. Soil conditions in a parcel may not change, agricultural infrastructure may remain in place (e.g., irrigation facilities), and other factors critical to agricultural productivity may remain unaffected. However, regular inundation of agricultural lands in the expanded floodway may make agricultural production no longer feasible and the land could be converted to another use (e.g., habitat restoration).

In effect, Impact AG-1 (NTMA) is considered potentially significant and unavoidable without also considering effects on roads and other agricultural support infrastructure placed in the floodway. Specifically mentioning these issues would not change the conclusions in the DPEIR. Note that the issue of effects on support infrastructure is addressed in Mitigation Measure AG-1a (NTMA), where, as applicable, wells, pipelines, power lines, drainage systems, and other infrastructure that are needed for ongoing agricultural uses and would be affected by project construction or operation would be relocated and/or replaced.

In addition, where floodways are expanded, DWR or another appropriate agency would own the land in the floodway in fee title, and land would be leased for agricultural production as appropriate. Developing, maintaining, and/or repairing supporting agricultural infrastructure would be negotiated as part of lease conditions.

The evaluation of specific impacts on agricultural support infrastructure in particular areas is beyond the scope of the PEIR, and will be addressed as applicable in future planning and project implementation phases.

L_YCBOS1-18

See response to comment L_YCBOS1-03 regarding the program-level nature of the CVFPP and the DPEIR and the adequacy of the PEIR impact analysis and mitigation measures.

Because the locations of future ecosystem restoration efforts conducted as part of the CVFPP are not known at this time, the issue of compatibility of ecosystem restoration and adjacent land uses is speculative. Details regarding the compatibility of habitat and adjacent land uses (including the potential need for mitigation) will be addressed as needed as plan implementation proceeds. However, there is little potential for substantial conflicts between habitat created as part of the plan and existing agricultural uses. Where DWR, the Board, or others create habitat, the land would be part of a specific project and undertaken by an agency that would have legally adequate property rights to preserve and maintain the habitat. Where this habitat is in an expanded floodway, DWR or another appropriate agency would obtain legally adequate property rights for the necessary land in the floodway, and land could be leased for agricultural production as appropriate. In this circumstance, the habitat would not conflict with continuing nearby agricultural operations owned by a private entity. If habitat were created on the edge of an existing or expanded floodway, typically a levee and associated maintenance easements would separate the habitat from any privately held agricultural land on the landside of the levee, minimizing the potential for conflicts between sensitive species that might occupy the habitat and agricultural operations.

Regarding Mitigation Measure AG-1c, in acknowledgement of different agencies' requirements for agricultural easement mitigation ratios, as well as the possibility for different conditions to affect appropriate ratios (e.g., quality of agricultural land affected relative to the quality of land put under an easement), the DPEIR provides flexibility in determining appropriate ratios. This approach is consistent with the program-level nature of the PEIR. In addition, providing agricultural conservation easements does not result in a "less than significant" impact conclusion for impacts related to the conversion of Important Farmland, regardless of the amount of easement purchased.

Regarding the issue of "stacking" easements, as identified in the comment, this is a Yolo County policy issue. If a future project appears to "stack" easements as part of mitigation for impacts on agricultural and biological resources, and Yolo County has jurisdiction over the project applicant and

is acting as lead agency or a responsible agency under CEQA, Yolo County may indicate that the mitigation measure must be modified before the project proponent could obtain authorizations or entitlements from the county.

L_YCBOS1-19

As stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

As part of CVFPP implementation, the regional planning process will gather DWR, the Board, and local interests (flood management agencies, land use agencies, flood emergency responders, permitting agencies, environmental and agricultural interests, and other stakeholders) to develop regional plans that will include lists of prioritized projects and funding strategies for each of the nine regions identified in the CVFPP. In a parallel effort, a systemwide planning process will refine the basin-specific objectives (Sacramento and San Joaquin basins) identified in the 2012 CVFPP. The most promising system elements will be combined with the prioritized list of regional elements identified in the regional plans to form SSIA “alternatives” for further evaluation in two basin-wide feasibility studies, one in the Sacramento River Basin and one in the San Joaquin River Basin.

Propositions 1E and 84 approved \$4.9 billion for statewide flood management improvements. Up to \$3.3 billion is allocated to improvements in the Central Valley (i.e., flood protection for areas protected by SPFC facilities). DWR invested approximately \$1.6 billion of the bond funds between 2007 and 2011 (along with about \$490 million in local investments and \$780 million in federal investments), conducting emergency repairs, early-implementation projects, and other improvements. Up to \$1.7 billion of additional bond funding will be available during the next 5 years for CVFPP-related projects. Use of bond funds will be prioritized based on the severity of flood risks, considering proposed project costs and benefits and contributions to basin-wide solutions (consistent with the CVFPP).

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning.

Flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

Under State law, the State cost-share for federal flood projects is currently between 50 and 70 percent of the nonfederal share of the project costs, depending on the project's contributions to multiple objectives. After the passage of Proposition 84 and Proposition 1E, DWR developed interim cost-sharing guidelines for flood projects where the federal government is not currently sharing in the project costs. The State cost-share under these guidelines may range from 50 to 90 percent, depending on the project's contribution to multiple objectives and the degree to which the local area may be economically disadvantaged. Although the State currently has bond funds available for some flood projects, funding at this level may be unsustainable. Insufficient State funds are available to implement all of the SSIA. The CVFPP Financing Plan will address these cost-share formulas and potential new sources of funds to pay the capital costs. For more details, see Master Response 15.

The commenter's opinions regarding funding priorities (e.g., plans vs. projects, habitat vs. flood protection) are noted. These elements of the comment do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do these elements of the comment specify additional information needed or particular insufficiencies in the DPEIR. Information on the cost of implementing various alternatives and the anticipated level of flood protection provided by each alternative is provided in the DPEIR in Table 5-1 in Chapter 5.0, "Alternatives."

L_YCBOS1-20

See response to comment L_YCBOS1-03, above, regarding the level of detail in the PEIR. See response to comment L_YCBOS1-09, above, regarding current information available on bypass projects and required future project-specific evaluation, planning, and design. In addition, as

stated in Master Response 12, the State is sensitive to the potential effects of repairs or improvements to SPFC facilities that may result in redirected hydraulic impacts upstream or downstream from these facilities, and is developing more detailed policies to minimize and mitigate potential impacts. As noted by the commenter, there is a need for analysis of the potential effects of bypass expansion, including those from changes in the timing and duration of flood flows in the bypass. Such effects will be highly dependent on the scale, design features, and operation of bypass expansion and weir modification. Because these design features and operations are not known at this time, analysis of potential effects is speculative and is not included in the PEIR.

Future feasibility studies are needed to refine the proposed elements of the SSIA, and the ultimate configuration of facilities may vary from those presented in the 2012 CVFPP. Only at that time will the State have project-specific modeling results that indicate the specific magnitude and extent of hydraulic impacts, if any, from planned improvements within the system. Cost estimates for the SSIA in the 2012 CVFPP include an allowance for features to mitigate potential significant hydraulic impacts caused by project implementation.

The issue of potentially redirecting hydraulic impacts is addressed in Section 3.13, “Hydrology,” in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA). As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorization from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. For additional details, see Master Response 12.

The same review and permitting requirements described above for the potential transfer of risk by causing changes in river velocity, stage, or cross section would also apply to projects and activities that could change the frequency, duration, and height of inundation in SPFC bypasses.

L_YCBOS1-21

See response to comment L_YCBOS1- 20, above. The evaluation of hydraulic impacts described in response to comment L_CYBOS1-20 would also apply to ecosystem restoration activities. Also, as stated in Master Response 6, improving O&M is a supporting goal of the CVFPP. The SSIA includes elements to address and improve O&M at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced O&M programs and practices, and forming regional O&M organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

The SSIA promotes efficient and sustainable long-term O&M practices through the following:

- Reforming and consolidating State and local agencies' roles and responsibilities for O&M
- Standardizing criteria by which maintenance practices, procedures, and inspections are performed and reported
- Implementing strategies to adequately and reliably fund routine activities and streamline permitting

Some of the proposed activities may involve legislative action, new institutional arrangements involving local maintaining agencies, modifications to existing State programs, and additional or redirected funding. For additional details, see Master Response 6.

In addition, the DPEIR acknowledges and addresses the potential for ecosystem restoration activities in the floodway to adversely affect hydrologic conditions. For example, the discussion of Mitigation Measure BIO-A-2b (NTMA) in Section 3.5, "Biological Resources—Aquatic," includes the following statement:

Any mitigation plantings in the floodway will not be permitted if they would result in substantial increases in flood stage elevations, or alter flows in a manner that would have a substantial adverse effect on the opposite bank.

L_YCBOS1-22

See responses to comments L_YCBOS1-14 and L_YCBOS1-15, above, regarding indirect and economic effects on agriculture. The description of the speculative nature of assessing an economic "tipping point" described

in response to comment L_YCBOS1-15 would also apply to the assessment of potential blight. The commenter provides no supporting information that such analyses are “becoming commonplace” under CEQA, nor does the commenter provide such an analysis that might be applicable here.

L_YCBOS1-23

The discussion in the DPEIR of Impact LU-7 (NTMA) in Section 3.14, “Land Use and Planning,” includes the following statement:

However, implementing laws and policies requiring the applicable level of flood protection, as described above, could indirectly alter land uses or patterns of land use. If cities or counties were to find attaining this level of flood protection to be infeasible, they could respond by altering their land use plans to redirect land uses from areas subject to flood risk to areas that are not similarly exposed (i.e., to areas with 200-year or 100-year flood protection, if such lands occur within their jurisdiction).

Section 3.14 of the DPEIR (addressing the City of Merced example scenario) also includes the following statement:

In light of the costly and extended nature of constructing urban flood control projects, these requirements could delay or effectively prohibit development in these parts of Merced that have been previously identified as key growth areas through the City of Merced’s recently adopted general plan.

Given the extensive geographic area included in the CVFPP and the high-level nature of the document, it would be impossible for the DPEIR to consider each specific location where a conflict with a general plan could occur. The three example scenarios provided in the DPEIR allow full disclosure of the type and range of general plan conflicts that could occur and the potential consequences. A specific evaluation of the Elkhorn area of Yolo County is not required for the PEIR, although such an evaluation could be included in future project-level evaluations as part of SSIA implementation.

It should be noted that the SB 5 land use requirements are not part of the CVFPP. As stated in Section 3.14, “Land Use and Planning,” of the DPEIR, the requirements of CGC Sections 65865.5 and 65962 are triggered by the 2007 flood legislation and tied by the State Legislature to the Board’s adoption of the CVFPP. Therefore, adoption of the CVFPP would trigger the statutorily established requirement for cities and counties to make certain revisions to their general plans and zoning ordinances and subsequently make findings related to providing the required level of flood

protection (protection against a 200-year flood in urban and urbanizing areas and against a 100-year flood in nonurbanized areas).

L_YCBOS1-24

The discussion of Impact LU-8 (NTMA), “Alterations of Land Uses or Patterns of Land Use as a Result of Other NTMAs that Would Cause a Substantial Adverse Physical Environmental Effect,” is a reiteration of agricultural resources Impact AG-3 (NTMA), but provided in the context of the land use analysis. Rather than repeat the entirety of Impact AG-3 (NTMA), the impact is summarized in the land use section. This is indicated in the discussion of Impact LU-8 (NTMA) with the statement, “These impacts are more thoroughly addressed under Impact AG-3 (NTMA)” (DPEIR Section 3.14, “Land Use and Planning”). The discussion of Impact LU-8 (LTMA) refers to the discussion of LU-8 (NTMA) because the impacts are very similar.

L_YCBOS1-25

See response to comment L_YCBOS1-03, above, regarding the program-level nature of the PEIR and its adequacy in this context. The analysis of terrestrial biological resources in DPEIR Section 3.6 is consistent with this program level of detail. The comment references other projects where impacts on terrestrial biological resources are considered significant and unavoidable, but gives no specific examples of such projects. Therefore, it is unknown what circumstances or conditions related to these projects resulted in the “significant and unavoidable” impact conclusion. One could just as easily say that multiple projects of significant size do not result in significant and unavoidable impacts on giant garter snake, Swainson’s hawk, and other terrestrial species. The TRLIA Feather River Levee Setback Project would be such an example. With the availability of compensatory habitat, mitigation banks, HCPs, NCCPs, and other mitigation mechanisms, there are ample opportunities for projects implemented as part of the CVFPP to reduce impacts on terrestrial biological resources to less-than-significant levels.

L_YCBOS1-26

See response to comment L_YCBOS1-25, above. The comment implies that for mitigation measures to be successful, they must prevent “take” of a species. This is incorrect. As identified in the “Thresholds of Significance” in Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR, an impact on terrestrial biological resources is considered significant if implementing the proposed program would have a “substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG or USFWS.” Given

these criteria, which mirror Appendix G of the CEQA Guidelines, a mitigation measure can reduce an impact on a special-status species to a less-than-significant level even if “take” still occurs, as long as the effect is made less than “substantial.” The same logic applies to the concept of “net loss of habitat.”

The reference to a seeming difference in impact assessment approach between DPEIR Section 3.3, “Agriculture and Forestry Resources,” and Section 3.5, “Biological Resources—Terrestrial,” can be attributed to the differences between the two resources. Once Important Farmland is converted to another use, the only mechanism to prevent a net loss in acreage of Important Farmland is to create additional Important Farmland. This is typically an infeasible mitigation approach, especially for large conversions of Important Farmland; therefore, a “significant and unavoidable” impact conclusion is provided after mitigation. However, this is not the case for biological resources. Enhancing, restoring, and creating native habitats are common practices that together have been proven to compose an effective and feasible mitigation approach for both large and small impacts. Therefore, providing compensatory habitat (where needed) is considered a feasible option to result in “no net loss of habitat acreage” and to reduce impacts on terrestrial biological resources to less-than-significant levels.

Mitigation measures in Section 3.6, “Biological Resources—Terrestrial,” do not rely solely on preservation of existing habitat to provide mitigation. As described above, enhancement, restoration, and creation of compensatory habitat can also be used as a mitigation approach; therefore, mitigation is not limited to simply relying on existing habitat. Mitigation for impacts on special-status plants can also include relocating plant populations as described in Mitigation Measure BIO-T-3b (NTMA) in DPEIR Section 3.6.

L_YCBOS1-27

See responses to comments L_YCBOS1-03, L_YCBOS1-25, and L_YCBOS1-26. DWR disagrees with the commenter regarding the legal adequacy of the PEIR.

L_YCBOS1-28

See response to comment L_YCBOS1-03 regarding the program-level nature of the CVFPP and the adequacy of the PEIR. See response to comment L_YCBOS1-09 regarding the level of detail related to bypass projects. Given the high-level nature of the CVFPP, the program-level nature of the PEIR, and the lack of certainty regarding implementation of future projects, it would be premature to conduct a detailed analysis of

recreation impacts of a particular project at this time. Further, the commenter has provided no supporting information regarding the assertion that recreation impacts could not be mitigated to a less-than-significant level in a potential future Yolo Bypass expansion. In the professional judgment of the preparers, that assertion is incorrect and potential impacts would in fact be mitigable to a less-than-significant level.

L_YCBOS1-29

See response to comment L_YCBOS1-28. The comment provides no details or evidence supporting the assertion that significance conclusions in the DPEIR should be changed or that mitigation measures are inadequate. The comment is noted.

L_YCBOS1-30

See response to comment L_YCBOS1-03 regarding the program-level nature of the CVFPP and the adequacy of the PEIR. See response to comment L_YCBOS1-09 regarding the level of detail related to bypass projects. Given the high-level nature of the CVFPP, the program-level nature of the PEIR, and the lack of certainty regarding implementation of future projects, it would be premature to conduct a detailed analysis of GHG emissions of a particular project at this time. Moreover, the comment does not address the ultimate conclusion (and supporting analysis) of the DPEIR that the GHG emissions impacts of the program would be beneficial on a net basis, in light of the fact that program-related GHG emissions would likely be at least an order of magnitude less than the GHG emissions involved in reconstruction or other activities likely to occur after a major flood event.

L_YCBOS1-31

See response to comment L_YCBOS1-30. Many of the detailed analyses and issues suggested by the commenter will be addressed during CVFPP post-adoption activities and evaluation, design, and implementation of individual projects. The commenter is encouraged to participate in these efforts. As stated in Master Response 13, anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.

As part of regional flood management planning, regional plans will be prepared with active participation by regional implementing, operating, and

maintaining agencies; local land use agencies (counties and cities); agricultural and environmental interests; emergency responders; and tribes. This effort will collect on-the-ground information regarding flood risks and needs, identify local and regional improvement projects, assess the performance and feasibility of these projects, and develop plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. Each plan will also assess proposed project costs and benefits, considering potential contributions to an integrated and basin-wide solution. Development of regional plans and formulation of specific capital improvement projects will be coordinated with other overlapping planning efforts by identifying common goals and pursuing opportunities to collaborate and reduce potential conflicts.

Two basin-wide feasibility studies will be prepared, one in the Sacramento River Basin and one in the San Joaquin River Basin, to refine the major system elements proposed in the 2012 CVFPP (such as bypass expansion and new bypasses) and assess their compatibility with prioritized local projects identified through regional flood management planning. These combinations of system element options and regional elements will form “alternatives” for further evaluation and comparison on a systemwide scale. Stakeholder engagement will be an important and complex component of the basin-wide feasibility studies. It is anticipated that work groups will form to help evaluate and refine physical options for system elements (e.g., bypass expansion and new bypasses), identify implementation challenges, and provide input into the planning process. The feasibility studies will be conducted in close coordination with USACE (and ongoing federal feasibility studies) and local implementing agencies.

The regional and basin-wide feasibility planning efforts will help identify specific improvement projects for design and environmental review. Stakeholders and the public will have additional opportunities to provide input. The draft feasibility reports and any accompanying environmental documentation will be made available to the public for review and comments. For additional details, see Master Response 13.

Regarding footnote #12, the referenced DPEIR statement is correct: ceasing agricultural operations on a particular piece of land will result in a cessation of GHG emissions from agricultural operations on that property. The commenter’s reference to multiple GHG emissions and sequestration mechanisms is an issue addressed in the DPEIR and contributes directly to the conclusion of “too speculative” in the section titled “LTMA Impact Discussions” in Section 3.7, “Climate Change and Greenhouse Gas Emissions,” of the DPEIR.

L_YCBOS1-32

The issue of potential adverse water quality effects from inundation of land and mercury is addressed in the discussion of Impact SWQ-3 (NTMA), “Alteration of Floodplain Inundation Patterns that Could Result in Substantial Erosion and Adversely Affect Water Quality” (DPEIR Section 3.21, “Water Quality”). As stated in this impact discussion:

NTMAs that would alter the frequency, areal extent, and duration of floodplain inundation may result in either increased or decreased availability and mobilization of sediments and associated contaminants. Setting back levees, purchasing floodplain easements, and changing reservoir operations could all have this effect. Inundating floodplain areas that are not inundated under current flow regimes and levee alignments may allow sediments and associated contaminants in these areas to be flushed into the river systems. This is especially likely to occur in agricultural areas. These contaminants may include pesticides, nutrients, metals, or coliform bacteria. Increasing the frequency, areal extent, and duration of floodplain inundation may also increase the bioavailability and transport of mercury, adversely impacting downstream water quality.

See response to comment L_YCBOS1-03 regarding the program-level nature of the CVFPP and the adequacy of the PEIR. See response to comment L_YCBOS1-09 regarding the level of detail related to bypass projects. Given the high-level nature of the CVFPP, the program-level nature of the PEIR, and the lack of certainty regarding implementation of future projects, it would be premature to conduct a detailed analysis of potential mobilized mercury effects from a particular project at this time.

L_YCBOS1-33

The comment introduces subsequent comments focused on the PEIR alternatives analysis, which are responded to below. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

L_YCBOS1-34

See response to comment L_YCBOS1-05 regarding the PEIR alternatives analysis. See response to comment L_YCBOS1-09 regarding the high-level nature of bypass projects considered in the CVFPP.

Regarding the assertion in footnote #14 that the PEIR “dismisses the viability” of the two no-project alternatives and makes clear “they are

included simply for legal purposes,” this opinion is incorrect. As stated in Section 5.4, “Alternatives Carried Forward for Analysis and Evaluation,” of the DPEIR, “Although they do not meet any of the program objectives, the two No-Project Alternative scenarios were carried forward for further analysis and evaluation because an EIR is required to evaluate at least one No-Project Alternative.” The DPEIR identifies that the no-project alternatives do not meet project objectives, but does not treat them as unviable. Considerable effort is taken to evaluate two no-project alternatives, exceeding the minimum requirements of CEQA. In addition, the No-Project Alternative—Continued Operations Scenario consists of a scenario where continued flood protection improvements are implemented, thereby evaluating a flood protection improvement scenario that does not consider the Yolo Bypass.

The commenter is incorrect that DWR has predetermined that a future major Yolo Bypass expansion project will be approved. Any such decision will be made only after all required processes have been completed.

L_YCBOS1-35

See response to comment L_YCBOS1-03 regarding the program-level analysis of the DPEIR and the adequacy of this approach. See response to comment L_YCBOS1-05 regarding the DPEIR alternatives analysis. See response to comment L_YCBOS1-09 regarding the high-level nature of bypass projects considered in the CVFPP. DPEIR Chapter 5.0, “Alternatives,” provides a thorough comparison of the level/severity of environmental effects from each alternative analyzed relative to the proposed program (i.e., the SSIA). Any deficiencies in the DPEIR noted in past comments are addressed above in the responses to those comments.

L_YCBOS1-36

See responses to comments L_YCBOS1-34 and L_YCBOS1-35. The commenter does not identify any particular alternative considered to have been inappropriately excluded. The level of quantitative detail in the alternatives analysis requested by the comment is not required under CEQA.

L_YCBOS1-37

DWR and the Board appreciate Yolo County’s continued participation in the CVFPP. The comment regarding appreciation for the opportunity to comment is noted. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.



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L_YCWA1

April 17, 2012

Ms. Nancy Moricz
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Re: Comments on the Draft Central Valley Flood Protection Plan and Draft
Programmatic Environmental Impact Report

Dear Ms. Moricz:

L_YCWA1-01

The Yuba County Water Agency (YCWA) and the Three Rivers Levee Improvement Authority (TRLIA) have reviewed the draft Central Valley Flood Protection Plan (CVFPP or Plan) developed by the Department of Water Resources (DWR) for consideration and adoption by the Central Valley Flood Protection Board (CVFPB). We understand the CVFPP is a framework for establishing a vision for flood management in the Central Valley and is not a list of projects to be approved now for later implementation.

YCWA and TRLIA greatly appreciate our partnership with DWR as part of the FloodSAFE Program to reduce the risk of flooding in Yuba County. Our collective accomplishments are many and include the following:

- The TRLIA Levee Improvement Program, which will result in RD 784 being the first community in the Central Valley to achieve a 200-year level of protection, and led to the construction of two setback levees that provide regional flood stage reductions stages and the creation of over 2,000 acres of new riparian habitat.
- The Marysville Ring Levee Project, which is a USACE led project to improve the levee system that protects the City of Marysville.
- The Bear River Levee Improvement Project to protect the City of Wheatland.
- Forecasted Coordinated Operations of Oroville and New Bullard's Bar Dams.

Our partnership has led to unprecedented efforts to minimize the risk of flooding that has devastated our region in each of the past major flood events.

The CVFPP builds on our successes, and specifically includes the following elements that are high priorities for our community:

- A rural levee program and proposal to create a rural levee repair standard, which will benefit both RD 10 and RD 817.
- A program to improve the levee systems that protect small communities, such as Wheatland.
- The New Bullard's Bar Outlet Modifications Project.
- Changes to Oroville to increase the ability to manage the releases for extreme flood events.
- Acknowledgment that the National Flood Insurance Program is challenging our agricultural areas and that changes are needed to ensure that our rural economy thrives into the future.
- Forecasted based operations of New Bullards Bar and Oroville Reservoirs.

We are supportive of these elements of the Plan and look forward to working with the CVFPB and DWR, as well as Sutter and Butte Counties during the regional planning process to identify and prioritize those actions that are important to our region.

L_YCWA1-02

We are also supportive of the concept of system improvements, such as modifications to the bypass system. However, modifications to the Flood Control System of this scale will have significant adverse effects to the counties, agricultural economies, and property owners that need to be carefully considered and mitigated. We encourage the CVFPB and DWR to partner with local agencies in implementation of the CVFPP to carefully consider these impacts and ensure that the benefits of these actions justify the costs, not only in monetary terms, but also the sacrifice this will require from property owners and potential harm to the agricultural economy.

We appreciate both DWR's and the CVFPB's efforts to seek local participation in the preparation of the draft CVFPP and look forward to actively partnering with you on implementation of the Plan.

Thank you for the opportunity to provide these comments.

THREE RIVERS LEVEE IMPORVEMENT AUTHORITY



Mary Jane Griego, Chair

YUBA COUNTY WATER AGENCY



Mary Jane Griego, Chair

**Yuba County Water Agency and Three Rivers Levee
Improvement Authority, Mary Jane Griego**

Response

L_YCWA1-01

The comment is noted. The projects implemented by YCWA and TRLIA are examples of flood risk management that can achieve multiple benefits.

L_YCWA1-02

As described in Master Response 13, additional public involvement is planned as the CVFPP moves forward. Anticipated activities after adoption of the 2012 CVFPP include regional flood management planning, development of basin-wide feasibility studies, and completion of project-level proposals and environmental compliance. These efforts will engage local entities and stakeholders to help identify projects to meet local and regional needs for flood management, refine the conceptual system elements proposed in the adopted plan, and identify specific projects for construction.