

## 3.6 Individual Comments and Responses

Louis M Anderson Enterprises, Inc  
102 Raley Blvd  
Chico, Ca 95928  
Ken Anderson  
530-624-0183

**I\_ANDERSON1**

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_ANDERSON1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_ANDERSON1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.



**Louis M Anderson Enterprises, Inc**  
**102 Raley Blvd**  
**Chico, Ca 95928**  
**Ken Anderson**  
**530-624-0183**

I\_ANDERSON1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Ken Anderson

**Louis M. Anderson Enterprises, Inc., Chico, California, Ken Anderson**

***Response***

***I\_ANDERSON1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. 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.” For additional details, see Master Response 6.

***I\_ANDERSON1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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—including enlarging the flood storage allocation of several multipurpose reservoirs to improve management of flood risks on lands protected by the SPFC.

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.

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.

#### **I\_ANDERSON1-03**

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 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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified

CVFPP goals. The SSIA reflects a balanced and fiscally responsible approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_ANDRMA1**Date 04-18-12 Name MARK C. ANDRETTIPhone (optional) 530-458-7626 E-mail (optional) \_\_\_\_\_Affiliation LAND OWNER - ORYZA PARTNERSHIP

Address (optional) \_\_\_\_\_

☐ 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

**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: [cvfppcom@water.ca.gov](mailto:cvfppcom@water.ca.gov)E-mail: [DPEIRcomments@water.ca.gov](mailto:DPEIRcomments@water.ca.gov)DPEIR 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)☐ Both

MY FAMILY HAS BEEN FARMING IN THE COLUSA AND SUTTER

COUNTY AREAS FOR APPROXIMATELY EIGHTY YEARS. THIS

PROPOSED LEVEE SET BACK ON MOONBEND ROAD IN COLUSA IS AN

ENVIROMENTAL DISASTER. YOUR PLAN TO TAKE EXISTING FARM

GROUND OUT OF PRODUCTION AND MAKE THE SET BACK LEVEE AND

PLANNED HABITATE AREA IS COMPLETELY IRRESPONSIBLE.

THIS IS PUTTING HABITATION OVER HUMAN NEEDS. TAKING OUT

PRODUCING FARM GROUND IN NORTHERN CALIFORNIA AND TAKING

Please continue on back of this card, if needed.

I\_ANDRMA1-01

I\_ANDRMA1-02

L\_ANDRMA1-03

THAT WATER FOR THE SOUTHERN CALIFORNIA AREA IS ALL THIS  
AMOUNTS TO, AND IS WRONG. TAKE THE MONEY, DREDGE OUT  
THE SACRAMENTO RIVER AND CLEAN THE TREES AND BRUSH OUT OF  
THE BYPASS SYSTEM THAT HAS BEEN IN PLACE FOR OVER 100 YEARS.

MARK C. Andresth  
Mark C. Andresth  
4/18/2012

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

TAPE

**Mark Andreotti, Landowner, Oryza Partnership, Colusa County**

***Response***

***I\_ANDRMA1-01***

In reference to the conceptual levee setback element depicted on a map in Appendix A “Central Valley Flood Protection Plan” Attachment 8J, the comment expresses concern that the conceptual setback would require conversion of the particular agricultural lands indicated on the map.

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.

**I\_ANDRMA1-02**

The comment indicates that the program will remove agricultural land in Northern California so that Southern California can obtain more water; however, DWR notes that the CVFPP is a flood protection project, not a water supply project. As 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.

As stated in the PEIR project description Section 2.6, the proposed program makes only minor changes to the system's overall water storage capacity and the management of storage and releases through willing partnerships. No potential exists for a significant impact on water supply deliveries.

**I\_ANDRMA1-03**

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.

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.

## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_ANDRMI1**Date 04-18-12 Name MICHAEL D. ANDRETTIPhone (optional) 530-458-7626 E-mail (optional) \_\_\_\_\_Affiliation LAND OWNER

Address (optional) \_\_\_\_\_

☐ 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. ☒

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<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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)

DPEIR 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)☐ Both

I\_ANDRMI1-01

*My family is now going into the fourth generation of farming in the Colusa and Sutter County. This proposed levee set back on Moonbend road and in fact the whole project is totally irresponsible and devastating to all landowners and future generations to come. Taking more water and creating more habitat from*

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vital, developed farm land is a  
disastrous thought process. The people  
who plan these ridiculous projects  
should keep in mind that the present  
system of river and bypassed are  
sufficient if properly maintained as  
use to be in the past. How about  
taking care of what has been there  
for a century.

Michael Andreotti  
MICHAEL ANDREOTTI

FOLD HERE

Return address: \_\_\_\_\_

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

TAPE

**Michael Andreotti, Landowner, Colusa County**

***Response***

***I\_ANDRMI1-01***

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

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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 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)).



**Moricz, Nancy**

---

**From:** banthonyrocha@yahoo.com  
**Sent:** Thursday, April 19, 2012 10:07 PM  
**To:** Cvfp Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Brian Anthony  
1049 Barbados St.  
Manteca, CA 95337-8633

**I\_ANTHONY1**

April 20, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_ANTHONY1-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_ANTHONY1-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_ANTHONY1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_ANTHONY1-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_ANTHONY1-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Brian

**Brian Anthony, Manteca, California**

***Response***

***I\_ANTHONY1-01***

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.

***I\_ANTHONY1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_ ANTHONY1-03***

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.

***I\_ ANTHONY1-04***

See response to comment I\_ ANTHONY1-03. Furthermore, 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.

***I\_ANTHONY1-05***

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.

**Engagement Specifics:**

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.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.

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.

# I\_ATWAL1

**Moricz, Nancy**

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**From:** sosa-sons@sbcglobal.net  
**Sent:** Saturday, February 18, 2012 12:31 AM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on the Central Valley Flood Protection Plan

Gurbinder Atwal  
Part Owner  
SOHAN S ATWAL AND SONS FARMING INC  
2366 Galvin Way  
Woodland, CA 95776-5344

February 18, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I\_ATWAL1-01

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

First compare the cost of improving the structure we already have that will improve Flood Protection. Then specify what area will be affected with this flood protection plan. Will it directly or indirectly benefit all people in the area? Is the Federal Government helping with the funding, since it will decrease future flood disasters? We cannot continue to raise county taxes for funds, for plans that help the nations economy, which helps all the nations people. If the answers to above questions is yes, then all affected people should be given 20% above the market value for their loss.

Thank you for the opportunity to comment.

Sincerely,

Gurbinder Atwal  
5306627791  
Part Owner  
SOHAN S ATWAL AND SONS FARMING INC

**Gurbinder Atwal, Sohan S. Atwal and Sons Farming Inc.,  
Woodland, California**

***Response***

***I\_ATWAL1-01***

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

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.

In addition, as stated in Master Response 3, 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. See Master Responses 3 and 9 for more information.

## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_BCF1**Date 4/12/12 Name Butte Creek Farms - ED Hulbert - CEO.Phone (optional) (530) 458-2118 E-mail (optional) ehulbert@cipcorp.com

Affiliation \_\_\_\_\_

Address (optional) 50 Sunrise Blvd. Colusa, CA 95932☐ 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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)  
DPEIR 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) ☐ Both

I\_BCF1-01

We ARE opposed to the CVFPP. Butte Creek Farms  
is a 2500 AC. Rice/Raw crop farm at the south  
end of the Butte Sink. Any Additional Flood water  
diverted into the Butte Sink AREA could cause severe  
damage to our property. In our opinion there  
is NOT sound engineering to support this plan  
and there is little if any public support from  
landowners in our AREA.

Please continue on back of this card, if needed.

Return address: BCF  
50 Sunrise Blvd,  
Colusa, CA 95932



RECEIVED

APR 17 2012

Central Valley Flood Protection Board

Attn: Nancy Moricz

3310 El Camino Ave., Room 151

Sacramento, CA 95821

**Ed Hulbert, Butte Creek Farms, Colusa, California**

***Response***

***I\_BCF1-01***

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.

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 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 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 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 (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.

In addition, 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.

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

# I\_BECK1

James D. Beck  
215 B Street  
Biggs, CA 95917

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

RECEIVED

APR 17 2012

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_BECK1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

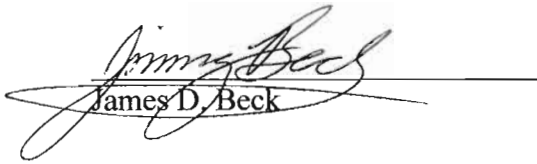
As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_BECK1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_BECK1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,



James D. Beck

**James D. Beck, Biggs, California**

***Response***

***I\_BECK1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_BECK1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### **I\_BECK1-03**

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_BELL1**

Date \_\_\_\_\_ Name Gary Bell  
Phone (optional) \_\_\_\_\_ E-mail (optional) \_\_\_\_\_  
Affiliation \_\_\_\_\_ 530-682-5266  
Address (optional) \_\_\_\_\_

☐ 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.cvfpp.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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)  
DPEIR 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)

☐ Both

I\_BELL1-01

I\_BELL1-02

I\_BELL1-03

I\_BELL1-04

Build more dams for flood control  
up grade existing by-pass by  
dredging them deeper.  
Leave the farmland alone.  
Don't try to steal what we've  
worked for generations to obtain  
I'm not willing to sell at any price  
Our farm is our grandchildren's future

Please continue on back of this card, if needed.



BELL1-05

Central Valley Flood Protection  
Half Brain Idea.

FOLD HERE

Return address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLACE  
STAMP  
HERE

Post Office will  
not deliver  
without postage.

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

TAPE

**Gary Bell**

***Response***

***I\_BELL1-01***

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.

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 that 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.”) For additional details, see Master Response 10.

#### **I\_BELL1-02**

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. For additional details, see Master Response 6.

***I\_BELL1-03***

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 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. For additional details, see Master Response 2.

***I\_BELL1-04***

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.

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 topics or information were raised in the comments. For additional details, see Master Response 2.

***I\_BELL1-05***

The comment is noted.



## CENTRAL VALLEY FLOOD PROTECTION BOARD

REQUEST TO SPEAK AT HEARING **I\_BELLC1**

Date April 10-2012 Name Charles + Arlene Bell  
Phone (optional) \_\_\_\_\_ E-mail (optional) Abell1951@gmail.com  
Affiliation \_\_\_\_\_  
Address (optional) 1951 Berry Ro - Rio Liso, Ca. 95674

☐ 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. ☒

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<http://www.cvfpp.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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)

DPEIR 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)

☒ Both

We are strongly opposed to this plan.  
We are retired and count on our walnut crop  
every year to live on.

California is bankrupt - so why not fix the  
levees as they need be. OR Dredge out the  
river. make the money on sand + gold.

This plan will ruin many family's that are  
farmers. which many are ~~1~~ 7 or more generation

Charles + Arlene Bell

I\_BELLC1-01

Please continue on back of this card, if needed.

**Charles and Arlene Bell, Rio Oso, California**

***Response***

***I\_BELLC1-01***

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.”

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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.

April 7, 2012

**I\_BERRIER1**

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

**RE: Flood Corridor Expansion: FTR1 Conceptual Setback Area, Feather River.**

I\_BERRIER1-01

We, the undersigned land owners, home owners, tax payers and residents of Rio Oso and East Nicolaus, Sutter County, object to the proposed setback as provided by FTR1 Conceptual Setback Area, Feather River, as attached.

The area proposed to be taken for the purposes of expanding the area enclosed by levees, consists of thousands of acres of productive farm land on which hundreds of homes and businesses are located. This area constitutes the business and employment livelihood of many residents of this community for years. It provides substantial federal, state and local tax revenues. The soils are some of the most fertile in California for growing farm produce. The land owners contribute substantially to Sutter County revenues through property taxes. If this area is condemned, substantial tax revenues will be lost. People will lose jobs and livelihoods will be destroyed.

We are informed and believe that not only do the engineering studies not support the building of a set back levee on the Rio Oso/South side of the Bear River for flood protection, but the cost of construction and the cost of paying compensation for the taking of lands and livelihoods from the owners would substantially outweigh the possible benefit, if any at all, from this project.

I\_BERRIER1-02

We further object to the way this plan is being adopted. No formal, advance, written notice was ever given to any of the landowners/homeowners directly impacted by this proposed project. Many people only heard of the public meeting on April 6, 2012 by word-of-mouth. The meeting was held during working hours

when many people could not attend. The plan will, in effect, constitute a "taking" of our land under the 5<sup>th</sup> Amendment. Once the set back levee is adopted as part of the plan, the value of land inside the levee will go down to almost nothing. Nobody will want to build or buy a house or farm land, refinance or enter into long-term farm lease contracts. We should have been given full and fair notice and were not.

I\_BERRIER1-03

In conclusion, we strenuously object to the adoption of the conceptual set back levee on the Rio Oso side of the Bear River as illustrated in FTR1, attached. It is not advisable nor supportable by the engineering or any cost/benefit analysis as flood protection and, accordingly, should be summarily rejected. We respectfully request that FTR1 be revised in any adopted Plan to reflect the elimination of any proposed set-back levee on the south side of the Bear River where it flows into the Feather River.

cc: Doug LaMalfa, State Senator

Dan Logue, State Assemblyman

Sacramento Bee Newspaper

Appeal Democrat Newspaper

News -10 Sacramento

CBS Sacramento News

Fox 40 News





Figure E-8. FTR1 Conceptual Setback Area, Feather River

Name/Signature

Address, telephone number

CHARLES L. BERRIER Charles L. Berrier 1865 BERRY Rd., Rio Oso, CA 95674

HANNELORE A. BERRIER Hannelore A. Berrier 1865 BERRY Rd. Rio Oso, CA 95674

Sally G. Kaffano 1830 Berry Rd Rio Oso Ca 95674

Mamuel Kaffano 1830 Berry Rd. Rio Oso 95674

Manate Singh Sandhu ~ 2151 Wilcox Ranch Rd. Plumas Lake  
95961.

Richard Rutch 1644 BERRY Rd. Rio Oso 95674

Jenny Rutch 1644 Berry Rd. Rio Oso, Ca 95674

Shirley M Rafter 1400 Mark Hopkins Ave  
Rio Oso, 9567

Ronald Rafter 1400 Mark Hopkins Ave  
95674 Rio Oso

B. J. R. 1566 Berry Rd Rio Oso 95674

Jacob A. Raman 1566 Berry Rd. Rio Oso  
95674



Name/Signature

Address, telephone number

Ruby Albert Judy Albert 1357 Berry Rd Rio Oso CA 633-0920

Ed Scheib Bill Scheiber 1302 Berry Rd, Rio Oso, CA 633-0234

Arlene Bell 1951 Berry Rd. Rio Oso, Ca 95674

Charles H Bell 1951 Berry Rd Rio Oso 95674

J Warner 2021 Scheiber Rd NICOLAUS CA 95659

Gertrude Warner 2021 Scheiber Rd Nicolaus CA 95659

Stan Willey 2427 SCHEIBER Rd. Nicolaus CA 95659

Al C. Schibler 1999 SCHEIBER Rd/Nicolaus CA 95659

Margaret Schibler 1999 Schibler Rd. Nicolaus CA 95659

Shannon Butler Shanna Butler 1999 B Scheiber Rd. Nicolaus CA 95659 656-2313

John F. Tumb 2080 RIO OSO RD., RIO OSO, CA. 95674

Richard F. Taresch 628 FOURTH AVE, RIO OSO, CA 95674

Steph W. Beniz 1475 Wade Hopkins Ave - Rio Oso 95674

Name/Signature

Address, telephone number

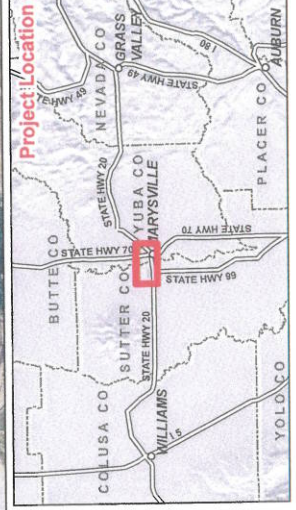
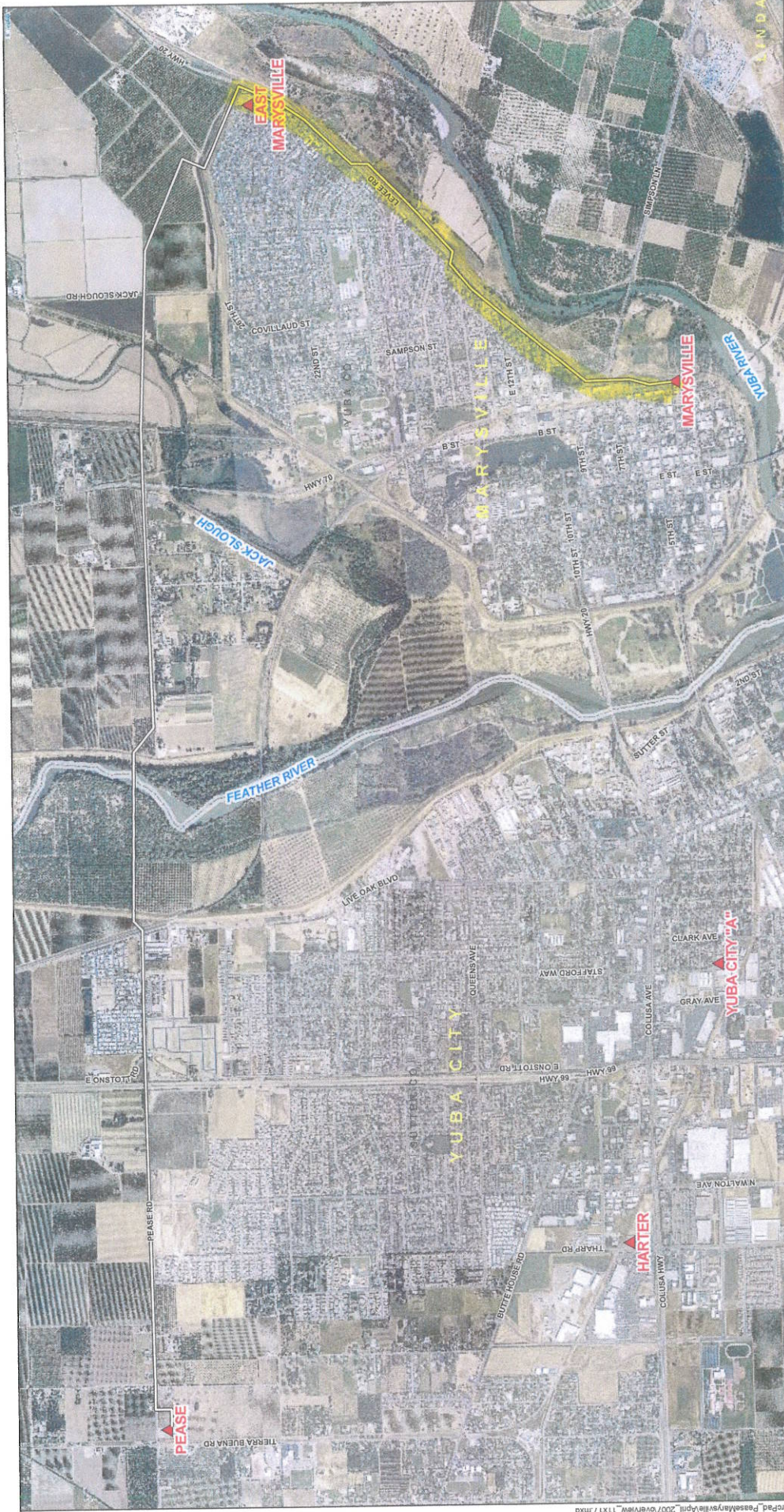
Pritam Kaur Heir 1711 ~~Venga~~ Vantage Court

Surjit S. Rahul 1877 B Radclay Artes Dryden City  
CA-95973

Kuldip S. Thum 1130 4th Ave Rio 650 958-7110

Lana Berrier Shu 1475 Mark Hopkins Ave  
Rio 080





*[Yellow box] = to be relocated due to Marysville Ring levee Project*

**Pease-Marysville 60kV Transmission Line Project**

**FIGURE 1: Project Location**

Photo date (AirPhotoUSA): 05-01-2006  
Scale: 1:24000  
One inch represents approximately 2000ft

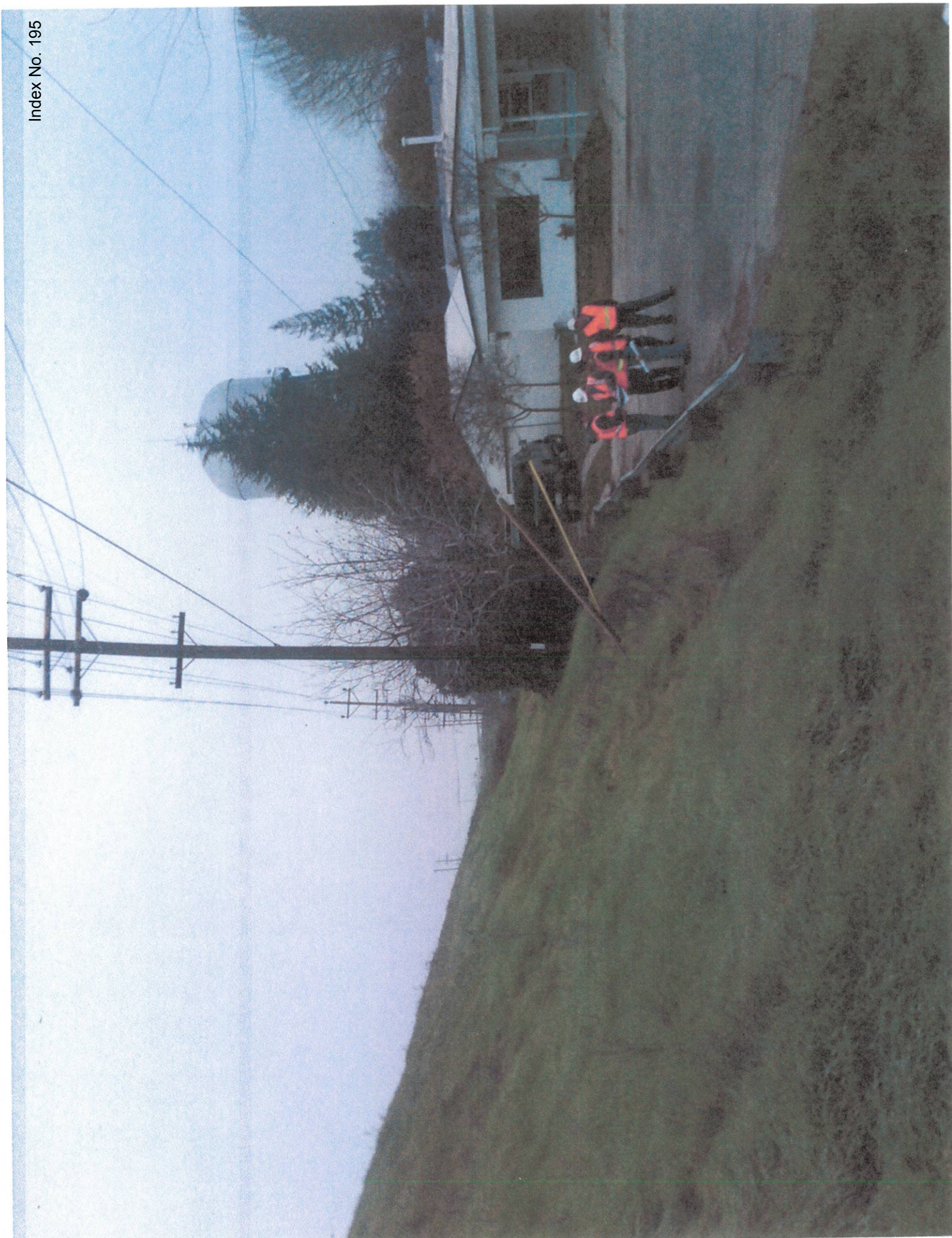
▲ Substation

0 0.5 1 2 Miles



















**Yana Berrier, Rio Oso, California**

***Response***

***I\_BERRIER1-01***

The comment discusses the conceptual levee setback element depicted on a map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. The comments express concern that the conceptual setback may require conversion of the particular agricultural lands indicated on the map, among other issues. This concern reflects several apparent misunderstandings regarding the map and its intended purpose. First, the levee setback element was included in the preliminary approach, entitled “Enhance Flood System Capacity Approach,” but was not included in the recommended SSIA. The referenced map (attached to the comment letter) 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.

As stated in Master Response 20, 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 commenter) 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 noted in the comment 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 Response 14, 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.

**I\_BERRIER1-02**

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. 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.

**Engagement Specifics:**

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, [www.cvfpb.ca.gov](http://www.cvfpb.ca.gov).

For additional details on the regional planning process moving forward post adoption, see Master Response 14.

***I\_BERRIER1-03***

See response to comment I\_BERRIER1-01.

**Moricz, Nancy**

---

**From:** jonbill@digitalpath.net  
**Sent:** Wednesday, February 22, 2012 9:21 PM  
**To:** Cvfppl\_Comments  
**Subject:** Flood Protection Plan Comments

jon Bill  
owner/operator  
Rancho Alberta  
3226 Larkin Rd.  
Biggs, CA 95917-9728

February 23, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I\_BILL1-01

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_BILL1-02

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_BILL1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I-BILL1-04

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.



As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

jon Bill  
530-868-5949  
owner/operator  
Rancho Alberta

**Jon Bill, Owner/Operator, Rancho Alberta**

***Response***

***I\_BILL1-01***

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.

***I\_BILL1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_BILL1-03***

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.

***I\_BILL1-04***

See response to comment I\_BILL1-03. Furthermore, 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.

### ***I\_Bill1-05***

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.

### **Engagement Specifics:**

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.cvfpb.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.

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.



# I\_BORGMAN1

**Moricz, Nancy**

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**From:** Melvin Borgman [melvin.borgman@yahoo.com]  
**Sent:** Friday, April 20, 2012 1:09 PM  
**To:** Cvfp Comments  
**Subject:** Central Valley Flood Control Plan

I\_BORGMAN1-01 Far to much valuable agricultural land is being sacrificed to "habitat mitigation".

I\_BORGMAN1-02

- Rural areas are being sacrificed to provide flood protection for urban areas.

I\_BORGMAN1-03

- Urban areas are not being required to give up land for their own protection.
- There are low lying areas in urban areas which were reclaimed from the river bottom that are now developed, these areas should be returned to riparian condition. This would help increase flow capacity of the river system.

I\_BORGMAN1-04

- Redevelopment plans should include on site flood control mitigation in redevelopment sites.

I\_BORGMAN1-05 Bypasses:

A bypass is needed from the American River east of Sacramento to south of Sacramento. When flow rates are very high from the American River Basin, the water must flow upstream from the mouth of the American River to the Sacramento Weir to escape to the Yolo Bypass. This situation increases the flood risk to areas upstream from Sacramento as well as the Sacramento Area. This feature should be included in development or redevelopment plans.

I\_BORGMAN1-06 All flood control plans must include:

- Increase upstream water storage capacity both on and off stream.
- Restrict storm water drainage pumping into the river during periods of high river levels.
- All reclamation and drainage districts must be required to provide for internal storm water retention.

I\_BORGMAN1-07 Flood control and water supply are NOT two separate issues.

Respectfully submitted,

Melvin Borgman

3559 Howsley Road

Pleasant Grove, CA 95668

## **Melvin Borgman**

### ***Response***

#### ***I\_BORGMAN1-01***

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. For additional details, see Master Response 2.

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.

**I\_BORGMAN1-02**

See response to comment I\_BORGMAN1-01. With respect to rural versus urban flood protection, as described 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 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 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.

**I\_BORGMAN1-03**

As stated in Master Response 4, 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. For additional details, see Master Response 4.

**I\_BORGMAN1-04**

It is unclear what the comment is specifically referring to in the use of the terms “redevelopment plans” and “redevelopment sites.” These terms are not used in the CVFPP and redevelopment is not specifically addressed. However, relating to the issue of flood control mitigation mentioned in the comment, Section 3.5.7 of the CVFPP describes features to mitigate potential flood stage increases with implementation of SSIA.

**I\_BORGMAN1-05**

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. A bypass east of Sacramento was not specifically analyzed in the CVFPP. The Joint Federal Project and American Rivers Common Features General Re-evaluation Report address American River flows. Therefore, this bypass was not included in the CVFPP. For additional details, see Master Response 1.

**I\_BORGMAN1-06**

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.”

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.

Numerous factors identified in Master Response 10 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.

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.

This is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley. The CVFPP does not address interior drainage.

***I\_BORGMAN1-07***

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 PEIR (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 PEIR.

The PEIR 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 a more detailed discussion of comments relating to potential future expansions of upstream reservoirs, see Master Response 10.

Capturing and using floodflows for groundwater recharge is a component of integrated flood and water management in the CVFPP. The State supports programs that use floodflows for groundwater recharge to improve water management throughout California. However, the State also recognizes the limitations of direct groundwater recharge in lowering flood stage and reducing flood risks, especially in the Sacramento River Basin. Considering these limitations, the SSIA identifies opportunities for groundwater recharge within the flood management system (in-channel recharge and in expanded bypass areas). Although no specific recharge projects are recommended in the SSIA at this time, the State encourages further exploration of feasible recharge opportunities in the San Joaquin River Basin, in particular, to capture a portion of high flows from snowmelt.

DWR also recognizes that although expanding a floodway can assist in recharging groundwater by expanding the surface area of inundated ground during high-water events, a meaningful benefit cannot be assured. The inundated soils must be appropriate to allow groundwater infiltration. Depending on hydrologic conditions, an expanded floodway may be inundated only rarely, allowing only limited opportunities for increased groundwater infiltration. The local aquifer may be recharged from lands away from the river, with groundwater flowing toward and draining into the river. In this circumstance, increasing floodway inundation would have little benefit to local groundwater recharge. Therefore, potential groundwater recharge benefits from increasing floodplains, flood bypasses, and setback levees are very dependent on site-specific conditions.

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. For additional details, see Master Response 7.

Federal Court: Sacramento  
Jdg: Lawrence KARLTON  
on Yuba River Citizens League  
subject Fish

RECEIVED

APR 30 2012

Herman Von Borstel  
5527 Alicia Ave Apt. E  
Olivehurst, CA  
95961-7087

25 April 2012

Reclamation Board  
1416 9th St  
Sacramento CA 95814

**I\_BORSTEL1**

Dear Reclamation Board

Please read the attached column from the  
Sacramento Bee of March 02, 2012 to gain a  
sense of why I am writing to you.

The Yuba River case at present involves two  
facilities which were works of the California  
Debris Commission. The Reclamation Board  
was created with the same jurisdictional area  
as the C.D.C. but to maintain levees and drainage  
channels as designed (and built?) by the C.D.C.

The Reclamation Board could inform  
Judge KARLTON, that while it has no present  
jurisdiction over Red Bluff Point and Engelbright  
Dams, its Archives might contain relevant  
information.

H Von Borstel

I\_BORSTEL1-01



Sacto Bee

MAR 02 2012

# Corps told to help fish bypass dams

## ORDER WOULD AID SALMON'S RETURN TO YUBA RIVER HABITAT

By MATT WEISER  
mweiser@sacbee.com

Federal wildlife officials have ordered the U.S. Army Corps of Engineers to ensure that salmon, steelhead and green sturgeon are able to surmount its two dams on the Yuba River.

The National Marine Fisheries Service, in a biological opinion released late Wednesday, concludes that Daguerre Point and Englebright dams threaten the survival of the fish species. The order does not require dam removal, but that is one potential outcome.

"This is a big step forward for Yuba salmon recovery," said Steve Rotherth, California director of American Rivers, a group that has been involved in salmon restoration efforts on the river. "The idea of getting fish past Englebright Dam opens up many possibilities."

The two dams provide no water supply or flood control benefits. Their primary purpose is a historical one: to store erosion and other debris washed downstream by long-ceased gold mining practices.

Englebright Dam, the larger of the two, was built in 1941. It is a sheer wall of concrete, 270 feet high, without fish ladders. It blocks fish access to all three forks of the Yuba River, including hundreds of miles of salmon and steelhead

YUBA | Page B3

# Yuba: Water agency expresses concerns over dam removal

FROM PAGE B1  
habitat.

Daguerre Point Dam has an old, outdated fish ladder that is inadequate for passing salmon and steelhead, and unable to pass sturgeon.

The new biological opinion comes in response to a lawsuit filed by the South Yuba River Citizens League. The lawsuit challenged an earlier version of the biological opinion that did not order new fish passage improvements.

In a 2010 ruling, Sacramento federal Judge Lawrence Karlton ordered the document revised.

The new version requires the Corps, by March 1, 2014, to start an interim program to move fish around the dams using a "trap and transport" system, likely involving water trucks. A permanent fix is required by Jan. 31, 2020.

Though the fisheries service states in the document that dam removal is the "most preferred approach," it is not required. The final fix would involve permanent trucking of fish, new fish ladders or complete removal of the dams, depending on results of additional research.

"Historically, these fish would have moved up beyond these dams to the cold habitat they prefer," said Howard Brown, Sacramento River basin branch chief at the fisheries service. "Where they are right now, below the dams, it's just a tremendous risk factor and one of the reasons these populations are very low."

The Corps on Thursday asserted that the biological opinion goes too far in questioning the very existence of the dams. It had sought the biological opinion, as required by endangered species law, merely for ongoing operation and maintenance work.

Randy Olsen, chief of operations and readiness in the

Corps' Sacramento District office, said his agency's legal mandate at Englebright Dam is limited to operations and maintenance. Getting fish past the dams, he said, will require congressional approval and funding.

"Fish passage is not in our authorization at Englebright. It's not part of the project purposes," Olsen said.

Brown disputed that. He said proper fish passage at the dams is required by numerous federal laws. He asserted that the Corps has made a choice in its operation of the dams not to solve the fish passage problem.

"We think this is within the scope of their mission and what they are able to accomplish," Brown said. "They haven't taken those steps to do it."

The Yuba County Water Agency is concerned that removing Daguerre Point Dam could affect agricultural water diversions that occur behind the dam. If these diversions are eliminated, the agency estimates a \$60 million annual hit to the county's economy.

It is also concerned about flooding problems if Englebright Dam is removed. The dam stores about 22 million cubic yards of mining sediment. If not managed carefully, releasing the sediment could fill channels downstream, reducing flood-control capacity.

"Our community deserves to know how much these actions would cost, what social and environmental impacts they would have, and whether California would benefit from them," said Mary Jane Griego, chair of the water agency's board of directors.

Call The Bee's Matt Weiser, (916) 321-1264. Follow him on Twitter @matt\_weiser.

Howard BROWN

Nat Marine Fisheries Serv  
Sacto River Basin Br.  
Sacto

Amer Rivers  
Private group

Steve ROTHERTH  
CA dir

Lawrence KARLTON  
Fed Judge  
Sacto

South Yuba River Citizens League

**Herman Von Borstel**

***Response***

***I\_BORSTEL1-01***

The comment consists of a 1-page letter referring to an attached newspaper article entitled “Corps told to help fish bypass dams” (published in the *Sacramento Bee* on March 2, 2012). The comment is addressed to the State Reclamation Board and refers to Daguerre Point Dam and Englebright Dam on the Yuba River, which are the subject of the article, and particulars of the legal case involving fish passage at those dams. Although the CVFPP includes Yuba River fish passage as a component of one of the preliminary approaches evaluated, Daguerre Point Dam and Englebright Dam do not provide flood storage and are not addressed in any way in the CVFPP. Therefore, there is no clear nexus between the comment and the CVFPP, and no new information relevant to the CVFPP is provided. The comment is noted.



Anderson Bragoli Farms  
Marco Bragoli  
102 Raley Blvd, Suite 100  
Chico Ca 95928

RECEIVED

APR 17 2012

April 5, 2012

**I\_BRAGOLI1**

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_BRAGOLI1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_BRAGOLI1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

**Anderson Bragoli Farms  
Marco Bragoli  
102 Raley Blvd, Suite 100  
Chico Ca 95928**

I\_BRAGOLI1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Name



**Marco Bragoli**

***Response***

***I\_BRAGOLI1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_BRAGOLI1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### **I\_BRAGOLI1-03**

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 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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

# I\_BROCKER1

**Moricz, Nancy**

**From:** tara@tarabroker.com  
**Sent:** Thursday, February 16, 2012 6:46 PM  
**To:** Cvfp Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Tara Brocker  
Owner  
TK Farms  
4321 Powerline Road  
Nicolaus, CA 95659-9762

February 16, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_BROCKER1-01 Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_BROCKER1-02 Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_BROCKER1-03 Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I-BROCKER1-04 While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Tara Bocker  
916-655-3266  
Owner  
TK Farms

**Tara Bocker, TK Farms, Nicolaus, California**

***Response***

***I\_BROCKER1-01***

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.

***I\_BROCKER1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_BROCKER1-03***

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.

***I\_BROCKER1-04***

See response to comment I\_BROCKER1-03. Furthermore, 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.

***I\_BROCKER1-05***

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.

**Engagement Specifics:**

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.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.

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.



# I\_BURRO1

**Moricz, Nancy**

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**From:** david.burroughs@rabobank.com  
**Sent:** Saturday, February 18, 2012 1:16 PM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

David Burroughs  
12729 Honcut Road  
Yuba City, CA 95901-9122

February 18, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

David J. Burroughs  
530-713-3225

**David Burroughs, Yuba City, California**

***Response***

***I\_BURRO1-01***

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.

***I\_BURRO1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_BURRO1-03***

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.

***I\_BURRO1-04***

See response to comment I\_BURRO1-03. Furthermore, 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.

#### ***I\_BURRO1-05***

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.

#### **Engagement Specifics:**

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.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.

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.

**Moricz, Nancy**

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**From:** jcardoza3@csustan.edu  
**Sent:** Thursday, April 19, 2012 9:27 PM  
**To:** Cvfpfp\_Comments  
**Subject:** Comments on the Central Valley Flood Protection Plan

Jacob Cardoza  
Agribusiness  
Wilbur-Ellis Manteca  
24421 S.Airport Wy.  
Manteca, CA 95337-8816

**I\_CARDOZAJA1**

April 20, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_CARDOZAJA1-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_CARDOZAJA1-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_CARDOZAJA1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_CARDOZAJA1-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_CARDOZAJA1-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

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Thank you for the opportunity to comment.

Sincerely,

Jacob cardoza  
209-992-7352  
Agribusiness  
Wilbur-Ellis Manteca

**Jacob Cardoza**

***Response***

***I\_CARDOZAJA1-01***

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***I\_CARDOZAJA1-02***

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funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

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***I\_CARDOZAJA1-03***

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***I\_CARDOZAJA1-04***

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#### ***I\_CARDOZAJA1-05***

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#### **Engagement Specifics:**

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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.

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.



**Moricz, Nancy**

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**From:** jcardoza40@gmail.com  
**Sent:** Thursday, April 19, 2012 3:22 PM  
**To:** Cvfpp\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

John Cardoza  
26793 Airport Ct.  
Manteca, CA 95337-8800

**I\_CARDOZAJ01**

April 19, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_CARDOZAJ01-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

I would like to state I am proudly involved within a multi-generation family farm along the San Joaquin River that would be greatly affected. I also work for an environmental organization within California.

This proposal would devastate the backbone of local communities and family farm operations that have been around for decades and some longer. I realize it is difficult for those who have not spent a significant amount of time out within the proposed affected mapped area to be disconnected from the actual important issue at hand... THE PEOPLE! The ones who live, work, play and raise families in these areas. It is in our best interest financially, environmentally, and agriculturally as citizens of California to throw out this shameless proposal.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_CARDOZAJ01-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing

bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_CARDOZAJ01-03

Private property rights are also at stake.

I\_CARDOZAJ01-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_CARDOZAJ01-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

John Cardoza

**John Cardoza**

***Response***

***I\_CARDOZAJ01-01***

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.

***I\_CARDOZAJ01-02***

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 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. For additional details, see Master Response 3.

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).

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 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)).

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.

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.

***I\_CARDOZAJ01-03***

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.

***I\_CARDOZAJ01-04***

See response to comment I\_CARDOZAJ01-03. Furthermore, 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.

#### **I\_CARDOZAJ01-05**

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.

#### **Engagement Specifics:**

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.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.

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.

**CD FARMS  
Dennis Lindberg  
1096 Middlehoff Lane  
Oroville, CA 95965**

**I\_CDFARMS1**

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_CDFARMS1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity. I have been farming rice next to and adjacent to the Cherokee Canal for the past 67 years. I have witnessed the problems that Sutter Maintenance Area 13 personnel have had to deal with in maintaining adequate and unobstructed channel flow capacity. EPA, U. S. Fish and Wildlife. California Department of Fish and Game have placed restrictions on sediment, brush and tree removal that have not allowed it to function for the purpose intended when it was first built.

I\_CDFARMS1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when

**CD FARMS**  
**Dennis Lindberg**  
**1096 Middlehoff Lane**  
**Oroville, CA 95965**

the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_CDFARMS1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,



Dennis Lindberg

**CD Farms, Oroville, California, Dennis Lindberg**

***Response***

***I\_CDFARMS1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. 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.” For additional details, see Master Response 6.

***I\_CDFARMS1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### **I\_CDFARMS1-03**

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 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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



# I\_COATS1

**Moricz, Nancy**

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**From:** Y [fecoats@msn.com]  
**Sent:** Saturday, February 18, 2012 9:13 AM  
**To:** Cvfpp\_Comments  
**Subject:** CVFPP PLAN and public rights to river use, navigable servitude, dedicated easements, access

I\_COATS1-01

Please acknowledge in the documents the existence of the navigable servitude granting the public the right to use the rivers and the banks of the rivers for recreational purposes. Also please recognize the significance of routes of access to the rivers as necessary to permit the use of the rivers and their banks.

These rights are property rights as deserving of respect as any other.

Many of the routes of access are unrecorded dedicated routes. In your work you should take steps to identify, not obstruct, and hopefully preserve these routes.

Modern experience indicates that individual levee districts and reclamation districts, being landowner dominated, are adverse to these rights and as a matter of course obstruct access to the rivers.

Francis Coats 3392 Caminito Avenue Yuba City CA 95991 (530) 701-6116 [FECOATS@men.com](mailto:FECOATS@men.com)

Sent from my Kindle Fire

**Frank Coats, Yuba City, California**

***Response***

***I\_COATS1-01***

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (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.

**From:** [Hadden, Mary](#)  
**To:** [Meredith Parkin](#)  
**Subject:** FW: Navigable servitude  
**Date:** Monday, April 23, 2012 1:46:02 PM

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**I\_COATF1**

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**From:** Y [mailto:fecoats@msn.com]  
**Sent:** Thursday, April 12, 2012 7:29 AM  
**To:** DPEIRcomments@water.ca.gov  
**Subject:** Navigable servitude

I\_COATF1-01

Please acknowledge in the document the need to accommodate the public's right to be on the rivers and on the banks of the streams up to the high water mark.  
Also please discuss the need to identify and preserve existing rights of public access to the river including dedicated access routes not of record.  
Frank Coats 3392 Caminito Avenue Yuba City CA 95991

Sent from my Kindle Fire

**Frank Coats, Yuba City, California**

***Response***

***I\_COATSF1-01***

The comment points out that the public has legal access to rivers and streams up to the high-water mark, and requests preservation of river and stream access routes, regardless of whether or not they have been officially recorded. This comment relates to points of law and does not pertain to the analysis contained in the DPEIR. With regard to the CVFPP, project proponents are required to adhere to all requirements of federal and State law when carrying out project-related actions. No changes to the DPEIR are required.

Ryan J. Coker  
12 Sega Drive  
Chico, CA 95928  
(530) 682-8199

April 5, 2012

**I\_COKER1**

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_COKER1-01

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_COKER1-02

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_COKER1-03

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

**Ryan J. Coker**  
**12 Sega Drive**  
**Chico, CA 95928**  
**(530) 682-8199**

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Ryan Coker". The signature is written in a cursive, flowing style.

Ryan Coker

**Ryan J. Coker, Chico, California**

***Response***

***I\_COKER1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_COKER1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### **I\_COKER1-03**

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



**CP Sheppard Farms**  
P.O. Box 828  
Biggs, CA 95917  
(530) 868-1837



April 10, 2012

**I\_CPSF1**

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_CPSF1-01

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_CPSF1-02

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of



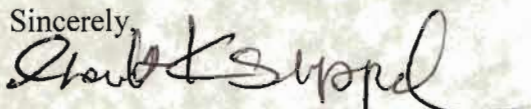
building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_CPSF1-03

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles K. Sheppard", with a stylized, flowing script.

Charles K. Sheppard

**Charles K. Sheppard, CP Sheppard Farms, Biggs, California**

***Response***

***I\_CPSF1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_CPSF1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### ***I\_CPSF1-03***

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



**Moricz, Nancy**

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**From:** Donna Critchfield [dcritchfield@frontiernet.net]  
**Sent:** Friday, April 13, 2012 12:00 PM  
**To:** Cvfp Comments

Dear Ms. Moricz:

- I\_CRITCH1-01 As a resident of the Sacramento Valley, I understand the need for flood control and protection. I do not understand why it is necessary for those of us who live in rural communities to sacrifice to benefit those who live in metropolitan areas. Are the lives of rural dwellers less valuable than the lives of city dwellers? Is the economic viability of agricultural production less important than industrial production?
- I\_CRITCH1-02 As a member of the Colusa City Council, I have grave concern for the welfare of our city if the waters of Cherokee Canal are diverted to flow into the Sacramento River. The City of Colusa depends on revenue generated by agriculture, hunting and fishing. If excess water floods the farms and hunting grounds, this city will lose most of its tax revenue generated by those activities, not to speak of loss of life for those in the flooded areas.
- I\_CRITCH1-03 The city of Colusa is comprised of 2300 households. Of those household, 51% qualify as low and very low income under federal guidelines. We have already faced upgrade of our wastewater treatment facility. Replacement of municipal wells for drinking water is imminent and expected in two to three years. To add further burden to repair and strengthen our levees, at your current projected cost and timeline, is more than we can expect residents to pay. Our state and federal government must arrive at a solution to the economic strain this project is placing on all residents of small, rural communities.
- I\_CRITCH1-04 My further concern has to do with the fact that there was no public participation in the development of Parts 3 & 4 and the appendices to your plan.
- It seems that meeting the July 1 deadline for implementation has over shadowed the need for public input from those who have experienced flood waters in this area, and has ignored the value of their wisdom; while also apparently disregarded the risk of economic ruin to one of the most valuable agricultural areas in this state. Loss of crops in this county will severely and adversely affect our state and national economies.
- I urge you to request extension of the July 1 deadline and reestablish your original plan to secure public input on the later parts of your plan. It is more important to have a well designed, logical and functional long range plan based on fact and experience, than to risk lives and livelihood of rural areas. Please delay implementation of this plan as it is currently written.

Yours very truly,  
Donna Critchfield

**Donna Critchfield, Colusa, California**

***Response***

***I\_CRITCH1-01***

As stated in Master Response 4, 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.

***I\_CRITCH1-02***

As stated in Master Response 1, 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.

***I\_CRITCH1-03***

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](http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf)).

#### ***I CRITCH1-04***

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 workgroups 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 workgroups 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. Workgroup 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>.

# I\_DAVIES1

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
R Davies	Davies Oil	<a href="mailto:robldavies@nhdco.com">robldavies@nhdco.com</a>				<p>It is with great concern for our community that I ask the board to consider the impact of its' actions. Colusa County is much like the greater body of California in that it is driven largely by the commerce of agriculture. Truly few in numbers, California farmers have helped to feed the world for over 100 years. Through much adversity, the California farmer has worked hard to keep food not only on his table but yours and mine as well. However, his commitment to task comes with the responsibility of not only caring for his crops but the health and well-being of all that influences his land. Like the farmer, you are charged with the responsibility to consider the health and well-being of those influenced by your actions. This includes those in highly populated areas such as Natomas as well as those of us who live in smaller yet no less important communities. From Redding to the Sacramento Delta, you are obligated to keep whole each and every citizen, to the best of your ability. It is my understanding that part of the proposal before you puts valuable farmland at risk of becoming floodplain, an outcome we adamantly oppose. To take out of production, to put one</p>

**R. Davies, Davies Oil**

***Response***

***I\_DAVIES1-01***

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.

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. 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.

# I\_DORRIS1



1619 Farnham Ave.  
Woodland, CA 95776

Phone (530) 662-4777

Fax (530) 662-4464

E-Mail: hersheyland@sbcglobal.net

COMMERCIAL CATTLE  
GENERAL FARMING  
LAND MANAGEMENT

I\_DORRIS1-01

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley are, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder that appears to be located within an area due for expansion of the Yolo Bypass. I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose one of our properties, now located behind the levees to flooding. The current plan "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_DORRIS1-02

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, our farm is located on lands that have been historically protected from flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on our lands. No amount of compensation will restore our operation to our current standards. We can trace our families' ownership in these farms back to the 1860's. Part of the ranch was taken for the existing Yolo Bypass. I am at a complete loss as to moving the existing west bypass levee. The cost verses benefit does not make sense.

I\_DORRIS1-03

Private property rights are at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.



The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_DORRIS1-04

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the “regional planning” and “feasibility study” and “project implementation” phases of the Plan, it is a serious concern for those of us who are Central Valley agricultural stakeholders. Major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State’s proposed Plan. To try to read through all of the information regarding the proposed plan, and interpret how it affects their operation, is impossible. Please don’t try to sell this to the public as a flood control issue when over 25% of the costs and lands being taken, are for the express purpose of “habitat improvement”.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Roger Dorris, Manager

Hershey Land Company Row Crop, LLC

**Roger Dorris, Manager, Hershey Land Company Row Crop, LLC**

***Response***

***I\_DORRIS1-01***

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.

***I\_DORRIS1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_DORRIS1-03***

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.

***I\_DORRIS1-04***

See response to comment I\_DORRIS1-03. Furthermore, 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.

#### **I\_DORRIS1-05**

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.

#### **Engagement Specifics:**

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.cvfpb.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.

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.

# I\_DURST1

Fritz Durst  
1769 Woodside Drive  
Woodland, CA 95695

April 16, 2012

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

To the members of the Board of the Central Valley Flood Protection Board:

I\_DURST1-01

I would like to thank you for the opportunity to express my concerns regarding the Central Valley Flood Protection Plan (CVFPP).

My first issue is that of the Flood Protection Plan and the EIR documents. I would be interested to know if any of the Board members have read both of the documents entirely. Or even one of the documents in its entirety? There is an inherent distrust of over 7500 pages that affect the well being and livelihoods of those of us in Yolo, Colusa and Sutter counties. This is the Health Care Bill on Steroids.

I\_DURST1-02

I believe that the planners have been deaf to issues concerning Agriculture. The plan is specific to increased flood control and funding for urban areas, but lacks any detail or suggestions for funding for rural improvements. It also has specific actions to mitigate negative impacts of wildlife improvements on urban areas, such as mosquitoes and wild life near to the airports. However, there are NO mechanisms for the mitigation of wildlife impacts on Agriculture.

I\_DURST1-03

I very much oppose the establishment of habitat within flood channels and corridors. Habitat impedes the flows of flood waters and should be established OUTSIDE of our bypasses. Farming of our bypasses is an effective method of keeping our channels open.

I\_DURST1-04

I currently oppose the enlargement of the Cherokee Canal. The Sutter Bypass above the confluence of the Feather River has no extra capacity to handle the additional flows from the Feather River. 1997 was a disastrous year for the Meridian Area and those of us along the Sacramento River, south of Colusa saw the River reach the "Danger" stage.

I\_DURST1-05

I suggest that the Central Valley Flood Protection Board goes back to the Legislature and ask for a one year extension on the date to submit a plan.

Sincerely,



Fritz Durst

## **Fritz Durst, Woodland, California**

### ***Response***

#### ***I\_DURST1-01***

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.

#### ***I\_DURST1-02***

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.

The mitigation measures referenced by the commenter are contained in DPEIR Section 3.12, “Hazards and Hazardous Materials.” Mitigation Measure HHM-6 (NTMA and LTMA) related to mosquitoes is intended to help prevent the widespread human health issue related to transmission of

vector-borne diseases. Mitigation Measure HHM-4 (NTMA and LTMA) 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 appears to suggest that an additional mitigation measure should be added to the DPEIR to “mitigat[e] wildlife impacts on agriculture.” 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 proposed program would result in negative impacts on agriculture from wildlife. Therefore, no changes to the DPEIR are required.

***I\_DURST1-03***

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.

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.

#### ***I\_DURST1-04***

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.

#### ***I\_DURST1-05***

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.

# I\_ELDON1

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I\_ELDON1-01

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I\_ELDON1-02

I am very concerned about the proposed plan for the following reasons:

I\_ELDON1-03

- \* The potential farmland conversion impacts;
- \* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_ELDON1-04

- \* Private property rights;

I\_ELDON1-05

- \* Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_ELDON1-06

- \* Impacts on livelihoods and businesses;

I\_ELDON1-07

- \* Impacts on property values;

I\_ELDON1-08

- \* The potential for eminent domain abuses;

I\_ELDON1-09

- \* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_ELDON1-10

- \* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_ELDON1-11

- \* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_ELDON1-12

- \* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_ELDON1-13

- \* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

I\_ELDON1-14

- \* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_ELDON1-15

- \* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_ELDON1-16

- \* Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_ELDON1-17

- \* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

I\_ELDON1-18

- \* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,



Jim Eldon  
Fiddler's Green Farm, Inc.  
18265 County Rd. 70  
Brooks, CA 95606



**Jim Eldon, Fiddler's Green Farm, Inc.**

***Response***

***I\_ELDON1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, "Engagement Record," in Appendix A, "Central Valley Food Protection Plan." Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_ELDON1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State's vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, "Central Valley Flood Protection Plan," describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, "Agriculture and Forestry Resources," of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_ELDON1-03***

See response to comment I\_ELDON1-02.

***I\_ELDON1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

#### **I\_ELDON1-05**

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_ELDON1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

**I\_ELDON1-06**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

**I\_ELDON1-07**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

**I\_ELDON1-08**

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_ELDON1-04.

***I\_ELDON1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and

AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I ELDON1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "Integration of environmental conservation elements into NTMA 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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I\_ELDON1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

#### **I\_ELDON1-12**

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I\_ELDON1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

**I\_ELDON1-14**

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,

including potential increased pressure on existing levees. 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.

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.

#### **I ELDON1-15**

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

**I\_ELDON1-16**

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_ELDON1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_ELDON1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.



Thomas W. Ellis  
P.O. Box 6  
Grimes, California 95950  
February 20, 2012

**I\_ELLIS1**

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

Dear President Carter,

I\_ELLIS1-01

I am writing on behalf of my wife and I as very concerned farmers and landowners in the Colusa Basin area of southern Colusa and northern Yolo Counties. We are aware of the development of the Central Valley Flood Protection Plan and have participated in all of the Upper Sacramento Region meetings, all the Agricultural Stewardship subcommittee and three of the Management Action Workshops that have been held during the past two years.

I\_ELLIS1-02

My first concern is the two-tiered level of flood protection that was mandated by SB5 requiring a 200-year level of flood protection for urban and urbanizing areas, 100 year level for rural communities and I'm not certain what level for rural agricultural areas. When the Sacramento River Flood Control Project was built, it is my understanding there was no such distinction made. Later, a memorandum of understanding was executed assuring rural areas of the protection provided by the "57 Profile." As a result of SB 5, rural areas have been put in an untenable position, uncertain of their future flood protection. The Sacramento River Flood Control Project has kept us relatively free from significant flooding since its completion and we have become accustomed to that level of protection.

I\_ELLIS1-03

Also, it appears to me that the new Flood Plan is more of an ecosystem restoration plan than a flood protection plan, which brings to the forefront the need for "landowner assurances" so we in production agriculture have some recourse when we find ourselves neighboring a restoration project. I think conflicts are inevitable in such a situation and believe we should have a grievance procedure and a "good neighbor fund" in place to address these conflicts. Discussion of this issue was squelched in the Ag Stewardship Committee by the Plan leadership because they maintained the Plan is definitely a flood protection plan – not an ecosystem plan.

I\_ELLIS1-04

Another area of concern with the Plan involves the development of the 90 plus Management Actions under consideration for inclusion in the 2012 Plan. These actions were divided into 11 category based workshops. I attended three of these workshops where we discussed about 10 or 12 action items in 2 hours – about 10 to 12 minutes per item which is not much time for "transitory storage." Facilitators hustled us along to meet the time limits with the explanation that we would go into more detailed discussion in Phase 3 and 4 of the Planning Process. Phase 3 and 4 were then cancelled. We never had the opportunity for these in depth discussions. Then, when I got the final Plan, these management actions appear as attachment 7, Section 6. I'm sure anyone reading the Plan

will assume all of these suggested Management Actions were fully discussed by the attendees and this was NOT the case! Also, the Finance and Revenue Workshop included MA082 – Compensate rural areas for accepting lesser flood protection than urban areas – this was deleted in the final Plan. Of course, this is a huge issue for us as we believe flood risk is being shifted to the rural areas and we firmly believe we should be made whole!

I\_ELLIS1-05

On pages 2-12 of the Plan, a new bypass along the alignment of the Cherokee Canal into the Butte Basin is discussed. I attended all the Upper Sacramento Region meetings and never heard this mentioned. I have checked with people who attended the Lower Sacramento Region meetings and they never heard it discussed either. I think it should have been discussed with local people before it appeared in the Plan as the idea presents significant problems for those of us who live in the area.

I\_ELLIS1-06

Another issue is, I don't see a history document in the Plan. A draft was developed dated May 15, 2009 which I felt was lacking some important information. Several of us in the Upper Sacramento Regional Group felt very strongly about the need for such a document to accompany the Plan.

I\_ELLIS1-07

In conclusion, I cannot support the Plan as I feel the Plan and the Planning Team had a deaf ear when it came to addressing the concerns of rural/agricultural areas. It is unfair to expect these areas to absorb the risk of major flood events without being made whole.

Thomas W. Ellis

**Thomas W. Ellis, Farmer and Landowner, Grimes, California**

***Response***

***I\_ELLIS1-01***

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.

***I\_ELLIS1-02***

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 event) 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 flood event 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.

#### **I\_ELLIS1-03**

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.

See response to comment I\_ELLIS1-04 regarding the discussion in Master Response 9.

***I\_ELLIS1-04***

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.

**Engagement Specifics:**

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.cvfpb.ca.gov>.

Furthermore, 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.

### ***1\_ELLIS1-05***

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 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.

**I\_ELLIS1-06**

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 their comment.

***I\_ELLIS1-07***

As stated in Master Response 3 and discussed in the introduction to these master responses in Section 2.1, these impacts generally are social and economic in nature, and CEQA does not require addressing them except to the extent that they relate to potentially significant adverse effects on the physical environment. Nonetheless, the responses shown below have been prepared to maximize responsiveness to public participation in the CVFPP.

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, 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.

Furthermore, 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.

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.

State of California, Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I\_FITZJAC1-01

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I am very concerned about the proposed plan for the following reasons:

I\_FITZJAC1-02

\*The potential farmland conversion impacts;

I\_FITZJAC1-03

\*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_FITZJAC1-04

\*Private property rights;

I\_FITZJAC1-05

\*Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_FITZJAC1-06

\*Impacts on livelihoods and businesses;

I\_FITZJAC1-07

\*Impacts of property values;

I\_FITZJAC1-08

\*The potential for eminent domain abuses;

I\_FITZJAC1-09

\*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_FITZJAC1-10

\*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_FITZJAC1-11

\*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_FITZJAC1-12

\*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_FITZJAC1-13

\*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;

I\_FITZJAC1-14

\*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_FITZJAC1-15

\*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_FITZJAC1-16

\*Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_FITZJAC1-17

\*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);

I\_FITZJAC1-18

\*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely, *Jack Fitzgerald*

*Jack Fitzgerald*  
3485 Park Blvd  
El Dorado Hills CA 95762

**Jacqueline (Jackie) Fitzgerald**

***Response***

***I\_FITZJAC1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_FITZJAC1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_FITZJAC1-03***

See response to comment I\_FITZJAC1-02.

***I\_FITZJAC1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_FITZJAC1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_FITZJAC1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze



specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_FITZJAC1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_FITZJAC1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_FITZJAC1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_FITZJAC1-04.

***I\_FITZJAC1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and

AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

**I\_FITZJAC1-10**

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "Integration of environmental conservation elements into NTMA 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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### ***1\_FITZJAC1-11***

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***1\_FITZJAC1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

***I\_FITZJAC1-13***

As stated in Master Response 1, 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 LTMA). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_FITZJAC1-14***

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,

including potential increased pressure on existing levees. 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.

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.

#### ***I\_FITZJAC1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

***I\_FITZJAC1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_FITZJAC1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_FITZJAC1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

State of California, Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I\_FITZJAN1-01

I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I\_FITZJAN1-02

I am very concerned about the proposed plan for the following reasons:

I\_FITZJAN1-03

- \*The potential farmland conversion impacts;
- \*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_FITZJAN1-04

- \*Private property rights;

I\_FITZJAN1-05

- \*Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_FITZJAN1-06

- \*Impacts on livelihoods and businesses;

I\_FITZJAN1-07

- \*Impacts of property values;

I\_FITZJAN1-08

- \*The potential for eminent domain abuses;

I\_FITZJAN1-09

- \*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_FITZJAN1-10

- \*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_FITZJAN1-11

- \*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_FITZJAN1-12

- \*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_FITZJAN1-13

- \*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;

I\_FITZJAN1-14

- \*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_FITZJAN1-15

- \*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_FITZJAN1-16

- \*Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_FITZJAN1-17

- \*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);

I\_FITZJAN1-18

- \*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

*Jane Fitzgerald*  
Jane Fitzgerald

PO Box 457

Knights Landing, CA 95645

phone # 530 662 3525

**Jane Fitzgerald**

***Response***

***I\_FITZJAN1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_FITZJAN1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_FITZJAN1-03***

See response to comment I\_FITZJAN1-02.

***I\_FITZJAN1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_FITZJAN1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_FITZJAN1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

**I\_FITZJAN1-06**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

**I\_FITZJAN1-07**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

**I\_FITZJAN1-08**

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_FITZJAN1-04.

***I\_FITZJAN1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and

AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I FITZJAN1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "Integration of environmental conservation elements into NTMA 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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I\_FITZJAN1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I\_FITZJAN1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

***I\_FITZJAN1-13***

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_FITZJAN1-14***

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,

including potential increased pressure on existing levees. 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.

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.

#### ***I\_FITZJAN1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

**I\_FITZJAN1-16**

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_FITZJAN1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.



***I\_FITZJAN1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

State of California, Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 152, Sacramento, CA95821

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APR 10 2 2012

**I\_FITZK1**

RE: Agriculture and Central Valley Flood Issues

I\_FITZK1-01 I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I\_FITZK1-02 I am very concerned about the proposed plan for the following reasons:

\*The potential farmland conversion impacts;

I\_FITZK1-03 \*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_FITZK1-04 \*Private property rights;

I\_FITZK1-05 \*Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_FITZK1-06 \*Impacts on livelihoods and businesses;

I\_FITZK1-07 \*Impacts of property values;

I\_FITZK1-08 \*The potential for eminent domain abuses;

I\_FITZK1-09 \*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_FITZK1-10 \*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_FITZK1-11 \*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_FITZK1-12 \*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_FITZK1-13 \*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;

I\_FITZK1-14 \*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_FITZK1-15 \*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_FITZK1-16 \*Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_FITZK1-17 \*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);

I\_FITZK1-18 \*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

*Karen Fitzgerald*

Karen Fitzgerald  
1743 Palmyra Ln.  
Penryn, CA 95663  
916-663-3843

**Karen Fitzgerald**

***Response***

***I\_FITZK1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_FITZK1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_FITZK1-03***

See response to comment I\_FITZK1-02.

***I\_FITZK1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_FITZK1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_FITZK1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_FITZK1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_FITZK1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_FITZK1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_FITZK1-04.

***I\_FITZK1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and



AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_FITZK1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "Integration of environmental conservation elements into NTMA 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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### ***1\_FITZK1-11***

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***L\_FITZK1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I\_FITZK1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

**I\_FITZK1-14**

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,

including potential increased pressure on existing levees. 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.

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.

#### ***I\_FITZK1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

***I\_FITZK1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_FITZK1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_FITZK1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

**I\_FITZM1**

RE

State of California, Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I\_FITZM1-01 I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I\_FITZM1-02 I am very concerned about the proposed plan for the following reasons:

- I\_FITZM1-03 \*The potential farmland conversion impacts;
- I\_FITZM1-04 \*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
- I\_FITZM1-05 \*Private property rights;
- I\_FITZM1-06 \*Impacts on particular parcels, farming operations, reclamation district areas, etc.
- I\_FITZM1-07 \*Impacts on livelihoods and businesses;
- I\_FITZM1-08 \*Impacts of property values;
- I\_FITZM1-09 \*The potential for eminent domain abuses;
- I\_FITZM1-10 \*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
- I\_FITZM1-11 \*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
- I\_FITZM1-12 \*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- I\_FITZM1-13 \*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
- I\_FITZM1-14 \*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
- I\_FITZM1-15 \*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
- I\_FITZM1-16 \*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
- I\_FITZM1-17 \*Assurances associated with potential liabilities under the federal and state endangered species acts;
- I\_FITZM1-18 \*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
- I\_FITZM1-19 \*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

*Marianne Fitzgerald*

Marianne Fitzgerald  
1175 Sagebrush Drive  
Corrales, NM 87048  
505-897-7108

**Marianne Fitzgerald**

***Response***

***I\_FITZM1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_FITZM1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_FITZM1-03***

See response to comment I\_FITZM1-02.

***I\_FITZM1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_FITZM1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_FITZM1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_FITZM1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_FITZM1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_FITZM1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_FITZM1-04.

***I\_FITZM1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and

AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I FITZM1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "Integration of environmental conservation elements into NTMA 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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I\_FITZM1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I\_FITZM1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

***I\_FITZM1-13***

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_FITZM1-14***

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,

including potential increased pressure on existing levees. 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.

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.

#### ***I\_FITZM1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

**I\_FITZM1-16**

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_FITZM1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_FITZM1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.



# I\_FLYNN1

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Jeffery Flynn	NA	<a href="mailto:jeff@flynnmail.net">jeff@flynnmail.net</a>	NA			<p>The proposed bypass expansion is a huge waste of tax payer money, violation of long standing property owner rights, destructive to legacy communities and completely unwarranted. This appears to be an environmental habitat expansion that is not essential to the core mission of flood protection. A state grab of over 40,000 acres (over sixty square miles) smacks of a gross over reach that adversely impacts state tax revenues as this is some of the most productive farming in the state. Many of the levee's in these areas have been recently renovated and their removal is a huge waste of money. This multi-billion dollar component of this plan should be eliminated.</p>	<p>Eliminate the following bypass expansion proposals:</p> <p>Feather River Bypass</p> <p>Sutter Bypass</p> <p>Yolo Bypass</p> <p>Sacramento Bypass</p> <p>Lower San Joaquin River Bypass</p>

**Jeffery Flynn**

***Response***

***I\_FLYNN1-01***

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.

In addition, 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 topic or information was raised in the comments.

## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_FOSTER1**

Date 4/6/12 Name ENVONNA Foster  
Phone (optional) \_\_\_\_\_ E-mail (optional) \_\_\_\_\_  
Affiliation Self-Employed farmer  
Address (optional) \_\_\_\_\_

☐ 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.cvfpp.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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)  
DPEIR 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) ☒ Both

The impact of this plan is so great that  
Land owners should have been included in drafting  
of the plan from the very beginning.  
It also appears to me this is a habitat  
& water diversion plan instead of a flood  
plan. Prior to signing to authorize this  
plan we need to know exactly what property  
is impacted, to what extent & how much  
property owners are going to be paid for

Please continue on back of this card, if needed.

I\_FOSTER1-01



L FOSTER1-02

Their losses & property,

Due to the prohibitive cost of this plan, wouldn't it be more economically feasible to focus on fixing the current bypass system and clean out the channels of sediment & vegetation to allow water to flow, repair the existing levees; Get rid of so much environmental issues & bring into the planning & implementation the landowners, local governmental agencies, so the plan can be designed for the benefit of all!!! Not for the benefit of a few.

FOLD HERE

Return address:

Euroana Foster  
P.O. Box 1563  
Marysville, Ca 95901

SACRAMENTO, CA 957

09 APR 2012 PM 2 T



RECEIVED

APR 10 2012

Central Valley Flood Protection Board

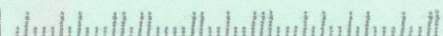
Attn: Nancy Moricz

3310 El Camino Ave., Room 151

Sacramento, CA 95821

95821+6340

TAPE



**Euvonna Foster, Farmer, Marysville, California**

***Response***

***I\_FOSTER1-01***

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 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.

Furthermore, 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.

Also, 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.

#### **Engagement Specifics:**

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.cvpfb.ca.gov>.

### ***I\_FOSTER1-02***

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.

**Fred A. Freitas**  
**PCA-Butte County Rice Growers Association**

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

**I\_FREITAS1**

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_FREITAS1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_FREITAS1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_FREITAS1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for

**Fred A. Freitas**  
**PCA-Butte County Rice Growers Association**

growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Fred Freitas

A handwritten signature in dark ink, appearing to read 'Fred Freitas', is written over a horizontal line.

**PCA-Butte County Rice Growers Association, Fred A. Freitas**

***Response***

***I\_FREITAS1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_FREITAS1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

#### **I\_FREITAS1-03**

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

**Moricz, Nancy**

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**From:** brucefry@mohrfry.com  
**Sent:** Monday, February 20, 2012 10:16 AM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on the Central Valley Flood Protection Plan

Bruce Fry  
Vice President of Operations  
Mohr-Fry Ranches  
12609 N. West Lane  
Lodi, CA 95240-9424

February 20, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_FRY1-01 Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_FRY1-02 Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_FRY1-03 Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_FRY1-04 While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Bruce Fry  
2093343808  
Vice President of Operations  
Mohr-Fry Ranches



**Bruce Fry, Vice President of Operations, Mohr-Fry Ranches,  
Lodi, California**

***Response***

***I\_FRY1-01***

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.

***I\_FRY1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_FRY1-03***

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.

***I\_FRY1-04***

See response to comment I\_FRY1-03. Furthermore, 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.

***L\_FRY1-05***

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.

**Engagement Specifics:**

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.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.

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.

# I\_GARNE1

**Moricz, Nancy**

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**From:** jsgarner@frontiernet.net  
**Sent:** Friday, February 17, 2012 2:21 PM  
**To:** Cvfp Comments  
**Subject:** Comments on the Central Valley Flood Protection Plan

John Garner  
Farmer  
Grow food  
PO box 832  
Colusa, CA 95932-0832

February 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_GARNE1-01 Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_GARNE1-02 Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_GARNE1-03 Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I-GARNE1-04 While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.



As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed. We live in this area that it looks like you are going to sacrifice. We have invested millions of dollars in our homes, our shops and our land. To blow us off is unacceptable. We understand the high value of the urban areas, but we deserve to be recognized as a valuable industry that supports this State, and we should receive equal treatment. Thank you for the opportunity to comment.

Sincerely,

John Garner  
916 747 1228  
Farmer  
Grow food

**John Garner, Farmer, Colusa, California**

***Response***

***I\_GARNE1-01***

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.

***I\_GARNE1-02***

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funding assurances, nor does it preclude any future actions that could contribute to the State's flood management goals.

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***I\_GARNE1-04***

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#### ***I \_ GARNE1-05***

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#### **Engagement Specifics:**

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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.cvfpb.ca.gov>.

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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.



Jared Gross  
1604 Hwy 45  
Grimes, CA 95950  
April 19, 2012

**I\_GROSS1**

Nancy Moricz  
Project Section  
Central Valley Flood Protection Board  
3310 El Camino Ave.  
Rm 151  
Sacramento, CA 95821

Dear Ms. Moricz:

I\_GROSS1-01

I am writing to express my concern over the proposed 'Set-back levee' in Colusa County. My opinion is that the burden placed on local communities more than offsets the public safety benefit of the project by several orders of magnitude. I would like to know what is the benefit for rural residents put out of work by the loss in ag production. Additionally, it appears that DWR has not clearly demonstrated the public safety benefit of such a destructive undertaking.

On a personal note, my family has lived in our house for three generations. My grandfather was a first generation American and along with my grandmother raised four children here. My aunt and uncle raised a family here, and, for as long as I can remember it has been my dream to raise a family here.

I genuinely hope the board can find an alternative to the project that doesn't place such a large burden on such a small community.

Sincerely,

Jared Gross  
Crop Advisor, Grower and 3<sup>rd</sup> generation resident at 1604 Hwy 45

**Jared Gross**

***Response***

***I\_GROSS1-01***

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 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 conceptual elements proposed in the SSIA, including set-back levee and flood bypasses, 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, costs, environmental effects, and effects on local communities and individuals will be weighed against public safety benefits. As planning and analysis continues, site-specific proposals will be developed as appropriate, 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 2012 CVFPP outlines a broad range of potential physical and institutional projects and actions to reduce flood risks. Some actions identified in the SSIA will require new lands and/or easements, and some of these lands will currently be used for agriculture. 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. However, 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 (that would be

compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. The actual needs for and uses of land will vary depending on the types and locations of specific flood system improvements; however, it will not be uncommon for agricultural uses to continue in lands placed within an expanded floodway.

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 topics or information were raised in the comment.

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) 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.

February 21, 2012

**I\_HENLE1**

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I\_HENLE1-01 I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I\_HENLE1-02 I am very concerned about the proposed plan for the following reasons:

I\_HENLE1-03 \* The potential farmland conversion impacts;

I\_HENLE1-04 \* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_HENLE1-05 \* Private property rights;

I\_HENLE1-06 \* Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_HENLE1-07 \* Impacts on livelihoods and businesses;

I\_HENLE1-08 \* Impacts on property values;

I\_HENLE1-09 \* The potential for eminent domain abuses;

I\_HENLE1-10 \* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_HENLE1-11 \* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_HENLE1-12 \* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_HENLE1-13 \* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_HENLE1-14 \* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

I\_HENLE1-15 \* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_HENLE1-16 \* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_HENLE1-17 \* Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_HENLE1-18 \* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

I\_HENLE1-19 \* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

  
Printed Name

2-23-12  
Signature

**Charles A. Heinle**

***Response***

***I\_HENLE1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_HENLE1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_HENLE1-03***

See response to comment I\_HENLE1-02.

***I\_HENLE1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_HENLE1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_HENLE1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_HENLE1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_HENLE1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_HENLE1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_HENLE1-04.

***I\_HENLE1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_HENLE1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I\_HENLE1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

**I\_HENLE1-12**

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I\_HENLE1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_HENLE1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I\_HENLE1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

***I\_HENLE1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_HENLE1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_HENLE1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

**Moricz, Nancy**

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**From:** lhumphreys09@gmail.com  
**Sent:** Wednesday, April 18, 2012 10:07 AM  
**To:** Cvfpp\_Comments  
**Subject:** Flood Protection Plan Comments

Lisa Humphreys  
704 Waltz Ave  
Gerber, CA 96035-2041

**I\_HUMPHREYS1**

April 18, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_HUMPHREYS1-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_HUMPHREYS1-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_HUMPHREYS1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_HUMPHREYS1-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_HUMPHREYS1-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Lisa Humphreys

**Lisa Humphreys, Gerber, California**

***Response***

***I\_HUMPHREYS1-01***

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.

***I\_HUMPHREYS1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_HUMPHREYS1-03***

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.

***I\_HUMPHREYS1-04***

See response to comment I\_HUMPHREYS1-03. Furthermore, 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.

#### **I\_HUMPHREYS1-05**

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.

#### **Engagement Specifics:**

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.cvfpb.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.

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.

Indian Hill Land Co.  
215 B Street  
Biggs, CA 95917

## I\_IHLC1

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_IHLC1-01 I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.


As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_IHLC1-02 In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_JHLC1-03 State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

  
Indian Hill Land Co. by Evelyn Lund, Secretary

**Evelyn Lund, Secretary, Indian Hill Land Co., Biggs, California**

***Response***

***I\_IHLC1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_IHLC1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

**I\_IHLC1-03**

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



April 20, 2012

**I\_JSTEIDL1**

Ms. Mary Ann Hayden  
DWR, Division of Flood Management  
3321 Power Inn Road, Suite 300  
Sacramento, CA 95826

Re: 2012 Central Valley Flood Protection Plan

Ms. Hayden,

I\_JSTEIDL-01

It has recently come to my attention that the new draft of the 2012 Central Valley Flood Protection Plan would have a devastating effect on many families and the tax payers of California. In light of current economic conditions of the State of California and the Federal Government it does not seem feasible to move forward with this plan.

As a landowner and taxpayer I would like to formally object to this proposal.

I\_JSTEIDL1-02

Specifically CVFPP\_MSAC\_2A, found in Attachment 8J: Cost Estimates-Appendix E. Flood Corridor Expansion Plan. This plan will have a direct negative effect on my lively hood and future, not to mention the future of my family and their descendants'.

I will do anything in my power to object and delay the further development of this plan. Please consider this my formal written testimony.

If you have further questions you may contact me at: 530/701-1071

I would also ask to be contacted with any future hearings regarding this matter.

Sincerely,



Jeanette Steidlmayer  
2258 Drummond Drive  
Yuba City, CA 9591

**Jeanette Steidlmayer, Yuba City, CA**

***Response***

***I\_JSTEIDL1-01***

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. SB 5 requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

In addition, 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 information, see Master Response 9.

**I\_JSTEIDL1-02**

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted on a map in Attachment 8J, "Cost Estimates," found in Volume IV of DPEIR Appendix A, "Central Valley Flood Protection Plan." The comments generally expressed concern that the conceptual setback 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 to 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.

# I\_K-4FA1

K-4 Farms  
1437 Furneaux Road  
Olivehurst, CA 95961

April 20, 2012

**Via Email: [cvfpcom@water.ca.gov](mailto:cvfpcom@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:

I\_K-4FA1-01

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). K-4 Farms owns significant land within and adjacent to the Sutter Bypass which could be adversely affected by this Plan. I have many concerns with the Plan and DPEIR, many of which are set forth below. I also join in the comments submitted by the California Farm Bureau Federation.

I\_K-4FA1-02

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.

I\_K-4FA1-03

Changes in operation of the bypass, including changes in operation of various weirs, may result in flooding in late Spring, 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.

I\_K-4FA1-04

Not only does 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.

I\_K-4FA1-05

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. I am, therefore, 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.<sup>1</sup> 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.

I\_K-4FA1-06

Indeed, I am 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 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.

Respectfully,

Ronald G. Erny  
Authorized Representative, K-4 Farms

---

<sup>1</sup> The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

**Ronald Erny, K-4 Farms**

***Response***

***I\_K-4FA1-01***

The comment states that K-4 Farms joins with the comments submitted by the California Farm Bureau Federation (CFBF). Response to comments submitted by CFBF are located within Section 3.5, “Group Comments and Responses” of this FPEIR.

***I\_K-4FA1-02***

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.

In addition, 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 (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.

#### ***I\_K-4FA1-03***

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.

***I\_K-4FA1-04***

As stated in Master Response 1, 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.

In addition, 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.

***I\_K-4FA1-05***

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. 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.

***I\_K-4FA1-06***

As stated in Master Response 8, DWR, in coordination with USACE, the Board, and multiple stakeholders, used this legislative direction to formulate the CVFPP's primary and supporting goals, listed below.

**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

**CVFPP Supporting Goals:**

- *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.

In addition, 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)).

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.

Manuel and Sally Kafkars  
1830 Berry Road  
Rio Oso, Ca 95674

April 3, 2012

Central Valley Protection Board  
3310 El Camino Ave., Room 151  
Sacramento, Ca 95821

Dear Nancy Moricz,

**I\_KAFK1**

RECEIVED

APK - 5

I\_KAFK1-01

This letter is to voice our concerns regarding the current Flood Plan. Flood control and natural habitat is vital for survival, however farmland can never be replaced so we MUST have an efficient plan. We farm walnuts in the proposed area and feel our future is uncertain. The farmer needs to be considered in every phase of planning and development as our job is to feed the world.

Sincerely,



**Manuel and Sally Kafkares, Rio Oso, California**

***Response***

***I\_KAFK1-01***

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 topic or information was raised in the comments.

As discussed 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.

**Moricz, Nancy**

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**From:** Matthew Keasling [mkeasling@taylor-wiley.com]  
**Sent:** Friday, April 20, 2012 3:41 PM  
**To:** Cvfp Comments  
**Cc:** John Taylor; David and Susan Moore  
**Subject:** Comment letter on the CVFPP  
**Attachments:** Moore Comments on draft CVFPP\_04192012.pdf

**I\_KEAS1**

Dear Ms. Moricz:

I\_KEAS1-01

Attached please find the comment letter of the Moore family regarding the draft Central Valley Flood Protection Plan. This letter identifies the lands belonging to both David and Susan Moore as well as brothers, Arlan and Roger Moore, located near the community of Grimes which will be severally and detrimentally impacted under the draft CVFPP. The attached Moore letter goes on to suggest two alternatives to the proposed "conceptual setback area" that may continue to provide adequate flood protection while preserving their historic family home, active orchard and lone boat marina.

I\_KEAS1-02

Please ensure that the Moores, and Taylor & Wiley as their representatives, are added to the notification list for this project with respect to any portion thereof that will impact the community of Grimes.

Very truly yours,  
Matthew S. Keasling, Esq.

Matthew S. Keasling  
TAYLOR & WILEY  
2870 Gateway Oaks Dr., Suite 200  
Sacramento, CA 95833  
916.929.5545

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## MOORE FAMILY PROPERTIES

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

April 19, 2012

**Re: Comments in Opposition to Proposed Setback Levee for Grimes as Shown In  
the Draft Central Valley Flood Protection Plan (January 2012)**

Dear Executive Officer Punia and Board:

I\_KEAS1-03

Our family has been in the community of Grimes for four generations, having settled the family homestead along the right bank of the Sacramento River in 1885 (see attached). David and Susan Moore currently live in the historic family home, a home that, if a setback levee is constructed as proposed in Figure E-7 of the Draft Central Valley Flood Protection Plan (CVFPP), will cease to have flood protection, will become uninhabitable and will eventually be destroyed by the Sacramento River. Roger and Arlan Moore (Moore brothers) own a producing walnut orchard, two residences, and the only boat marina located on the west bank of the Sacramento River between Knights Landing and Colusa, located just south of the family homestead and which are similarly in jeopardy of destruction. The potential loss of all of these assets is the primary reason that the Moore family strongly opposes the CVFPP (January 2012 Draft) as proposed.

I\_KEAS1-04

Currently, the plan proposed to reinforce the levee adjacent to the community of Grimes but then recommends building a setback levee beginning on the southside of town and removing the existing levee (see attached Figure E-14 and related discussion). This will result in the loss of several acres of farm land as well as the historically significant home and the Moore brothers' marina. Rather than produce income for our family, feed people around the world, and provide access to the River for local residents, these lands will revert to riparian habitat. This will be a large loss to the town of Grimes and a devastating loss to the Moore family.

I\_KEAS1-05

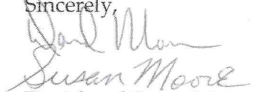
We appreciate the efforts of staff and the CVFPB in undertaking this immense project intended to provide improved flood safety to the citizens of this state. We also understand that this draft is only the first in a series of planning efforts that will occur before development of specific project segments. Since this is only a preliminary phase, we recognize that we will be afforded opportunities to participate in future planning efforts. However, it is far preferable to the entire Moore family to have the aforementioned impacts to our property addressed now during this draft phase, rather than waiting to address the matter years from now after current generations have passed and the "conceptual" plan has become entrenched.



As such, we humbly request that the Board modify the draft plan with respect to a setback levee south of Grimes (including but not limited to Figure E-7, attached, and the discussion on page D-50) to remove the proposed setback levee on the west side of the River and instead "fix in place" the existing levee south of Grimes. This alternative will provide protection from a one percent AEP flood for the broad community of Grimes, including its industry, historic places, and amenities. In the alternative, if a setback levee is necessary to meet the goals of the CVFPP, we request that its alignment be modified as shown on Exhibit A (attached). This alternative alignment will reduce impacts to agriculture while avoiding the historic Moore Family home and the only marina.

Thank you for your consideration.

Sincerely,



David and Susan Moore  
1665 Highway 45  
APN: 019-110-017-000



Roger Moore and Arlan Moore  
1661 and 1659 Highway 45  
APN: 019-110-019-000

Cc: John M. Taylor, Esq.  
Taylor & Wiley  
2870 Gateway Oaks Dr., ste 200  
Sacramento, CA 95833



Historic photographs of the Moore Family home.



The Moore home as it looks today.





**2012 Central Valley Flood Protection Plan  
Attachment 8J: Cost Estimates  
Appendix D. Protection of Small Communities**

### **Grimes**

Grimes is an unincorporated community located along the right bank of the Sacramento River in Colusa County. FLO-2D hydraulic modeling results referenced over aerial photography of Grimes (Figure D-20) showed that water depth from a simulated 1 percent AEP flood would be 0 to 1.5 feet. In addition, GAR (DWR 2010) and RACER (DWR 2011) information was reviewed for the type and cost of remediation necessary to repair the existing levee adjacent to Grimes. After analyzing the available data, it was determined that reconstruction-in-place repairs along the right bank levee of the Sacramento River, in combination with construction of a training levee south of Grimes, would protect the community from a 1 percent AEP flood (Figure D-20).

Recommended repairs along the right bank of the Sacramento River include remediation for under-seepage, through-seepage, nonseepage-related stability, erosion, and freeboard. The most thorough approach to repairs was chosen because of past performance issues along the levee segment associated with under-seepage, erosion, and possibly through-seepage. The cost to repair a 3.53-mile portion of the levee segment, identified in the GAR as Segment 288, was estimated to be \$41.9 million, which calculates to about \$11.9 million per mile. The cost per mile was then applied to only the 0.50-mile portion of Segment 288 (Figure D-20) to estimate the reconstruction-in-place costs. Although the cost to repair freeboard along Segment 288 to 1957 design elevations was applied to the current cost estimate, more data are needed to determine if the levee segment has the minimum 3 feet of freeboard for a 1 percent AEP level of protection. Additional costs to increase the crown elevation and overall size of the levee prism may apply.

To complete the conceptual layout, a training levee would be constructed beginning from the right bank of the Sacramento River, just south of Grimes. From the right bank of the Sacramento River, the training levee would extend westward along the edge of the community. The training levee was conservatively designed with a height of 4.5 feet (1.5 feet plus an additional 3 feet of freeboard) along the entire alignment. The total cost for construction, including reconstruction-in-place repairs, was estimated to be \$7.0 million.



Protection of Small Communities

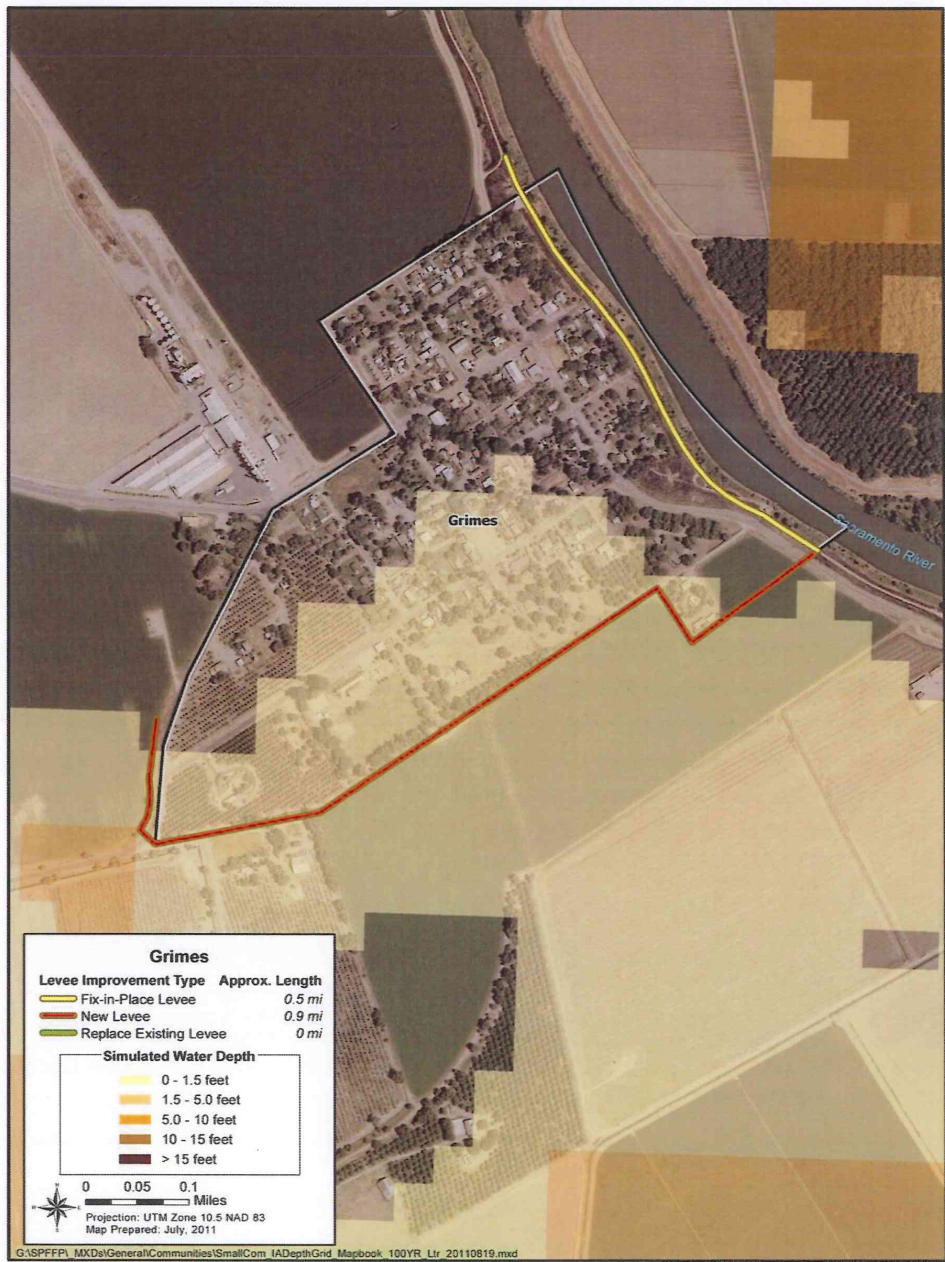


Figure D-20. Grimes Levee Approach

## Flood Corridor Expansion

Specific conceptual levee setback opportunities are shown in the following figures. The length of the new levees, removal of existing levees, and area of land created by these conceptual setback levee projects formed the basis and provide the quantities for the cost estimates.

### Costs Basis and Development

Costs were generated for setback levees parametrically. Unit costs were developed based on land type and levee function from other representative studies and construction projects for setback levees. Table E-1 lists cost development assumptions.

**Table E-1. Cost Assumptions for Setback Levees**

Element	Cost or Percentage
Environmental, Permitting, Engineering, and Feasibility	25%
ROW Cost	\$22,000 per acre
New Setback Levee Cost	\$20 – \$25 million/mile
Levee Removal Cost	\$5 – \$10 million/mile
Fix-in-Place Levee Cost	\$15 – \$20 million/mile

Key:  
ROW = right-of-way

Setback projects and data are listed in Table E-2. Four conceptual setback levee projects were identified in the Sacramento River, and five conceptual setback levee projects were identified in the San Joaquin River.

2012 Central Valley Flood Protection Plan  
Attachment 8J: Cost Estimates  
Appendix E. Flood Corridor Expansion

**Table E-2. Conceptual Setback Projects and Quantities**

Project	Basin	Region	New Levee Length (miles)	Removed Levee Length (miles)	Fix-in-Place Levee Length (miles)	Restored Area (acres)
FTR1	Sacramento	Feather	5.6	8.4	9.3	4,000
MSAC1	Sacramento	Mid-Sac	4.3	5.7	4.3	1,000
MSAC2	Sacramento	Mid-Sac	8.4	15.2	5.2	3,000
MSAC3	Sacramento	Mid-Sac	7.8	10.7	6.2	2,000
LSJ1	San Joaquin	Lower SJ	5.6	12.8	7.7	3,000
LSJ2	San Joaquin	Lower SJ	5.6	8.4	9.3	2,000
MSJ1	San Joaquin	Middle SJ	10.6	11.6	2.5	4,000
USJ1	San Joaquin	Upper SJ	7.1	8.5	2.6	2,000
USJ2	San Joaquin	Upper SJ	10.4	11.3	12.5	5,000
<b>Totals</b>			<b>65.4</b>	<b>92.6</b>	<b>59.4</b>	<b>26,000</b>

Key:  
Sac = Sacramento  
SJ = San Joaquin

The conceptual setback projects would create 26,000 acres of potential riparian habitat. The habitat created may bring additional institutional support and financial benefits to the CVFPP. Setback projects would also reduce monitored and maintained levee length by 27 miles. This would save a significant amount of money in annual maintenance.

If these projects were to move forward toward implementation, they would require a feasibility analysis of alternatives. The analysis would need to further assess the impacts to existing agricultural uses, local infrastructure, and river and levee access. Additional detail for the conceptual setback levee approach is shown for each project in Figures E-5 through E-13.

The high and low range of conceptual construction costs are listed in Table E-3. The nine projects would cost between \$3.2 billion and \$4.5 billion to construct. This cost does not include long-term maintenance and restoration costs (tree, shrub, grass plantings, temporary irrigation) for the restoration acreage.

## Flood Corridor Expansion

Table E-3. Summary of Setback Levee Costs

Project	Total Construction Cost (low)	Total Construction Cost (high)
FTR1	\$381,408,500	\$519,854,050
MSAC1	\$201,276,950	\$294,718,650
MSAC2	\$386,807,260	\$552,329,180
MSAC3	\$345,190,150	\$490,166,950
LSJ1	\$356,844,340	\$509,253,520
LSJ2	\$337,408,500	\$475,854,050
MSJ1	\$395,038,150	\$540,414,650
USJ1	\$268,030,710	\$381,322,830
USJ2	\$562,191,900	\$755,309,700
<b>Totals</b>	<b>\$3,234,196,460</b>	<b>\$4,519,223,580</b>



2012 Central Valley Flood Protection Plan  
Attachment 8J: Cost Estimates  
Appendix E. Flood Corridor Expansion

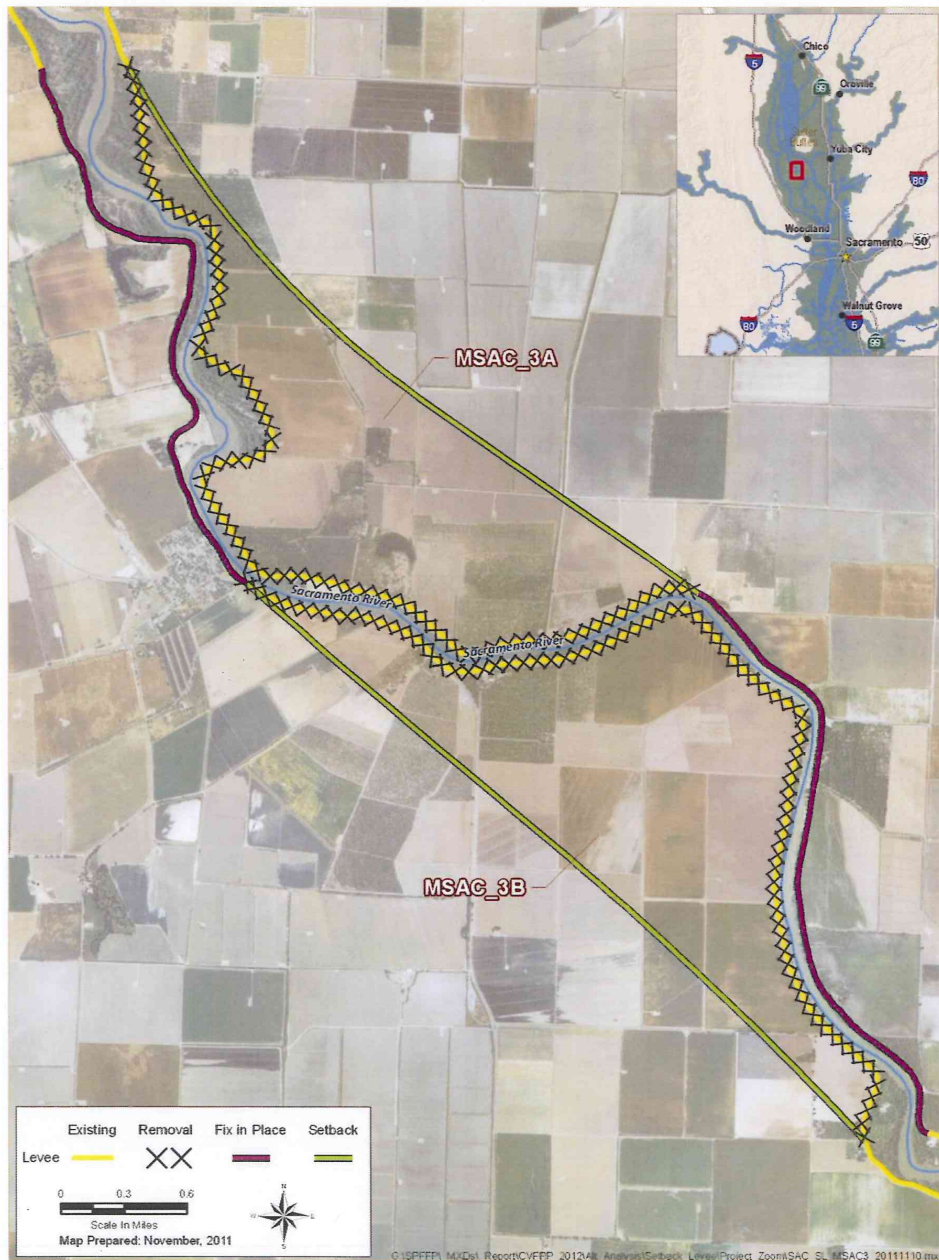
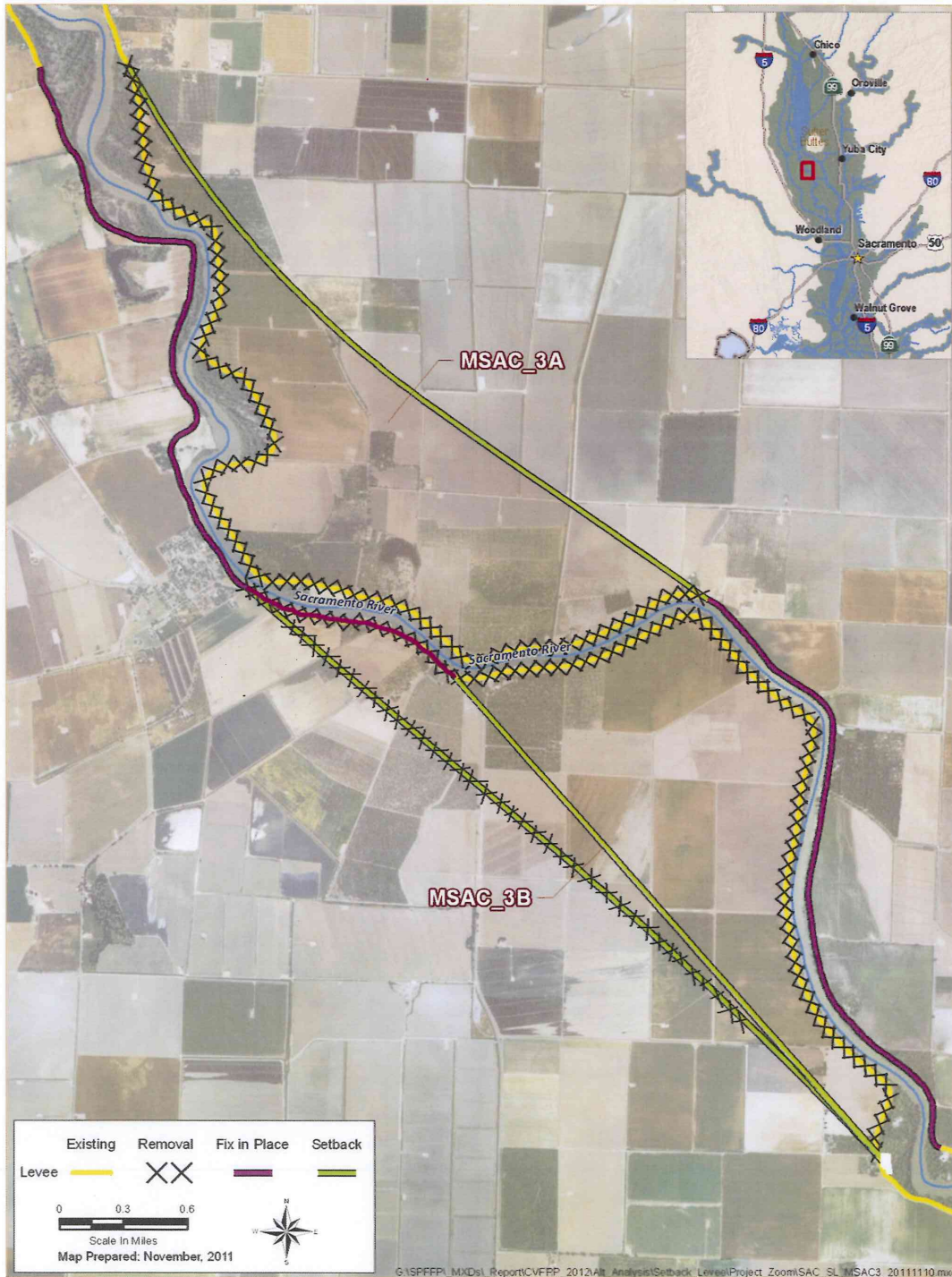


Figure E-7. MSAC3 Conceptual Setback Area, Sacramento River

# EXHIBIT A



**Matthew S. Keasling, Taylor & Wiley, Sacramento, California**

***Response***

***I\_KEAS1-01***

The comment references the conceptual levee setback element depicted on a map shown as Figure E-7, page E-14 map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. As stated in Master Response 20, 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.

***I\_KEAS1-02***

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).

***I\_KEAS1-03***

See response to comment I\_KEAS1-02.

***I\_KEAS1-04***

See response to comment I\_KEAS1-02.

***I\_KEAS1-05***

See response to comment I\_KEAS1-02.

***I\_KEAS1-06***

See response to comment I\_KEAS1-02.

**Moricz, Nancy**

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**From:** Suzi Kinkle [sckinkle@sbcglobal.net]  
**Sent:** Thursday, April 19, 2012 4:50 PM  
**To:** Cvfppl\_Comments  
**Subject:** Public Comment RE: DRAFT Central Valley Flood Protection Plan

PUBLIC COMMENT RE: DRAFT Central Valley Flood Protection Plan

To Whom It May Concern:

I\_KINKLE1-01 There are fatal flaws in the Central Valley Flood Protection plan. In the very beginning of your planning stages you needed the input and knowledge countless local citizens whom live and work along the very waterways you are attempting to protect or restore—which is it?

Restore brings “habitat restoration” to mind, protect brings “...maintaining the integrity of the exiting flood control system...” Maintenance—that is the very root of this problem.

I\_KINKLE1-02 Granted you had the input of a handful of local and very knowledge folks (Louis Bair, Tom Ellis, Ben Carter, Lady Bug Doherty—to name a few from Colusa County), however it was made very clear at the April 12, 2012 Colusa County Public Meeting that their input was cut short.

I\_KINKLE1-03 Face the facts, this is the 21<sup>st</sup> century, life has evolved from pre-levee times-- there IS habitat, along with millions of citizens (rural and urban—we are all equal) and yet we have silt and debris build-up in flood control channels that has not been be adequately maintained for the good of *all* citizens.

I\_KINKLE1-04 The idea of proposed, costly set back levees impacting tens of thousands of acres of productive agricultural land is NOT the answer. How would you mitigate the loss of ag land and private property rights, not to mention the billions of dollars lost in agricultural commodities (California economy)?

Our question is...what is the mandate, the mitigation-- for the thousands of folks who are dedicated to their professions, their livelihoods of farming? There are laws protecting endangered species, where is the law that protects the farmer, their private property and their rights.

I\_KINKLE1-05 Lastly, how could you possibly maintain what you have proposed in the DRAFT Central Valley Flood Protection Plan when you cannot maintain the existing flood control system?

Signed:

Douglas and Suzi Kinkle

2007 Alameda Avenue

Davis, CA. 95616

April 19, 2012

**Douglas and Suzi Kinkle, Davis, California**

***Response***

***I\_KINKLE1-01***

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)).

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.

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.”I\_KINKLE1-02

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. 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.

**Engagement Specifics:**

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.

**I\_KINKLE1-03**

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.

#### ***I\_KINKLE1-04***

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 topic or information was raised in the comments.

***I\_KINKLE1-05***

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.

## Chronology of notable floods and droughts in California, 1827- 1997

Flood or Drought	Date	Area Affected	Recurrence Interval (in years)	Remarks
Droughts	1827- 1916	Variable	Unknown	Multiyear: 1827- 29, 1843- 44, 1856- 57, 1863- 64(particularly extreme), 1887- 88, 1897- 1900, 1912- 13.
Flood	Dec. 1861- Jan. 1862	Statewide	Probably >100	Record stages on major rivers from Oregon to Mexico
Floods	1863- 1936	Variable	Unknown	Major: Dec. 1867, Feb. 1884, Jan. 1895, Mar. 1906, Mar. 1907, Jan. 1909, Jan. 1916.
Drought	1917- 21	Statewide except central Sierra Nevada and north coast.	10 to 40	Simultaneous in affected areas, 1919- 20. Most extreme in north.
Drought	1922- 26	Statewide except central Sierra Nevada	20 to 40	Simultaneous in effect for entire State only during 1924, which was particularly severe.
Drought	1928- 37	Statewide	>100	Simultaneously in effect for entire State, 1929- 34. Longest, most severe in State's history.
Flood	Dec. 1937	Northern two-thirds of State.	5 to >100	Several peaks of record in northern and central Sierra Nevada. Damage \$15 million.
Flood	Mar. 1938	Coastal basins from San Diego to San Luis Obispo, and parts of Mojave Desert.	50 to 90	Worst in 70 years. Deaths, 87; damage, \$79 million.
Drought	1943- 51	Statewide	20 to 80	Simultaneously in effect for entire State, 1947- 49. Most extreme in south.
Flood	Nov.- Dec. 1950	Kern River basin north to American River basin.	25 to 80	Deaths, 2; damage, \$33 million.
Flood	Dec. 1955	Northern two-thirds of State.	10 to 100	Deaths, 76; widespread damage of \$166 million.
Drought	1959- 62	Statewide	10 to 75	Most extreme in Sierra Nevada and central coast.
Flood	Dec. 1964	Northern one-half of State	10 to >100	Greatest known in the history of northern California. Deaths, 24; damage, \$239 million.
Flood	Dec. 1966	Kern, Tule, and	>100	Deaths, 3; damage, \$18 million.

		Kaweah River basins.		
Flood	Jan.- Feb. 1969	Southern and central coastal California, parts of Mojave desert.	30 to 50	Deaths, 60; damage, \$400 million.
Drought	1976- 77	Statewide, with the exception of southwestern deserts.	>100	Driest 2 years in State's history. Most severe in northern two-thirds of State.
Flood	Jan.- Feb. 1980	Central and southern coastal California.	10 to 50	Most severe in southern California. Deaths, 18; damage, \$350 million.
Flood	Jan. 1982	San Francisco Bay area.	30	Severe, mudslides in mountains north of Santa Cruz. Deaths, 31; damage \$75 million.
Flood	Feb. 1986	Northern one-half of State.	20 to 100	Peak discharge of record in Napa River and upper Feather River basins. Deaths, 14; damage, \$379 million.
Drought	1987- 89	Statewide	10 to 40	Moderate, continuing through 1989. Most extreme in northern Sierra Nevada.
Flood	Jan. 1997	Central Valley	20 to 100	Deaths, 3; damage, \$ millions.

Comments by Dale Klever, City of Colusa re: CVFPP draft April 2012

I direct the reader to review the table above, which is likely a partial list of floods and droughts. The dilemma we face is, on the one hand, too much water all at once, and on the other, periods of not enough. These huge swings in precipitation probably occurred long before the Gold Rush and recorded history. However, modern developments and civilization (the end of nomadic tribes) necessitates an effective flood control system, plus maximum storage capacity to eliminate or minimize droughts. Otherwise, California will continue to face devastation of one form or another. Flood control planning has been an on-going process since California was admitted as a state in 1850 and must remain a priority focus for the State. I commend these efforts, yet caution against a plan that considers only floods and riverine habitats, leaving droughts completely and totally out of the picture. One flood control element helps alleviate both issues; the dam. In fact, Los Angeles would benefit by installing some diversion dams or weirs in their gigantic storm channels, catching some of that storm water before it all runs out to the ocean.

(page 1-16) "Riverine habitats and ecosystem functions have been degraded over time through changes in land use, construction of dams and levees, water pollution, and other causes." Dams are key to flood control and storage, and need not be the enemy of Central Valley riverine habitats. Very little is mentioned in the Draft Plan about dams, except for a slight mention of operational changes to minimize damage to habitat. The Oroville Dam reduced flood flows down the Feather River since it was under construction in 1964, even before it was even finished. On Christmas Day of 1955, emergency workers in Yuba City and Marysville feverishly sand-bagged the crown of the levee, while the flood waters lapped over the top of the levee. In December of 1964, when only the earthen base had been constructed, Oroville Dam averted another flood event like the one in 1955, reduced the flow

down the Feather River by 40% and prevented another incident of the river running over the top of the levees. In the particularly devastating flood of 1997, inflows to the Oroville reservoir hit more than 300,000 cubic feet per second (8,500 m<sup>3</sup>/s), but dam operators managed to limit the outflow to 160,000 cubic feet per second (4,500 m<sup>3</sup>/s), sparing large regions of the Sacramento Valley from flooding. This one structural element in the flood control system has increased freeboard throughout the whole stretch of the Feather River throughout its lifespan. It has also produced habitat and recreational areas, plus electricity, also water for every use, including river flows as needed. Likewise, Shasta Dam has been protecting the Sacramento River floodway even longer.

I\_KLEVER1-03 Effective dam operation to promote riverine health and flourishing ecosystems is a very good start, as mentioned in the Draft Plan. Why not revisit dam design, since the CVFPP includes the consideration for billions of dollars and decades of upgrades? A fish ladder at Oroville Dam already provides an avenue for fish to reach a hatchery. Can this be improved and extended to reach the lake or a tributary? Fish friendly dam improvements incorporated with the straightening of levees would provide tremendous recapture of vast expanses of habitat, previously cut off or degraded.

I\_KLEVER1-04 (pg.1-18) "Many of the streams of the Sierra and the Coast Range have large amounts of mercury, mainly due to its use in capturing gold from sluice boxes during the Gold Rush, and also due to erosion from natural deposits." Dredge is not a bad word. After hydraulic mining, the Yuba River channel filled to the point that the river level remained overbank and against the levees continually. Valley communities forced the miners to dredge out the tailings, without eliminating some of the best fishing in the world. If there is pollution collecting in the river bottoms, then maybe periodic cleaning the river bottom would benefit the health of the riverine habitat, while improving the floodway. Intelligent methods of cleaning the river channels by dredging or other, more modern, technique is another element that is non-existent in the Draft Plan.

I\_KLEVER1-05 (4-24) "One example of linking recreation and flood management, DWR and DPR developed an Interagency Agreement that supports multi-benefit project for the Colusa Sacramento River State Recreation Area. This effort is designed to provide recreation and public access compatible with wildlife habitat conservation." I would like to read or hear more about this agreement.

I\_KLEVER1-06 (4-30) "Design and operate any new potential Feather River Bypass from the Feather River to Butte to accommodate ecosystem restoration features and benefits, including conservation and restoration of aquatic and floodplain habitats and continued compatible agricultural land uses within the bypass." This element appears partial, as the Cherokee Canal dumps into Butte Basin without restraint or regard for residents or farmers. Almost every map in the Draft Plan shows a very large water mass covering the Butte Basin area. Will S. Green of Colusa, recognized as the one who first conceived of bypasses, would turn over in his grave if he saw this unfinished bypass plan that places families into a situation of increased risk of flooding for no good reason. A "Feather River Bypass" or more rightly termed, "Butte Bypass" needs to be a complete, delineated and defined element. Otherwise, flood risk is not eliminated, but only transferred away from Yuba City and Marysville over to the families and farmers in Butte Basin. A new Butte Bypass would need to connect to the Sutter Bypass, with an improved opening to the Sutter Bypass that can handle the increased flow.

Thank you for your efforts and consideration.

Dale W. Klever,

Public Works Director  
City of Colusa

**Public Works Director, City of Colusa, Dale W. Klever**

***Response***

***I\_KLEVER1-01***

As stated in Master Response 10, multiple comments were received during the public review processes for the draft CVFPP and DPEIR regarding the absence of new reservoirs or increased reservoir storage in the SSIA. (The SSIA only includes coordinated and forecast-based operations and the Folsom Dam Raise project, currently authorized.) Specifically, many of those comments suggested that increases in upstream flood-storage capacity could reduce the need for or replace the increases in floodplain conveyance and storage capacity proposed in the SSIA. Many of these comments also suggested that increasing upstream flood-storage capacity could provide water supply benefits and reduce potential adverse effects on agriculture.

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 Surface Storage Investigations**

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.

Some specific examples of ongoing multipurpose surface-storage investigations and related investigations that are examining the feasibility of adding new flood storage are listed below.

- *Upper San Joaquin River Basin Storage Investigation*—An evaluation of increasing storage in Millerton Reservoir or building a new multipurpose reservoir upstream, such as Temperance Flat Reservoir. The current formulation includes an additional storage allocation for flood management.
- *North-of-Delta Offstream Storage Investigation*—An evaluation of building a new offstream reservoir in the Sacramento River Basin west of the Sacramento River, also known as Sites Reservoir. Flood management benefits may be possible by coordinating storage operations with other multipurpose reservoirs, such as Shasta Dam and Reservoir.
- *Shasta Lake Water Resources Investigation*—An evaluation of raising Shasta Dam for multiple purposes. The formulation considered an additional allocation for flood storage as well as operational changes, but these options are not being carried forward.

- **DWR System Reoperation Program**—An evaluation of pursuing reservoir reoperation strategies at a systemwide scale to improve water supply reliability, reduce flood hazards, and protect and restore the ecosystem.

### **Shasta Dam and Reservoir**

Analyses for the 2012 CVFPP and for previous and ongoing studies (such as Reclamation's Shasta Lake Water Resources Investigation), have found that increasing flood storage in Shasta Dam and Reservoir would not significantly reduce flood risks for lands protected by the SPFC, for several reasons. Shasta Reservoir has a sizeable flood-storage allocation capable of managing a 1 percent chance (100-year) flood from its tributary watershed; consequently, the dam and reservoir are already regulating floodflows adequately for all but the most severe and infrequent floods. More importantly, other uncontrolled tributaries (those not regulated by reservoirs) downstream from Shasta Dam, such as Cottonwood Creek, contribute peak flood flows along reaches of the Sacramento River with SPFC levees that exceed the flood releases from Shasta Dam. Additional storage in Shasta Dam and Reservoir would not address the significant flood flows produced by these unregulated tributaries. Previous studies by USACE and others have indicated that a new flood management reservoir on Cottonwood Creek would conflict with goals for watershed management and environmental restoration in the Cottonwood Creek watershed, and would have significant environmental effects. This example indicates that increased storage capacity may not always result in meaningful flood-management benefits, and that increased storage may not be feasible in locations where it is most needed.

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, the opposition would be 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.")

As stated in Section 15126.1(a) of the CEQA Guidelines:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

The DPEIR currently evaluates a reasonable range of alternatives (seven are considered and five receive full analysis) (see Chapter 5.0, “Alternatives”). The alternatives analysis is sufficient to “foster informed decision making and public participation.” As demonstrated by the discussion above, potential development of upstream storage facilities does not offer a feasible alternative to floodplain storage. As a result, CEQA does not require that such an alternative be included. For additional details, see Master Response 24.

***I\_KLEVER1-02***

See response to comment I\_KLEVER1-01.

***I\_KLEVER1-03***

See response to comment I\_KLEVER1-01.

***I\_KLEVER1-04***

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. 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.

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).

***I\_KLEVER1-05***

As stated in Master Response 7, the Central Valley Flood Protection Act of 2008 (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.

#### ***I\_KLEVER1-06***

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. 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 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.

# I\_LANG1

February 21, 2012

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I\_LANG1-01

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline was very short.

I\_LANG1-02

I am very concerned about the proposed plan for the following reasons:

I\_LANG1-03

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts and unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species acts**;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

I\_LANG1-04

I\_LANG1-05

I\_LANG1-06

I\_LANG1-07

I\_LANG1-08

I\_LANG1-09

I\_LANG1-10

I\_LANG1-11

I\_LANG1-12

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I\_LANG1-14

I\_LANG1-15

I\_LANG1-16

I\_LANG1-17

I\_LANG1-18

Sincerely,



Kyle Lang

**Kyle Lang**

***Response***

***I\_LANG1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_LANG1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_LANG1-03***

See response to comment I\_LANG1-02.

***I\_LANG1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

#### ***I\_LANG1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_LANG1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_LANG1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_LANG1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_LANG1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_LANG1-04.

***I\_LANG1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_LANG1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I LANG1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

**I LANG1-12**

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I LANG1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.



***I\_LANG1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I\_LANG1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

**I LANG1-16**

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I LANG1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

**I LANG1-18**

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

# I\_LANG2

February 21, 2012

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline was very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,



Kent Lang

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**Kent Lang**

***Response***

***I\_LANG2-01***

As stated in Master Response 13, the CVFPP and DPEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

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.

***I\_LANG2-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR addresses potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_LANG2-03***

See response to comment I\_LANG2-02.

***I\_LANG2-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

#### **I\_LANG2-05**

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_LANG2-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that, if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I LANG2-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I LANG2-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I LANG2-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_LANG2-04.

***I\_LANG2-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, both the Board and USACE have statutory roles for oversight of modifications to the SPFC, executed through their respective project review and permitting authorities. The Board has review and permitting authority under the CWC and CCR Title 23 for any project, including those resulting from the CVFPP that may encroach on, 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). DWR and the Board recognize that multiple types of crops currently are cultivated in the floodways that can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility would need to be designed to pass the design flow.

#### ***I LANG2-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I LANG2-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I LANG2-12***

The comment notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, both the Board and USACE have statutory roles for oversight of modifications to the SPFC, executed through their respective project review and permitting authorities. The Board has review and permitting and enforcement authority under the CWC 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I LANG2-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

**I LANG2-14**

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, including potential increased pressure on existing levees. 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.

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.

#### ***I LANG2-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

**I LANG2-16**

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_LANG2-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_LANG2-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

# I\_LASTUFKAF1

I\_LASTUFKAF1-01

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Francis & Pat Lastufka	Resident / Farmer	<a href="mailto:lufl@xibco.com">lufl@xibco.com</a>	<a href="https://www.cdeh.ca.gov/CDF/CDM/CDFR/2018_CDMP/Alpa_Farmer/11171.pdf">https://www.cdeh.ca.gov/CDF/CDM/CDFR/2018_CDMP/Alpa_Farmer/11171.pdf</a>		2	We oppose any modifications / changes to the Butte Sink floodwater drainage area that would increase the water flow into the Butte Sink specifically the additional Feather River water.	Increase the drainage capacity of the Butte Sink area without increasing the flows into it. Prove you can properly maintain what exists before increasing the flood protection systems maintenance <a href="https://www.cdeh.ca.gov/CDF/CDM/CDFR/2018_CDMP/Alpa_Farmer/11171.pdf">.com/lastufka</a>

## Francis and Pat Lastufka

### *Response*

#### ***I\_LASTUFKAF1-01***

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. For additional details, see Master Response 1.

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. For additional details, see Master Response 2.

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). For additional details, see Master Response 6.

# I\_LASTUFKAJ1

Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
Joe Lastufka	Taxpaying Property Owner - You work for me!	<a href="mailto:jlastufka@ohio.com">jlastufka@ohio.com</a>	<a href="http://www.cdfh.ca.gov/CDFP208_CDFP2-Maps-Brochure-11212.pdf">http://www.cdfh.ca.gov/CDFP208_CDFP2-Maps-Brochure-11212.pdf</a>		2	I oppose the Feather River bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelihood, and you are threatening to drown me!	Do not even attempt to build the Feather River Bypass. The government has problems maintaining what already exists. My proposed modification is that you hire someone who can figure this problem out and improve my life as well as others. That is your job and you have failed. If you need to dredge the rivers, raise the dams, build more dams, raise the levees, then do it. Figure out how to capture more of the "floodwater" and deliver that water to southern California. Northern California gets the flood protection Southern California gets the water.
Joe Lastufka	Taxpaying Property Owner - You work for me!	<a href="mailto:jlastufka@ohio.com">jlastufka@ohio.com</a>	<a href="http://www.cdfh.ca.gov/CDFP208_CDFP2-Maps-Brochure-11212.pdf">http://www.cdfh.ca.gov/CDFP208_CDFP2-Maps-Brochure-11212.pdf</a>		2	I oppose the Feather River bypass!! If you attempt to build the bypass for the Feather River you will flood my property, destroy my livelihood, and you are threatening to drown me!	Increase the water storage capacity with higher dams or more of them. Only an environmentalist would dislike increased water storage. Let them go without water so they can't flush their toilets and if they refuse to leave then flood them out in the winter time.

I\_LASTUFKAJ1-01

I\_LASTUFKAJ1-02

**Joe Lastufka**

***Response***

***I\_LASTUFKAJ1-01***

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.

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 Responses 1 and 14.

***I\_LASTUFKAJ1-02***

See response to comment I\_LASTUFKAJ1-01.

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.

For additional details, see Master Response 10.



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**I\_LATTE1**

RECEIVED

APR 02 2012

March 29, 2012

**Central Valley Flood Protection Board  
3310 El Camino Avenue  
Room 151  
Sacramento, CA 95821  
(916) 574-0609**

RE: Feather River Bypass as described in the 2012 Central Valley Flood Protection Plan,  
Dec. 2011

Members of the Central Valley Flood Protection Board:

I\_LATTE1-01

I attended a meeting in Richvale, CA last night where members of the Department of Water Resources, Butte County Farm Bureau, two members of the Central Valley Flood Protection Board and other local elected officials presented information on the 2012 Central Valley Flood Protection Plan. Specifically, the meeting was held to address issues surrounding the proposed Feather River Bypass (See Attachment 1).

Many questions were raised regarding the plan with little in the way of substantive answers supplied by DWR. Clearly, there are issues which need to be addressed. I understand the need for a comprehensive flood control plan and will wholeheartedly support a plan that is well thought out and fully described. However, the Feather River Bypass (FRB), at least as defined in the Public Draft of the 2012 Central Valley Flood Protection Plan (Plan) dated December 2011 is anything but well thought out and fully documented. The references to the FRB in the Plan are roughly three paragraphs in two different sections of the Plan. Once on page 2-12 of the Plan and then on pages 3-14

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and 3-15 of the Plan (See Attachment 1). That's it. The stated justification of the FRB as stated in the Plan is to "reduce flood stages by as much as one foot at Yuba City and Marysville during a 100-year flood."

I\_LATTE1-02

When I asked about the possibility of raising the levees near Yuba City – Marysville by a foot, I was told by DWR personnel that it would be too costly. Yet removing 16 miles of existing levee along one side of the Cherokee Canal and then building 16 miles of new levee to accommodate the new FRB along the course of the Cherokee Canal would be the preferred option. Additionally, I was told there were issues with the levees near Yuba City and Marysville which are in need of improvement. Wouldn't that be the place to make improvements? It is an area prone to flooding over time and given the shape of the Feather River Levees between Yuba City and Marysville, there is a natural constriction to the flood flow of the Feather River right at the 5<sup>th</sup> Street Bridge connecting Yuba City with Marysville (See Attachment 2). The channel is narrower at that point than any point above the two cities or below them.

When pressed for further explanations, DWR said "there would be further problems downstream from the Yuba City – Marysville section of the Feather River." But in looking at Google Earth views of the river channel below the cities, it appears to widen out substantially which in and of itself would indicate a much greater capacity to carry additional flows if the "narrows" at the 5<sup>th</sup> Street Bridge were addressed. I do not profess to be an engineer, but if the levees in the Yuba City – Marysville area are improved, wouldn't there be other ways of handling the additional flows of water through that particular section of the Feather River? What if the channel was dredged in that section? Wouldn't that provide increased flow rates in that section of the river? It would have the same effect as raising the levees by a foot and would preclude the

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necessity of building the FRB. Moreover, it would create a lake which would enhance the recreational opportunities for both communities.

I\_LATTE1-03

Additionally, it is difficult to make constructive comments on a project which is little more than an abstract concept. Yes, we can all visualize a new bypass along the Cherokee Canal channel. But what is more difficult to imagine is how it could be done in a timeframe which would meet the strict construction start and stop deadlines imposed by EPA and other entities. How do we build 16 miles of new levee, while leaving the existing levee system intact? How about Cal Trans and Butte County Public Works departments when new bridges are required to cross a widened Cherokee Canal (FRB). Do those agencies have the budget in place to build the new structures? Or does the Plan have funding in it to accomplish those infrastructure improvements? What happens to the farm land which lies between the new levee and the existing levee? Would that land be out of production until the existing levee was removed and new sources of irrigation be developed to satisfy the demand of that rice land put back into production? It just seems as if this project has many more complications than addressing the stated need to reduce the Feather River flood stage water level by "as much as a foot" at Yuba City – Marysville.

I\_LATTE1-04

I also found it interesting in reading through the EIR; there were no references to Cherokee Canal, Richvale, Biggs or any other areas adjacent to those towns. Evidently the implementation of a FRB would have absolutely no environmental impacts. I find that hard to imagine. Given the lack of substantive information provided in the Plan, I am inclined to conclude the FRB is not a major consideration in the overall Plan. Otherwise, I would have to believe much more information would be available regarding its scope, size, feasibility and a timeline for implementation. None of those things were



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addressed in the Plan. That coupled with not a single reference in the EIR would leave me wondering why it was even mentioned.

I\_LATTE1-05

Clearly, there are improvements necessary to protect the cities of Yuba City and Marysville in a 100-year flood event. But those improvements are identified in the Plan already and the improvements necessary to make the levees viable are also high priority items necessary to protect those cities from a 50-year flood event. If those levee improvements are done, then it would stand to reason that the DWR argument about the condition of the levees in that area being a problem is rendered moot. Keeping the levees in good repair is what DWR is supposed to do. Not doing so would be negligent.

As I mentioned in my opening comments, I support a coordinated and well thought out flood control approach. As a homeowner living very close to the Cherokee Canal, I can assure you I am very interested in flood control. The home I live in was built in 1914 and has seen its share of difficult winters. My family farmed rice from 1914 until 1974 when the farm land was sold to expand the operation of the Rice Experiment Station. I have included Attachments 3 and 4 to show where we are located and exactly how close we live to the east levee which contains the flow of the Cherokee Canal.

I\_LATTE1-06

In 1955, the east levee of the Cherokee Canal was breached about  $\frac{3}{4}$  of a mile south of our home. The flood waters cut a swath through our property causing significant damage to our rice acreage. The result was the necessity to leave that particular parcel out of production until we could get on the land and redistribute the silt and re-level the rice land. Although I was only 10 or 11 years old at the time, I recall vividly the effort it took to put our land back into production.

I\_LATTE1-07

I understand the need for public projects to ensure the welfare of communities and to preserve the safety of the public. But at the same time, it should be balanced with the

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notion that when developers build subdivisions in areas prone to flooding, the cost of protection should be borne by the homeowners and business owners who choose to live in and do business in a flood plain. I too, have taken that risk and pay the fees for flood insurance each and every year.

I\_LATTE1-08

Please consider my comments while you deliberate on which projects should be undertaken. The FRB as it is described is nebulous at best and has yet to be fully evaluated. Maybe by the next version of the CVFPP in 2017, there will be more substance or, more to the point, the necessity of a FRB will be discarded as a very expensive project with little or no payback.

Sincerely,

Terry Lattemore

Attachments

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## Attachment 1.

Excerpt from Central Valley Flood Protection Plan, page 2-12:

*“• This approach also includes a potential new bypass to divert flows from the Feather River downstream from Oroville Dam along the alignment of Cherokee Canal into Butte Basin. Initial analyses indicate that a bypass with a capacity of 32,000 cubic feet per second could reduce peak flood elevations along the Feather River and help convey flood flows into the existing bypass system.”*

Excerpt from Central Valley Flood Protection Plan, page 3-14, 3-15:

### *“Feather River Bypass*

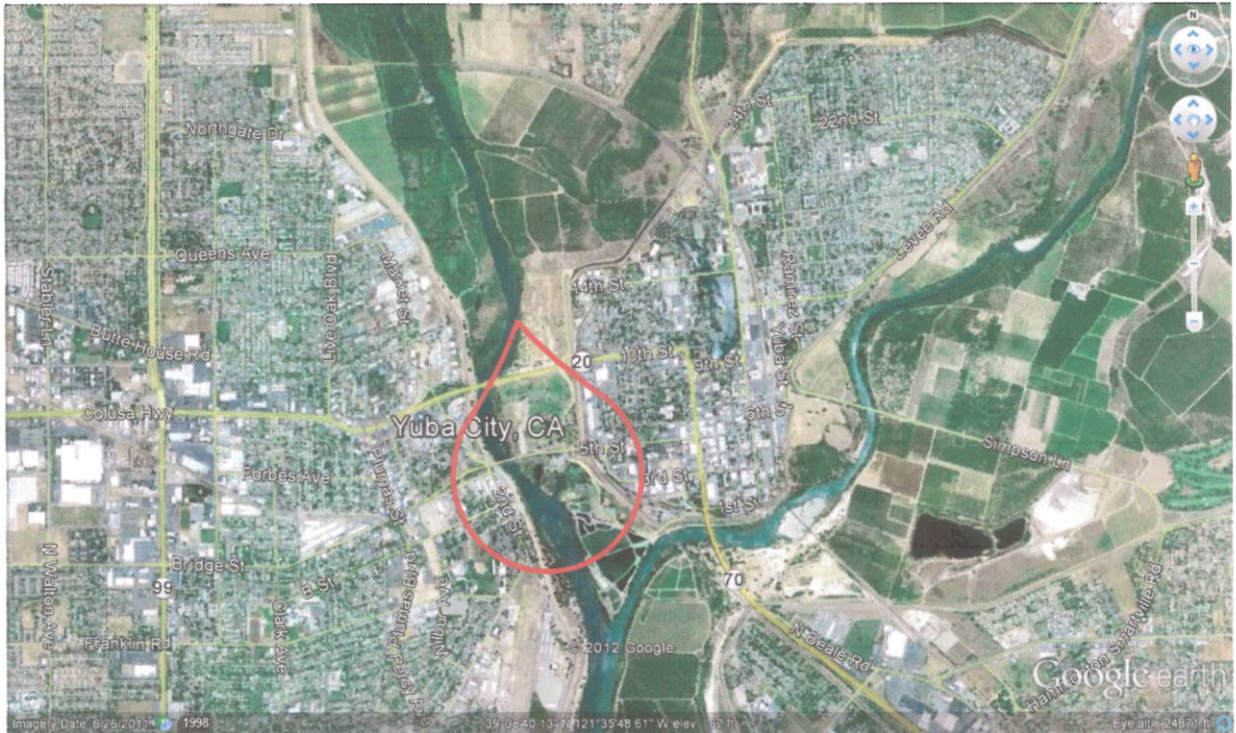
*Evaluate the feasibility of constructing a new bypass from the Feather River to the Butte Basin to further contribute to improving overall urban, small community, and rural-agricultural flood protection in the planning area. The new bypass would require construction of about 16 miles of new levee on 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% 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% annual chance). The State will consider findings of ongoing studies by local entities when evaluating the potential system benefits of the bypass.”*



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## Attachment 2.



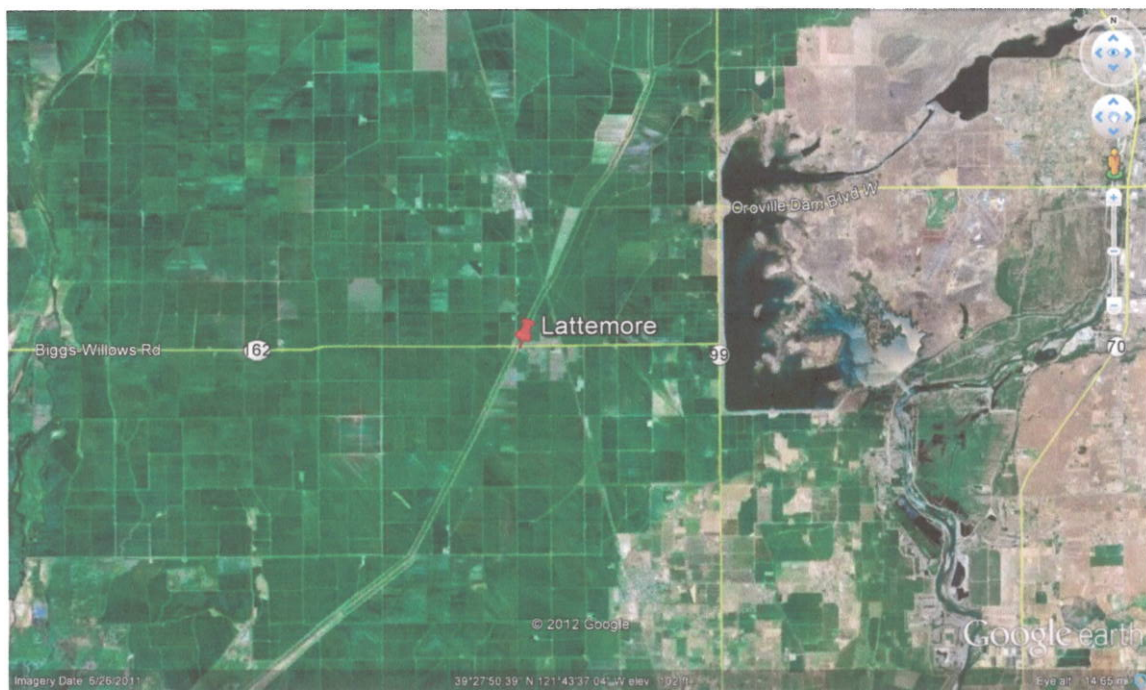
The area inside the Red “teardrop” is the ‘narrows’ of the Feather River. Should that area between the Highway 20 Bridge and the 5<sup>th</sup> Street Bridge be dredged, it would create a lake area where people could go during the spring, summer and fall to picnic, swim and fish. It would create an area where a larger segment of the Yuba City – Marysville population could benefit from the “lake” than what is now a motocross track and picnic area.



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Attachment 3.

Google Earth view of Cherokee Canal from north of Richvale to south of Biggs.



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Attachment 4.

Google Earth view of the Lattemore property at 1151 Butte City Hwy, Richvale, CA.

Note: The western edge of our house is approximately 70 feet from the center of the crown of the east levee of the Cherokee Canal.



**Terry Lattemore, Richvale, California**

***Response***

***I\_LATTE1-01***

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. For additional details, see Master Response 1.

The comment raises questions about the costs of the alternatives and the cost information provided in the CVFPP. The comment is in reference to the CVFPP and 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; however, a response is provided here.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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. 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. For additional details, see Master Response 9.

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.

**I\_LATTE1-02**

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. For additional details, see Master Response 6.

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.

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.

**I\_LATTE1-03**

See response to comment I\_LATTE1-02.

Furthermore, 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. For additional details, see Master Response 14.

***I\_LATTE1-04***

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 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. For additional details, see Master Response 1.

As stated in Master Response 14, 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. For additional details, see Master Response 14.

See Section ES.7, "Summary of Environmental Impacts of the Proposed Program," in the DPEIR Executive Summary.

***I\_LATTE1-05***

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 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. For additional details, see Master Response 1.

***I\_LATTE1-06***

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.

***I\_LATTE1-07***

As stated in Master Response 4, SB 5 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. For additional details, see Master Response 4.

***I\_LATTE1-08***

See response to comment I\_LATTE1-02.



# I\_LATTE2

**Moricz, Nancy**

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**From:** latte114@gmail.com  
**Sent:** Thursday, February 23, 2012 11:56 AM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on the Central Valley Flood Protection Plan

Terry Lattemore  
Homeowner  
1151Butte City Hwy  
Richvale, CA 95974-0339

February 23, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

As a homeowner who resides within 80 feet of the East Levee of the Cherokee Canal just south of Hwy 162, I can tell you I am very much interested in the issue of flood control and the proposed changes being considered by the "Flood Protection Plan."

I realize this process is lengthy and may not see any results for years to come, but I would urge your project team to contact all homeowners who may be potentially affected by this project. Homeowners have different needs than agricultural land owners. We have relocation issues and other considerations which cannot be quantified. For example, the Lattemore Family has been on our property here in Richvale since 1914. My great grandfather built the house my family and I are living in. To consider having to move and to see our almost 100 year old home be destroyed for a flood control project would be heartbreaking.

Our home may be situated closer to the levees containing the channel of the Cherokee Canal than any other. We have seen high water and have, on one occasion been prepared to evacuate with the prospect of a levee breach. But in 100 years, it hasn't happened here at our location.

Please keep my contact information and take the time to make sure you keep me in the information loop. I understand the importance of flood control, but I would ask that you consider the impact of homeowners as well as ag-land owners when looking at the changes necessary to satisfy flood control needs.

Thank you for the opportunity to comment.

Sincerely,

Terry Lattemore  
530 990-1642  
Homeowner

I\_LATTE2-01

I\_LATTE2-02

## **Terry Lattemore, Richvale, California**

### ***Response***

#### ***I\_LATTE2-01***

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.

***I\_LATTE2-02***

As stated in response to comment I\_LATTE2-01 and Master Response 13, 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. 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 well as Master Response 14, which discusses post adoption activities.

**I\_LIND1**

Gary M. Lindberg  
PO Box 389  
Richvale, CA 95974

March 28, 2012

RE: Draft Central Valley Flood Management Plan

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

Dear CVFP Board,

I-LIND1-01 I am a farmer/landowner of property adjacent to Cherokee Canal in Butte County.

Proposing far reaching (one mile, either side?) setback levees and bypass expansions along this flood channel is just another example of the over-reaching bureaucratic mess into which our state government has evolved.

I-LIND1-02 Maintenance Area 13 has done a good job of keeping the present system flowing thanks to some relaxed rules regarding the removal and control of vegetation. This could be enhanced if the sediment removal project DWR has been considering the past several years had come to fruition, in full or in part. And further vegetation removal.

I-LIND1-03 Oroville and Shasta Dams were built allowing for the benefits of flood control and have proven their worth. Our efforts and dollars should be focused on building more storage rather than swapping productive farmland for swampland.

I-LIND1-04 The Sacramento Valley is already a flood plain thanks to the paucity of rice straw burning allowed. California needs to wake up from its long sleep of bowing to the regressive politics of the environmental dreamers and get to work building storage/flood control reservoirs!

Sincerely,

Gary M. Lindberg

**Gary M. Lindberg, Farmer/Landowner, Richvale, California**

***Response***

***I\_LIND1-01***

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. For additional details, see Master Response 1.

The comment states an opinion but provides no supporting documentation of the concern raised. The comment is noted.

***I\_LIND1-02***

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.” For additional details, see Master Response 6.

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.

***I\_LIND1-03***

As stated in Master Response 10, 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, comments on this topic did not provide a more detailed proposal or recommendation for implementing upstream storage projects. In particular, comments 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. Floodflows 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 floodflows 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 DPEIR 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.”)

For additional details, see Master Response 10.

***I\_LIND1-04***

See response to comment I\_LIND1-03. 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.

Tu 4/10/12

# I\_LOCKETTS1

Dear Central Valley Flood Protection Board,

I\_LOCKETTS1-01

I am a former resident and current farmer in the Sutter Basin near Knights Landing. I appreciate efforts to improve flood protection for the Sacramento River system, but am concerned about the focus of the organizations involved.

I\_LOCKETTS1-02

What level of Flood protection is enough? All efforts to improve the system will focus on protecting Sacramento. Therefore it follows that low population areas like the Sutter Basin would be desired for emergency dumping or breakage of levees to protect Sacramento. A suggestion that valuable farmland and residences of 10,000 acres be converted to wildlife habitat simply eases additional flooding of adjacent lands during extreme water conditions.

I\_LOCKETTS1-03

History tells us flooding is possible in the Sacramento River drainage in the future, regardless of levee improvements or increased bypass areas. A combination of massive snowpack and extreme rains could overwhelm any design scheme. Sacramento will still be the concentration point of four major river systems - American, Yuba, Feather, Sacramento.

I\_LOCKETTS1-04

Weakening personal property rights by condemning land for setback levees or wildlife flood areas continues the march of Government authority over the individual. There are no easy answers for increased flood safety. Possible solutions include an Auburn dam operated for flood control, dredging and snagging of existing channels, and strengthening and raising of levee sections.

I\_LOCKETTS1-05

One notion I do resent is the environmental industry's romantic ideals of the superiority of primitive river conditions - converting productive farmlands to wild areas - being considered higher than real people producing food. What does the environmental industry produce besides lawsuits, business

2/10/12 JT

burdening regulation, and conservation of land at taxpayer's expense?

Thank you for considering my concerns.

Sincerely,

Steven W. Lockett

Steven W. Lockett

14 W. HACIENDA LN

WOODLAND, CA 95695

530 632 1584

**Steven W. Lockett, Farmer, Woodland, California**

***Response***

***I\_LOCKETTS1-01***

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. SB 5 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. 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. For additional details, see Master Response 4.

***I\_LOCKETTS1-02***

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. For additional details, see Master Response 2.

***I\_LOCKETTS1-03***

As stated in the comment, the Sacramento region has major river systems including the Sacramento, American, Yuba and Feather rivers. Extreme weather conditions, snowpack melt, or levee breeches may affect downstream flows and exacerbate flooding conditions. The comment is noted.

***I\_LOCKETTS1-04***

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 information, see Master Response 10.

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.” For additional details, see Master Response 6.

#### **I \_ LOCKETTS1-05**

The comment states an opinion but provides no supporting documentation of the concern raised nor does the comment provide data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts to support the comment. The comment is noted.

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. For additional details, see Master Response 1.

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. For additional details, see Master Response 2.

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. For additional details, see Master Response 6.

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)). 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. For additional details, see Master Response 7.



April 11, 2012

**I LOCKETT W1**

RE: Central Valley Flood Protection Plan

Dear Sirs:

I LOCKETT W1-01

We own our 97 year old home along the East side of the Sacramento River one mile above Knights Landing in Sutter County. We own the adjacent farmland to the low-water line of the East bank of the Sacramento River. We would fight very hard not to be included in the CVFPP. Widening or setting back of the levee would destroy our home, farm shop and equipment yard as well as our river pumps. The capacity of the river could be increased if all the debris could be pulled from the river like it used to be before the Hard-Core environmentalist wouldn't let the Corp of Engineers do it any more. Dredging the high spots would increase the capacity. Levee Setbacks would push any winter seepage farther out into the Basin.

"Bypass" Expansions would not be necessary if the existing bypasses were cleared of all vegetation and excess dirt and kept that way. There is no need for an additional 40,000-acre footprint of Bypass expansion, especially 10,000 acres of permanent habitat included in this plan. This is not a flood control plan. It is a plan to satisfy the environmentalist to keep the area "Natural".

Why is it that the agricultural and rural areas share greater burdens, pressures, risks and liabilities when compared to urban and urbanizing areas?

We hope that the CVFPP as proposed now will not be authorized. The plan would be extremely expensive and would harm a lot of farmers, landholders and rural areas.

Sincerely,

*William P. Lockett*

William P. Lockett  
21448 Cranmore Rd.  
Knights Landing, CA 95645  
530-735-6310



**William P. Lockett, Knights Landing, California**

***Response***

***I\_LOCKETTW1-01***

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. For additional details, see Master Response 1.

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. For additional details, see Master Response 2.

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.” 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. For additional details, see Master Response 6.

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. SB 5 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. 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. For additional details, see Master Response 4.

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)). 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. For additional details, see Master Response 7.

Evelyn Lund  
213 B Street  
Biggs, CA 95917

## I\_LUND1

April 5, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_LUND1-01

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_LUND1-02

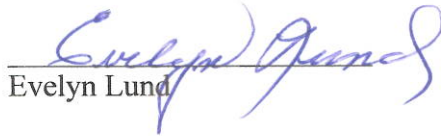
In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_LUND1-03

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

  
Evelyn Lund



**Evelyn Lund**

***Response***

***I\_LUND1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. 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.” For additional details, see Master Response 6.

***I\_LUND1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

#### **I\_LUND1-03**

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 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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.



April 20, 2012

**I\_MACPH1**

Ms. Mary Ann Hadden  
DWR, Division of Flood Management  
3321 Power Inn Rd., Ste. 300  
Sacramento, CA 95826

**Re: Formal Objection to 2012 Central Valley Flood Protection Plan**

Ms. Hadden,

I\_MACPH1-01 The proposed 2012 Central Valley Flood Protection Plan is unsound and irrational; specifically CVFPP\_MSAC\_2A, found in Attachment 8J: Cost Estimates-Appendix E, Flood Corridor Expansion Plan. It will have a negative effect on my livelihood and future, along with my decedents. As Land Owner and Tax Payer I would like to formally object this proposal.

The plan suggests making Land Owners/Rancher's land part of the "natural" flood plan; citing "comprehensive strategies" that "provide outside benefits". The only thing natural is that the effected Land Owners that have dedicated their lives to this land will be detrimentally impacted. It is their backs that the communities have been built on.

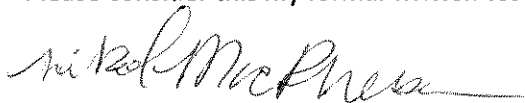
I question why and how the rationale that setback levees will gain local support? The Land Owners connections are deeply routed throughout the communities in which they live and own land. The ripple effect of their operations is great, from the nurseries, aviatiion pilots, tractor suppliers, laborors, pump dealer, utilities, etc.; without the farming businesses, how will the other outfits be successful and maintain financial stability?

Our State's economic growth, is stimulated and sustained by our Agriculture Sector; why would you propose to bite the hand that feeds you? Yes, they literally feed you from the yield of their crops along with our nation and global populations.

I object to the execution of this plan and will continue to oppose it's implimentation. Therefore please contact me with any further hearings or communications regarding this matter.

If you have any questions, you may reach me at (559)375-3693.

Please consider this my formal written testimony.



Nikol MacPherson  
1082 Graybark Ave.  
Clovis, CA 93619

**Nikol MacPherson, Clovis, California**

***Response***

***I\_MACPH1-01***

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted on a map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. The comments generally expressed concern that the conceptual setback 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. 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 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.

In addition, 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 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). See Master Response 3 for additional information.

Bill Edgar, President  
CENTRAL VALLEY FLOOD PROTECTION BOARD  
California Natural Resources Agency – State of California  
3310 El Camino Avenue, Room 151  
Sacramento, California 95821

April 16, 2012

I\_MADDEN1-01

My grandfather, Tom Madden bought his 300 acre farm from his father-in-law after he married my grandmother, Margaret Meyers. It didn't look anything like it does today. Back then the Sutter Bypass wasn't even built. My dad, Ross Madden was the next steward of this land. He continued to improve the property by digging wells to be used when the Bypass was empty during drought years. I laser leveled most of the land back in 1979 to improve yields and reduce water usage. Now this land is under my supervision. I'm only the steward for a little while but my responsibility is to leave it intact and better for the next generation.

I'm Tom Madden, the forth generation watching over this land. Land that's been in my family for over one hundred years. I would like to take a couple of minutes to give my suggestions to the recently proposed Central Valley Flood Protection Plan. This plan proposes building 1600 miles of new levees in the Sacramento and San Joaquin Valleys eliminating over 40,000 acres of farmland. Don't put a new levee out in the middle of my field! This isn't just farmland, it's California farmland. Some of the most productive in the world! This farmland is the result of hard work and sacrifice. It has evolved into a very eco friendly 300 acres. Drainage from rain in the Sutter Buttes and surrounding fields is captured and recycled as irrigation water from Poodle Creek. This year-round water supply is host to local ducks and migrating water fowl, bass and catfish plus the occasional tule elk and beaver.

40,000 acres of prime farm land will be eliminated forever with this flood control plan... This farm land is part of our states economy. The eighth largest economy in the world. California is also the fifth largest food & agricultural commodity producer in the world. Revenue from this property is difficult to replace. California farmland is irreplaceable, they don't make it anymore! Its revenue is shared with local residents, from the equipment operators, the seed and fertilizer salesman, the local equipment dealers and the American manufactures of California built equipment like me. This revenue continues to trickle down to the gas station owner, the waitress at the restaurant and all the other local retail stores and area business locations. Don't forget the annual income tax and property taxes that have been collected and distributed over the past 100 years.

You as board members can insure these 40,000 acres stay in production and part of our economy. It's a moral obligation and remember... indirectly this acreage pays your salaries.

It's easy to disagree and complain about a plan. It's much more difficult to come up with a better idea. But I have a suggestion! Leave the levees where they are! Just raise them and improve them. Change the way you maintain them and control the vegetation on them. Over the years settling and erosion has occurred resulting in less reliable, significantly lower structures. That's no reason to build all new levees at a huge cost to everyone! Raise the existing structures a few feet! This is more cost effective than building new levees out in the middle of some of the most productive farm land in the world!

But before you do that try this idea... Network your existing reservoirs, dams and weirs with technology. Create a smarter water system that holds and releases water based on real time digital information. Information that comes from many sources such as weather satellites, digital flow meters located in small streams in the sierras. Add snow pac monitoring equipment that not only measures depth but moisture content real time from many locations. Let's eliminate the Groundhog Day like snow pac measuring guy with the pool. This is the 21<sup>st</sup> century lets act like it! As part of the digital monitoring network let's also measure the outward flow data including tide elevation and wind push from the delta and San Francisco Bay. Envision a system that utilizes all available technologies to manage this resource responsibly. Improve the effectiveness and eliminate the wasted water being dumped prior to a predicted warm rain on a winter snow pac. The current system now uses "hunches and guesstimations" protecting us from the "pineapple express"! Very little data measuring projected run off to calculate how much room to allow in the reservoirs. Managers have to play it safe in fear of flooding the towns down stream if their guess is wrong.

Let's utilize our Silicon Valley resource to combine and create technologies and install them on all 147 major dams, reservoirs plus weirs in the state. We can responsibly manage California's water resource and improve flood control more effectively for future generations without eliminating farm land. If Google can take an up to date picture of every one of our homes and business locations and offer it to the public for free... then technology can be developed to monitor and manage our precious waterways.

This committee has a big responsibility. Flood control is a noble cause but eliminating 40,000 acres of California farm land is unconscionable. Thank-you for listening to my concerns.

Sincerely;



Tom Madden

**Tom Madden**

***Response***

***I\_MADDEN1-01***

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.

***I\_MADDEN1-02***

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).



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 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.

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.

**Moricz, Nancy**

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**From:** 1cjm@frontiernet.net  
**Sent:** Tuesday, April 17, 2012 8:42 AM  
**To:** Cvfpp\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

**I\_MARSH1**

Catherine Marsh  
Bookkeeper  
Joseph M. Marsh Farms  
PO Box 1308  
Arbuckle, CA 95912-1308

April 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I\_MARSH1-01

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

So much money is being spent on developing this plan that so many actual residents and adjoining landowners don't want. I feel like you are not listening to the folks that actually live and work near the proposed projects who know what has worked in the past and what has not. Many have tried to tell you their thoughts but I don't see those ideas being incorporated into the plans.

I hope and pray that storage is the first step. We are simply two back to back low rain years away from real problems in meeting the urban, environmental and agricultural needs of our state. And those dry years are more a part of our natural weather cycle than the big flood years.

Additional storage would take some of the burden off the current bypass system. The added bounus bonus would be generating productive work for contractors, suppliers, engineers and all the support services that would

accompany such a task. Think of the subsequent recreational location a new reservoir would create and the economic boost that would provide for our neighbors.

Please consider storage first and listen closely to those who know the history of their regions.

Sincerely,

Catherine Marsh  
530-476-3773  
Bookkeeper  
Joseph M. Marsh Farms

**Catherine Marsh, Joseph M. Marsh Farms, Arbuckle, California**

***Response***

***I\_MARSH1-01***

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 Surface Storage Investigations**

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.

Some specific examples of ongoing multipurpose surface storage investigations and related investigations that are examining the feasibility of adding new flood storage are listed below.

- *Upper San Joaquin River Basin Storage Investigation*—An evaluation of increasing storage in Millerton Reservoir or building a new multipurpose reservoir upstream, such as Temperance Flat Reservoir. The current formulation includes an additional storage allocation for flood management.
- *North-of-Delta Offstream Storage Investigation*—An evaluation of building a new offstream reservoir in the Sacramento River Basin west of the Sacramento River, also known as Sites Reservoir. Flood management benefits may be possible by coordinating storage operations with other multipurpose reservoirs, such as Shasta Dam and Reservoir.
- *Shasta Lake Water Resources Investigation*—An evaluation of raising Shasta Dam for multiple purposes. The formulation considered an additional allocation for flood storage as well as operational changes, but these options are not being carried forward.
- *DWR System Reoperation Program*—An evaluation of pursuing reservoir reoperation strategies at a systemwide scale to improve water supply reliability, reduce flood hazards, and protect and restore the ecosystem.

### **Shasta Dam and Reservoir**

Analyses for the 2012 CVFPP and for previous and ongoing studies (such as Reclamation's Shasta Lake Water Resources Investigation), have found that increasing flood storage in Shasta Dam and Reservoir would not significantly reduce flood risks for lands protected by the SPFC, for several reasons. Shasta Reservoir has a sizeable flood-storage allocation capable of managing a 1 percent chance (100-year) flood from its tributary watershed; consequently, the dam and reservoir are already regulating floodflows adequately for all but the most severe and infrequent floods. More importantly, other uncontrolled tributaries (those not regulated by reservoirs) downstream from Shasta Dam, such as Cottonwood Creek, contribute peak floodflows along reaches of the Sacramento River with SPFC levees that exceed the flood releases from Shasta Dam. Additional storage in Shasta Dam and Reservoir would not address the significant floodflows produced by these unregulated tributaries. Previous studies by USACE and others have indicated that a new flood management reservoir on Cottonwood Creek would conflict with goals for watershed management and environmental restoration in the Cottonwood Creek watershed, and would have significant environmental effects. This example indicates that increased storage capacity may not always result in meaningful flood-management benefits, and that increased storage may not be feasible in locations where it is most needed.

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. Floodflows 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 floodflows 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.”)

As stated in Section 15126.1(a) of the CEQA Guidelines:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.



The DPEIR currently evaluates a reasonable range of alternatives (seven are considered and five receive full analysis) (see Chapter 5.0, “Alternatives”). The alternatives analysis is sufficient to “foster informed decision making and public participation.” As demonstrated by the discussion above, potential development of upstream storage facilities does not offer a feasible alternative to floodplain storage. As a result, CEQA does not require that such an alternative be included. See Master Response 25.

Tim Miramontes

PO Box 607

Woodland CA 95776

**I\_MIRA1**

Central Valley Flood Protection Board:

I\_MIRA1-01

I am a resident of Yolo County and a farmer in Yolo and Colusa counties. I do understand the need for flood protection, but it needs to be for everyone and not just to protect the urban areas. This is a very hard task to accomplish but must not be rushed to meet a certain legislative deadline, which the legislators themselves do not follow.

The widening and construction of a new bypass is not the answer to California's problem, water storage is. With a new reservoir built it can protect downstream interests and also provide surface water for the environment, recreation, power and cities. California is short on water that is no secret, letting it all flow out to the ocean without being used in any way is wasteful.

I\_MIRA1-02

There also needs to be support for FEMA NFIP reform for rural areas. As it stands now and with this plan coming down the pipeline it will be impossible for rural residents, farming operations and other agriculture operations to improve facilities in a cost efficient way. This will be devastating to small towns up and down the valley.

I\_MIRA1-03

I would also like to see more involvement with local interests, county governments, cities and rural residents. The outreach so far has not been very meaningful. Having fifteen to twenty environmental groups, many government officials and one or two rural interests let into a meeting is not representative. There are many knowledgeable people in the areas that can enlighten engineers on how water will flow. For example in 1940 water came down into the Butte Sink and made the water flow backwards in the Moulten Weir and ended up breaking the Sacramento River levee on the west side.

I\_MIRA1-04

Also where is the money going to come for a project like this, the federal government is in debt, the state government is in debt and county governments are no better. Not only is the building of a project like this going to be outrageous but the maintenance is going to be in the hundreds of millions. Our levee and bypass system now are not taken care of so how can we think anything is going to be changed in the future. If this project is combined with the BDCP fisheries project that would mean nearly 30,000 acres out of production farming and into habitat. We have all seen what happens when habitat is put into bypasses and levees, things fail and rural people suffer.

I\_MIRA1-05

I do understand that there is a need for flood protection, but please do not rush this plan to meet a certain political deadline. Adopt a plan that has local input, is general and open, leaving room for modification and adjustment when needed. Attached I have over 200 signatures from people in the city

of Colusa down to the city of Woodland with many of the same concerns. Please do not rush to adopt a plan.

Sincerely

Tim Miramontes

March 14, 2012

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, **but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers.** Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

- The potential **farmland conversion** impacts;
- The **importance of Central Valley agriculture** and the potential impacts on the **viability** of Central Valley agriculture;
- **Private property rights**;
- Impacts on particular **parcels, farming operations, reclamation district areas**, etc.
- Impacts on **livelihoods and businesses**;
- Impacts on **property values**;
- The potential for **eminent domain** abuses;
- The importance of preserving the capacities of the **flood bypasses** by retaining lands in agriculture;
- The potential for **conflicts** between the **flood protection** purposes of the bypasses and the prospect of extensive **habitat restoration** in the bypasses;
- Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- The need for dedicated **funding, permitting, and legal enforcement** to maintain the flood protection functions of weirs and bypasses;
- The **timing of inundation** in the bypasses and the **compatibility** of farming with future inundation for proposed habitat and fish passage purposes;
- Potential **redirected impacts** and **unintended consequences** of the Flood Plan, including potential increased pressure on existing levees;
- The need for meaningful **involvement from farmers, landowners, and other affected interests** in rural and agricultural areas;
- **Assurances** associated with **potential liabilities** under the federal and state **endangered species** acts;
- Imposing **flood protection standards** on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- Shifting greater burdens, pressures, risks and liabilities on to **agricultural and rural areas** when compared to urban and urbanizing areas.

Sincerely,

State of California  
Central Valley Flood Protection Board  
Central Valley Flood Protection Plan  
February 21, 2012

Debbie Catania

Printed Name

Grimes Boat Banding

Printed Name

Wesley Kilgore

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Herbert Fruchtenicht

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MICHAEL K GEYER

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Fred A. Darst

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Bill Gillaspay

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Louis H Kaelin

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Pamela A Ernst

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DAVID KALFSBEEK

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Wm. P. Wallace

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Margaret L. Wallace

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Debbie Catania

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Michael K Geyer

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William J Gillaspay

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Louis H Kaelin

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Harold J. Ernst

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Pamela A. Ernst

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Carol L Arens

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Robert G. Arens

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Judith K. Kalfsbeek

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David Kalfsbeek

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Wm. P. Wallace

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Margaret L. Wallace

Signature



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John Hetherington  
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Edward T. Tucker  
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Darrin Williams  
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GARY DRIVER  
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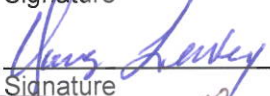
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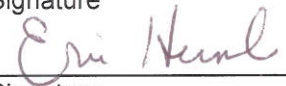
  
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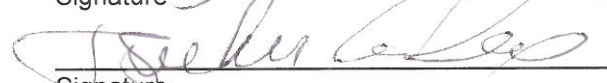
  
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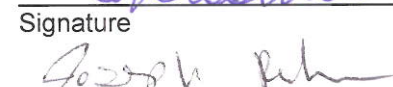
  
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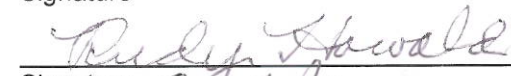
  
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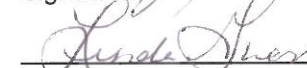
  
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~~Carol~~ Carol E. Ansley  
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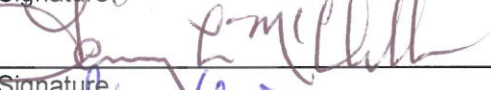
  
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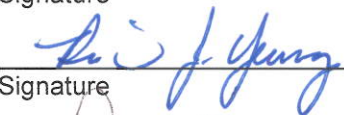
  
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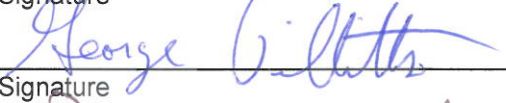
  
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February 21, 2012

Thomas Richardson  
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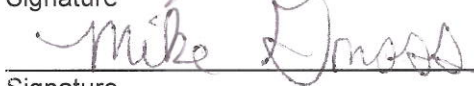
  
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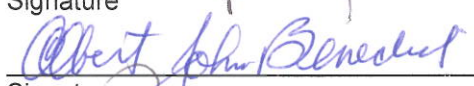
  
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Callie McArthur

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Joseph Hutchins

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Rodney Schreiner

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FRANCISCO ESQUEZ

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Rhonda Hunter

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PATRICE PIPER

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Kayla Sakurada

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Callie McArthur

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Joseph Hutchins

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State of California  
Central Valley Flood Protection Board  
Central Valley Flood Protection Plan  
March 14, 2012

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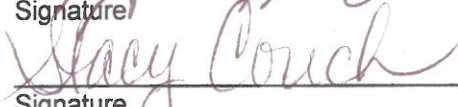
  
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American Farm Bureau Federation/California Farm Bureau Federation

## YOLO COUNTY FARM BUREAU

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State of California

Central Valley Flood Protection Board

Central Valley Flood Protection Plan

February 21, 2012

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Central Valley Flood Protection Board  
Central Valley Flood Protection Plan  
March 14, 2012

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State of California  
Central Valley Flood Protection Board  
Central Valley Flood Protection Plan  
February 21, 2012

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## **Tim Miramontes, Yolo and Colusa Counties**

### ***Response***

#### ***I\_MIRA1-01***

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.

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 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 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.

#### ***I\_MIRA1-02***

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.

#### ***I\_MIRA1-03***

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.

**Engagement Specifics:**

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.cvpfb.ca.gov>.

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.

***I\_MIRA1-04***

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 (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 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.

#### ***I\_MIRA1-05***

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 CWC 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).

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.

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 CVFED 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 CVIFMS 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.

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. These are described in more detail below.

**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 floodflows, 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.

As discussed in the draft Delta Plan, many upstream actions could affect the State's ability to meet the Delta Plan's coequal goals. The State is sensitive to the effects that upstream SPFC improvements may have on the Delta and is developing more detailed policies to minimize and mitigate potential redirected hydraulic impacts or other adverse impacts. The results of preliminary systemwide evaluations indicate that implementing the SSIA as a whole would not result in significant adverse effects on the Delta. However, post-adoption implementation actions and studies to refine the SSIA will involve evaluating any potential temporary downstream impacts caused by the sequencing of CVFPP implementation and providing mitigation.

**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 floodflows. 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.

**DWR Flood Management Programs** (see Section 4.1 in Appendix A, “Central Valley Flood Protection Plan”)

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 (FloodSAFE). 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.

**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.

**Central Valley Flood System Conservation Strategy** (see Appendix E, “Conservation Framework”)

DWR is collaborating with an interagency advisory committee (DWR, DFG, USFWS, NMFS, and USACE) on development of a long-term Conservation Strategy. The Conservation Strategy will build on the Conservation Framework developed for the 2012 CVFPP, and will provide a comprehensive approach for the State to (1) achieve the environmental goals and objectives of the Central Valley Flood Protection Act of 2008 (SB 5), FloodSAFE, and the CVFPP; and (2) implement DWR’s environmental stewardship policy within the flood management system. The Conservation Strategy will integrate measures to mitigate potential impacts on environmental resources resulting from improvements to the

SPFC, along with other ecosystem restoration activities implemented within the SFPC footprint.

Development of the Conservation Strategy will continue in close coordination with, and will support development of, 5-year updates to the CVFPP. This collaborative development provides environmental planning, policy, and technical support to develop public outreach and engagement; to identify opportunities to solve flooding problems with environmental approaches; and to provide a solid scientific foundation for improving environmental conditions and trends. The Conservation Strategy will be developed through engagement with the Board, partnering agencies, and environmental, recreational, agricultural, and other interests.

**Project-level Proposals and Environmental Compliance** (see Section 4.4 in Appendix A, “Central Valley Flood Protection Plan”)

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.

# I\_MIRAM1

Tim Miramontes Farms

Po Box 607

Woodland CA 95776

Central Valley Flood Protection Board:

I\_MIRAM1-01

I am writing this letter as a concerned Northern California resident, farmer and tax payer. Agriculture is California's #1 industry, essential to the economy of this state and a vital part of this nation's national security by giving people a reliable food source.

I\_MIRAM1-02

The Central Valley of California is dependent upon a reliable levee system that can protect rural communities and agriculture lands. As a farmer with farm ground and buildings next to these existing levees I am very concerned about the proposed moving of levees, widening of bypasses and set back levees.

I\_MIRAM1-03

Our current river levee system has protected us for over 100 years. With continued maintenance and devegetation it could protect us for hundreds more. With proper management plans within our bypass systems, i.e.; trees removed from river levees, bypass floor and farming performed inside the bypasses, these systems could get back to full capacity of flow. Our river levees were built with water flow and flood protection in mind, not habitat and ecosystem restoration. The vegetation that is along the sides of these levees slows down flows and weakens the levees.

I\_MIRAM1-04

As California's population grows, there are places that should be built and places that shouldn't be built. When large developments are put in basins it is a recipe for disaster. There is also a huge concern of water reliability, there has not been a new dam built in this state and the population has grown substantially. A dam could give us a more reliable water source for people, the environment and FLOOD CONTROL.

I\_MIRAM1-05

By adding 40,000 acres into the bypass system, this will dramatically change rural communities, families and land values. Yolo County is already losing more farm ground to habitat restoration than for development of urban areas. The Bay Delta Conservation Plan is looking at making a portion of the Yolo Bypass and north delta into habitat for fish and is asking for 17,000-20,000 acres. When bypasses are used for habitat, it has proven to have devastating effects as we saw in the Meridian basin.

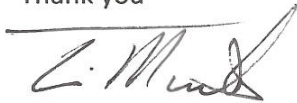
I\_MIRAM1-06

As a farmer in the center of this proposed land conversion, I hope that the board will get more input from the people that are going to be most affected by this project. There were four working groups put together for this forum, Climate Change, Levee Performance, Operation Management and Environmental Stewardship. A fifth group was put together because there was strong protest from the stakeholders (farmers and reclamation districts), so an Agriculture group was added. This group didn't get added until after the other groups had already finished their suggestions and there doesn't seem to be any input from this agriculture working group that was put into the draft plan. There is serious concern when local county governments are also feeling that they have been left in the dark with no input into this plan.

I\_MIRAM1-07

As a farmer, resident and tax payer of the affected area, I am asking that the State of California do more to reach out to the rural communities, local governments and landowners to ensure that their concerns are completely understood, taken into account and addressed. There needs to be protection for our farm ground.

Thank you

A handwritten signature in black ink, appearing to read 'Tim Miramontes', written over a horizontal line.

Tim Miramontes

**Tim Miramontes, Tim Miramontes Farms, Woodland, California**

***Response***

***I\_MIRAM1-01***

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) 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 (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 (CVFPP Sections 3.4.1 and 4.1.4). Furthermore, 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](http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf)).

### ***I\_MIRAM1-02***

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. 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 the 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 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 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 (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 noted in the response to comment I\_MIRAM1-01.

#### ***I\_MIRAM1-03***

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.

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.

#### **I\_MIRAM1-04**

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 (CVFPP Section 3.5.4). 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 Surface Storage Investigations**

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.

Some specific examples of ongoing multipurpose surface storage investigations and related investigations that are examining the feasibility of adding new flood storage are listed below.

- *Upper San Joaquin River Basin Storage Investigation*—An evaluation of increasing storage in Millerton Reservoir or building a new multipurpose reservoir upstream, such as Temperance Flat Reservoir. The current formulation includes an additional storage allocation for flood management.
- *North-of-Delta Offstream Storage Investigation*—An evaluation of building a new offstream reservoir in the Sacramento River Basin west of the Sacramento River, also known as Sites Reservoir. Flood management benefits may be possible by coordinating storage operations with other multipurpose reservoirs, such as Shasta Dam and Reservoir.
- *Shasta Lake Water Resources Investigation*—An evaluation of raising Shasta Dam for multiple purposes. The formulation considered an additional allocation for flood storage as well as operational changes, but these options are not being carried forward.
- *DWR System Reoperation Program*—An evaluation of pursuing reservoir reoperation strategies at a systemwide scale to improve water

supply reliability, reduce flood hazards, and protect and restore the ecosystem.

### **Shasta Dam and Reservoir**

Analyses for the 2012 CVFPP and for previous and ongoing studies (such as Reclamation's Shasta Lake Water Resources Investigation), have found that increasing flood storage in Shasta Dam and Reservoir would not significantly reduce flood risks for lands protected by the SPFC, for several reasons. Shasta Reservoir has a sizeable flood-storage allocation capable of managing a 100-year (1 percent annual chance) flood from its tributary watershed; consequently, the dam and reservoir are already regulating floodflows adequately for all but the most severe and infrequent floods. More importantly, other uncontrolled tributaries (those not regulated by reservoirs) downstream from Shasta Dam, such as Cottonwood Creek, contribute peak floodflows along reaches of the Sacramento River with SPFC levees that exceed the flood releases from Shasta Dam. Additional storage in Shasta Dam and Reservoir would not address the significant floodflows produced by these unregulated tributaries. Previous studies by USACE and others have indicated that a new flood management reservoir on Cottonwood Creek would conflict with goals for watershed management and environmental restoration in the Cottonwood Creek watershed, and would have significant environmental effects. This example indicates that increased storage capacity may not always result in meaningful flood-management benefits, and that increased storage may not be feasible in locations where it is most needed.

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 CWA Section 404 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. Floodflows 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 floodflows 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.”)

As stated in Section 15126.1(a) of the CEQA Guidelines:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a

reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

The DPEIR currently evaluates a reasonable range of alternatives (seven are considered and five receive full analysis) (see Chapter 5.0, “Alternatives”). The alternatives analysis is sufficient to “foster informed decision making and public participation.” As demonstrated by the discussion above, potential development of upstream storage facilities does not offer a feasible alternative to floodplain storage. As a result, CEQA does not require that such an alternative be included. For additional details, see Master Response 24.

***I\_MIRAM1-05***

See reference to Master Response 1 in the response to comment I\_MIRAM-02.

***I\_MIRAM1-06***

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.

**Engagement Specifics:**

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.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.

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.

***I\_MIRAM1-07***

See reference to Master Response 13 in the response to comment I\_MIRAM-06.



# I\_MONTNA1

April 19, 2012

Via Email: [cvfpcom@water.ca.gov](mailto:cvfpcom@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:

I\_MONTNA1-01 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). I own and operate property which could be adversely affected by this Plan. I have many concerns with the Plan and DPEIR, many of which are set forth below. I also join in the comments submitted by the California Farm Bureau Federation.

I\_MONTNA1-02 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, 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 does 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:

Ms. Nancy Morixz  
Re: Central Valley Flood Protection Plan  
April 19, 2012-04-20 Page 2 of 2

"[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\_MONTNA1-03 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. I am, therefore, 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.<sup>1</sup> Not only does the Plan completely omit this critical information, by 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\_MONTNA1-04 Indeed, I am 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 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.

Respectfully,



Alfred G. Montna  
Owner, Montna Farms

---

<sup>1</sup> The BDCP is a voluntary process being undertaken by private parties to obtain "take" authorization under the federal Endangered Species Act.

**Alfred G. Montna, Owner, Montna Farms**

***Response***

***I\_MONTNA1-01***

The comment notes that the SBBSWUA join with the comments submitted by the CFBF. Responses to comments submitted by CFBF are located in Section 3.5, “Group Comments and Responses” of this FPEIR.

***I\_MONTNA1-02***

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.

### ***I\_MONTNA1-03***

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 addresses the cumulative impacts of multiple projects that could interact with the CVFPP, including the BDCP.

**I\_MONTNA1-04**

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.

**Moricz, Nancy**

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**From:** Matthew Keasling [mkeasling@taylor-wiley.com]  
**Sent:** Friday, April 20, 2012 3:41 PM  
**To:** Cvfppl\_Comments  
**Cc:** John Taylor; David and Susan Moore  
**Subject:** Comment letter on the CVFPP  
**Attachments:** Moore Comments on draft CVFPP\_04192012.pdf

Dear Ms. Moricz:

I\_MOORE1-01 Attached please find the comment letter of the Moore family regarding the draft Central Valley Flood Protection Plan. This letter identifies the lands belonging to both David and Susan Moore as well as brothers, Arlan and Roger Moore, located near the community of Grimes which will be severally and detrimentally impacted under the draft CVFPP. The attached Moore letter goes on to suggest two alternatives to the proposed "conceptual setback area" that may continue to provide adequate flood protection while preserving their historic family home, active orchard and lone boat marina.

Please ensure that the Moores, and Taylor & Wiley as their representatives, are added to the notification list for this project with respect to any portion thereof that will impact the community of Grimes.

Very truly yours,  
Matthew S. Keasling, Esq.

Matthew S. Keasling  
TAYLOR & WILEY  
2870 Gateway Oaks Dr., Suite 200  
Sacramento, CA 95833  
916.929.5545

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## MOORE FAMILY PROPERTIES

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

April 19, 2012

**Re: Comments in Opposition to Proposed Setback Levee for Grimes as Shown In  
the Draft Central Valley Flood Protection Plan (January 2012)**

Dear Executive Officer Punia and Board:

I\_MOORE1-02

Our family has been in the community of Grimes for four generations, having settled the family homestead along the right bank of the Sacramento River in 1885 (see attached). David and Susan Moore currently live in the historic family home, a home that, if a setback levee is constructed as proposed in Figure E-7 of the Draft Central Valley Flood Protection Plan (CVFPP), will cease to have flood protection, will become uninhabitable and will eventually be destroyed by the Sacramento River. Roger and Arlan Moore (Moore brothers) own a producing walnut orchard, two residences, and the only boat marina located on the west bank of the Sacramento River between Knights Landing and Colusa, located just south of the family homestead and which are similarly in jeopardy of destruction. The potential loss of all of these assets is the primary reason that the Moore family strongly opposes the CVFPP (January 2012 Draft) as proposed.

Currently, the plan proposed to reinforce the levee adjacent to the community of Grimes but then recommends building a setback levee beginning on the southside of town and removing the existing levee (see attached Figure E-14 and related discussion). This will result in the loss of several acres of farm land as well as the historically significant home and the Moore brothers' marina. Rather than produce income for our family, feed people around the world, and provide access to the River for local residents, these lands will revert to riparian habitat. This will be a large loss to the town of Grimes and a devastating loss to the Moore family.

We appreciate the efforts of staff and the CVFPB in undertaking this immense project intended to provide improved flood safety to the citizens of this state. We also understand that this draft is only the first in a series of planning efforts that will occur before development of specific project segments. Since this is only a preliminary phase, we recognize that we will be afforded opportunities to participate in future planning efforts. However, it is far preferable to the entire Moore family to have the aforementioned impacts to our property addressed now during this draft phase, rather than waiting to address the matter years from now after current generations have passed and the "conceptual" plan has become entrenched.



I\_MOORE1-04

I\_MOORE1-04

As such, we humbly request that the Board modify the draft plan with respect to a setback levee south of Grimes (including but not limited to Figure E-7, attached, and the discussion on page D-50) to remove the proposed setback levee on the west side of the River and instead "fix in place" the existing levee south of Grimes. This alternative will provide protection from a one percent AEP flood for the broad community of Grimes, including its industry, historic places, and amenities. In the alternative, if a setback levee is necessary to meet the goals of the CVFPP, we request that its alignment be modified as shown on Exhibit A (attached). This alternative alignment will reduce impacts to agriculture while avoiding the historic Moore Family home and the only marina.

Thank you for your consideration.

Sincerely,

  
  
David and Susan Moore  
1665 Highway 45  
APN: 019-110-017-000



Roger Moore and Arlan Moore  
1661 and 1659 Highway 45  
APN: 019-110-019-000

Cc: John M. Taylor, Esq.  
Taylor & Wiley  
2870 Gateway Oaks Dr., ste 200  
Sacramento, CA 95833





Historic photographs of the Moore Family home.



The Moore home as it looks today.



5-278

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40 06011

178-21





I\_MOORE1-03

## Grimes

Grimes is an unincorporated community located along the right bank of the Sacramento River in Colusa County. FLO-2D hydraulic modeling results referenced over aerial photography of Grimes (Figure D-20) showed that water depth from a simulated 1 percent AEP flood would be 0 to 1.5 feet. In addition, GAR (DWR 2010) and RACER (DWR 2011) information was reviewed for the type and cost of remediation necessary to repair the existing levee adjacent to Grimes. After analyzing the available data, it was determined that reconstruction-in-place repairs along the right bank levee of the Sacramento River, in combination with construction of a training levee south of Grimes, would protect the community from a 1 percent AEP flood (Figure D-20).

Recommended repairs along the right bank of the Sacramento River include remediation for under-seepage, through-seepage, nonseepage-related stability, erosion, and freeboard. The most thorough approach to repairs was chosen because of past performance issues along the levee segment associated with under-seepage, erosion, and possibly through-seepage. The cost to repair a 3.53-mile portion of the levee segment, identified in the GAR as Segment 288, was estimated to be \$41.9 million, which calculates to about \$11.9 million per mile. The cost per mile was then applied to only the 0.50-mile portion of Segment 288 (Figure D-20) to estimate the reconstruction-in-place costs. Although the cost to repair freeboard along Segment 288 to 1957 design elevations was applied to the current cost estimate, more data are needed to determine if the levee segment has the minimum 3 feet of freeboard for a 1 percent AEP level of protection. Additional costs to increase the crown elevation and overall size of the levee prism may apply.

To complete the conceptual layout, a training levee would be constructed beginning from the right bank of the Sacramento River, just south of Grimes. From the right bank of the Sacramento River, the training levee would extend westward along the edge of the community. The training levee was conservatively designed with a height of 4.5 feet (1.5 feet plus an additional 3 feet of freeboard) along the entire alignment. The total cost for construction, including reconstruction-in-place repairs, was estimated to be \$7.0 million.



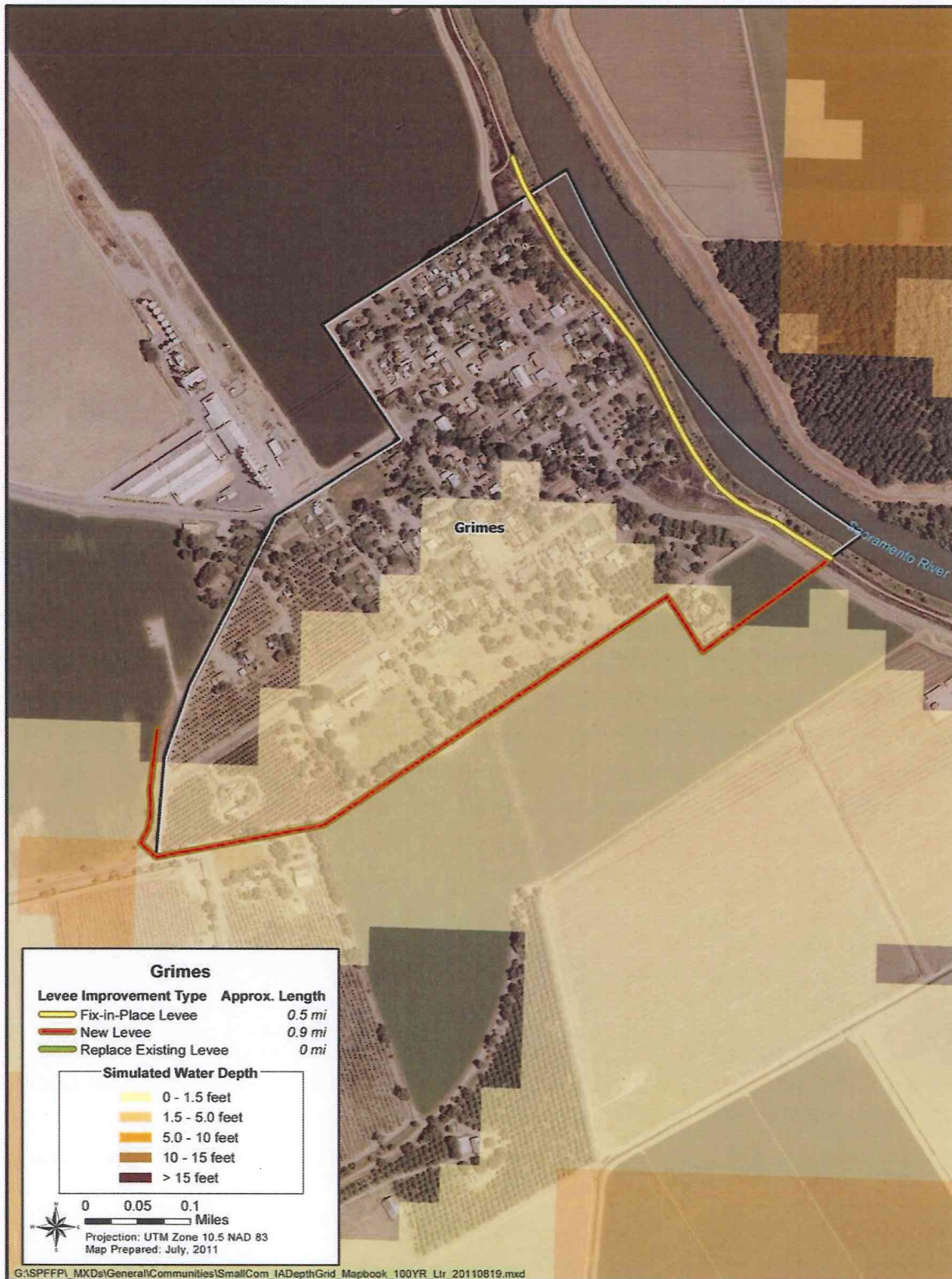


Figure D-20. Grimes Levee Approach

Specific conceptual levee setback opportunities are shown in the following figures. The length of the new levees, removal of existing levees, and area of land created by these conceptual setback levee projects formed the basis and provide the quantities for the cost estimates.

## Costs Basis and Development

Costs were generated for setback levees parametrically. Unit costs were developed based on land type and levee function from other representative studies and construction projects for setback levees. Table E-1 lists cost development assumptions.

**Table E-1. Cost Assumptions for Setback Levees**

Element	Cost or Percentage
Environmental, Permitting, Engineering, and Feasibility	25%
ROW Cost	\$22,000 per acre
New Setback Levee Cost	\$20 – \$25 million/mile
Levee Removal Cost	\$5 – \$10 million/mile
Fix-in-Place Levee Cost	\$15 – \$20 million/mile

Key:  
ROW = right-of-way

Setback projects and data are listed in Table E-2. Four conceptual setback levee projects were identified in the Sacramento River, and five conceptual setback levee projects were identified in the San Joaquin River.

**Table E-2. Conceptual Setback Projects and Quantities**

Project	Basin	Region	New Levee Length (miles)	Removed Levee Length (miles)	Fix-in-Place Levee Length (miles)	Restored Area (acres)
FTR1	Sacramento	Feather	5.6	8.4	9.3	4,000
MSAC1	Sacramento	Mid-Sac	4.3	5.7	4.3	1,000
MSAC2	Sacramento	Mid-Sac	8.4	15.2	5.2	3,000
MSAC3	Sacramento	Mid-Sac	7.8	10.7	6.2	2,000
LSJ1	San Joaquin	Lower SJ	5.6	12.8	7.7	3,000
LSJ2	San Joaquin	Lower SJ	5.6	8.4	9.3	2,000
MSJ1	San Joaquin	Middle SJ	10.6	11.6	2.5	4,000
USJ1	San Joaquin	Upper SJ	7.1	8.5	2.6	2,000
USJ2	San Joaquin	Upper SJ	10.4	11.3	12.5	5,000
<b>Totals</b>			<b>65.4</b>	<b>92.6</b>	<b>59.4</b>	<b>26,000</b>

Key:  
Sac = Sacramento  
SJ = San Joaquin

The conceptual setback projects would create 26,000 acres of potential riparian habitat. The habitat created may bring additional institutional support and financial benefits to the CVFPP. Setback projects would also reduce monitored and maintained levee length by 27 miles. This would save a significant amount of money in annual maintenance.

If these projects were to move forward toward implementation, they would require a feasibility analysis of alternatives. The analysis would need to further assess the impacts to existing agricultural uses, local infrastructure, and river and levee access. Additional detail for the conceptual setback levee approach is shown for each project in Figures E-5 through E-13.

The high and low range of conceptual construction costs are listed in Table E-3. The nine projects would cost between \$3.2 billion and \$4.5 billion to construct. This cost does not include long-term maintenance and restoration costs (tree, shrub, grass plantings, temporary irrigation) for the restoration acreage.



**Table E-3. Summary of Setback Levee Costs**

<b>Project</b>	<b>Total Construction Cost (low)</b>	<b>Total Construction Cost (high)</b>
FTR1	\$381,408,500	\$519,854,050
MSAC1	\$201,276,950	\$294,718,650
MSAC2	\$386,807,260	\$552,329,180
MSAC3	\$345,190,150	\$490,166,950
LSJ1	\$356,844,340	\$509,253,520
LSJ2	\$337,408,500	\$475,854,050
MSJ1	\$395,038,150	\$540,414,650
USJ1	\$268,030,710	\$381,322,830
USJ2	\$562,191,900	\$755,309,700
<b>Totals</b>	<b>\$3,234,196,460</b>	<b>\$4,519,223,580</b>

2012 Central Valley Flood Protection Plan  
Attachment 8J: Cost Estimates  
Appendix E. Flood Corridor Expansion

I\_MOORE1-04

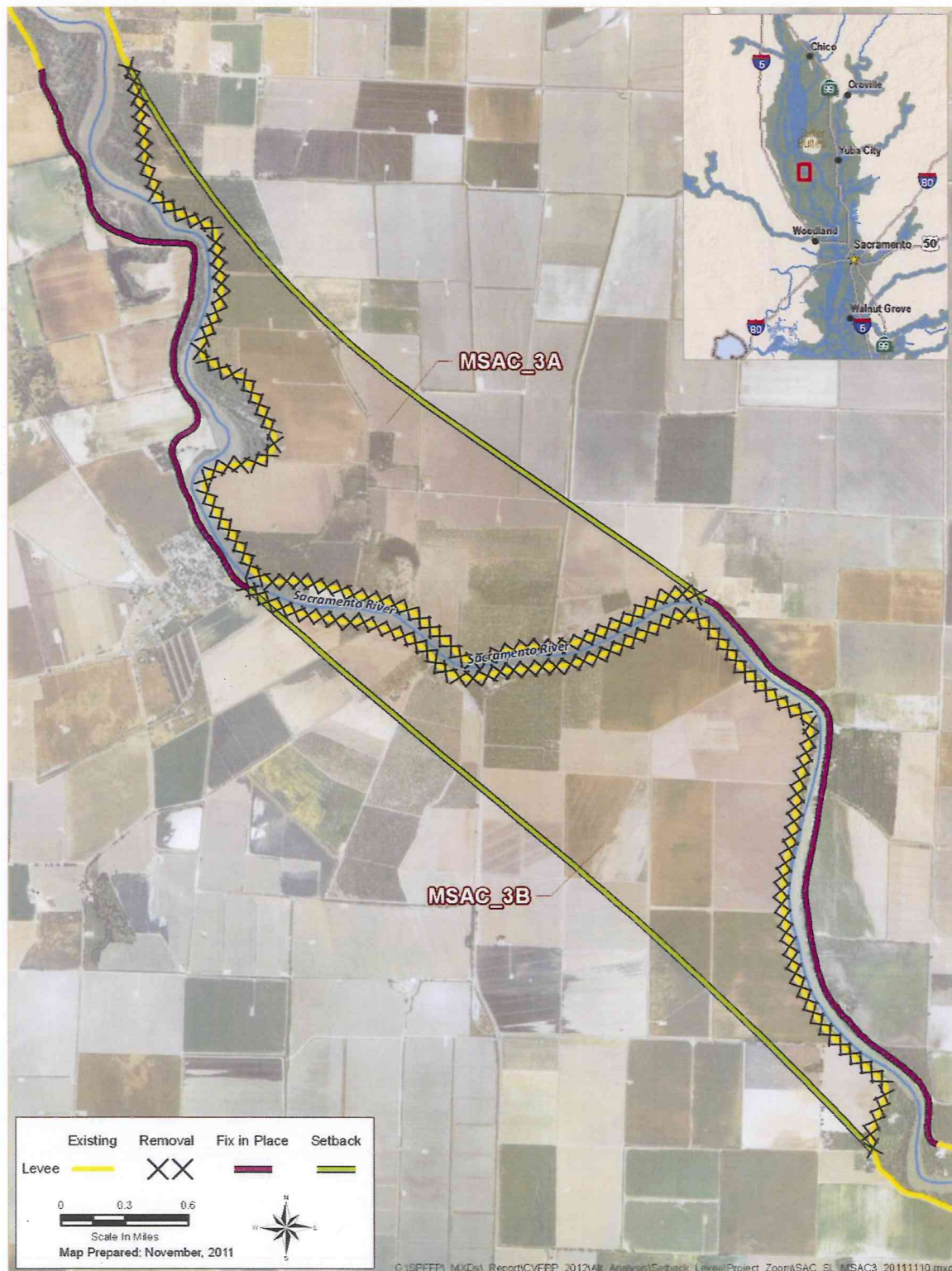
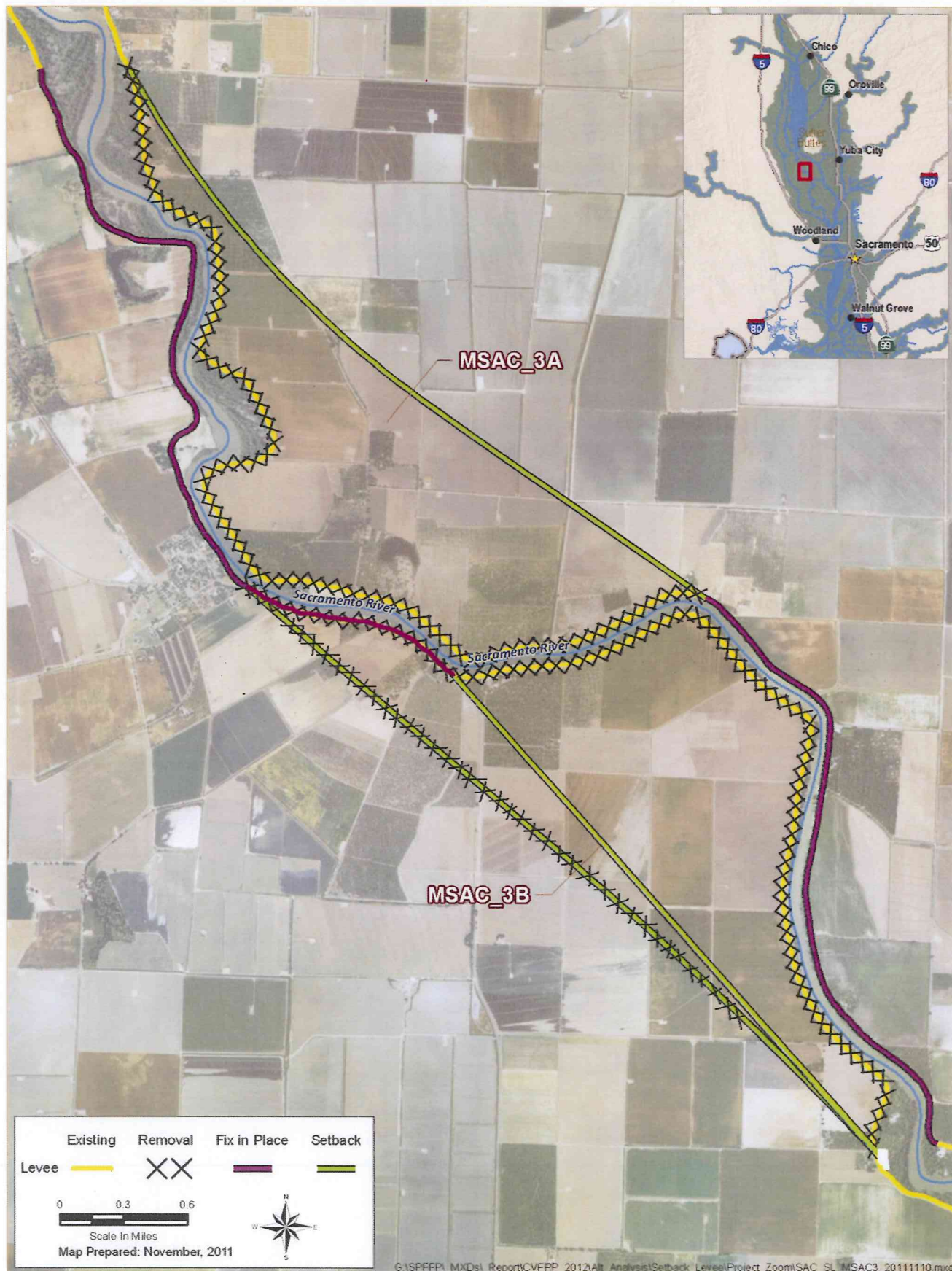


Figure E-7. MSAC3 Conceptual Setback Area, Sacramento River



# EXHIBIT A



**Mathew S. Keasling, Moore Family Properties, Grimes,  
California**

***Response***

***I\_MOORE1-01***

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.

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

**I\_MOORE1-02**

The comment references conceptual levee setback element depicted on a map shown as Figure E-7, page E-14 map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. As stated in Master Response 20, 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.

**I\_MOORE1-03**

See response to comment I\_MOORE1-02.

**I\_MOORE1-04**

See response to comment I\_MOORE1-02.



# I\_MORES1

**Moricz, Nancy**

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**From:** aggiejeff@frontiernet.net  
**Sent:** Saturday, April 21, 2012 8:37 AM  
**To:** Cvfppl\_Comments  
**Subject:** Flood Protection Plan Comments

Jeff Moresco  
Farming  
P.o. Box 292  
COLUSA, CA 95932-0292

April 21, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_MORES1-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_MORES1-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_MORES1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_MORES1-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_MORES1-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Jeff Moresco  
530-624-6820  
Farming

**Jeff Moresco**

***Response***

***I\_MORES1-01***

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.

***I\_MORES1-02***

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 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. For additional details, see Master Response 3.

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).

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 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)).

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.

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.

#### ***I\_MORES1-03***

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.

#### ***I\_MORES1-04***

See response to comment I\_MORES1-03. Furthermore, 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.

#### ***I\_MORES1-05***

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.

#### **Engagement Specifics:**

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>.

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.

# I\_MORESCO1

Moricz, Nancy

**From:** JEFF MORESCO [aggiejeff@frontiernet.net]  
**Sent:** Friday, April 20, 2012 6:52 AM  
**To:** Cvfp Comments  
**Subject:** Comment on proposed flood plan

To Whom It May Concern:

I\_MORESCO1-01

I live and farm in the Sacramento Valley in the Colusa area. I farm in and around the Butte Sink, or Butte Basin as named in your plan. I farm both inside and outside the levee system of the Sacramento River. I have been farming for the past 28 years, and grew up in this area on a farm. I **am OPPOSED** to this so called flood plan. It is clear the Dept. of Water Resources is trying to provide greater flood protection to the urban development of flood plains at the expense of agriculture and rural communities. Beyond this, the Dept. of Water Resources is trying to appease the environmentalists in this state, again at the expense of agriculture, and the safety of rural communities along the rivers in the central valley. Further, I don't see where there are adequate funds to build all these levees and by-passes, when there does not seem to be adequate resources to maintain the system we currently have to its designed capacity. This flood plan is not comprehensive, nor adequate in its flood control. It does not address issues such as additional water storage and flood protection reservoirs, nor does it address the build up of silt and debris on the various river channels, which diminish the carrying capacities of the rivers. This plan is being pushed through quickly, and many of the people affected by this are unaware of it.

I\_MORESCO1-02

I\_MORESCO1-03

I\_MORESCO1-04

I\_MORESCO1-05

I\_MORESCO1-06

I\_MORESCO1-07

I am extremely concerned about the plans for the Butte Basin area, where I live and farm. First, the plan calls for creating a new bypass out of Cherokee Canal, bypassing Feather River water into the Sacramento River watershed. I don't think a private party could legally move water from one watershed into another, I can't see how the State of California should be allowed to do this. This bypass would destroy the farmers, and the property and infrastructure built up in northeastern Colusa county and Sutter county. This would overwhelm the Sutter Bypass and would imperil the Meridian and Sutter Basins. During high flows, the new bypass would put additional pressure on the butte basin, flooding the land right up against the Sacramento River levees. This could effectively reduce the flow of Sacramento River water out of the Colusa Bypass, and increase the pressure on the Sacramento River system, causing levee breaches on the west side of the Sacramento River. There is historical evidence that this can happen. In 1940 there were heavy flows on all of the river systems. Shasta dam was not completed yet. The Feather River broke in various places, and some of its water made it to the Butte Basin. It filled this area up so high, they had to sand bag the Sacramento River levee at the Colusa Bridge to keep the Butte Sink water from breaking back into the Sacramento River. This caused various levee failures on the west side of the Sacramento River, and the town of Colusa became a virtual island. Sacramento River water made it almost to the town of Maxwell on the west side of the valley. If this were to happen today, the city of Colusa would probably be flooded, because of the levees built along the Colusa Basin Drain west of Colusa, would keep the water contained in the Colusa area. That same year, the Sutter Bypass was overwhelmed by the large flows out of the Butte Basin, and a bypass levee north east of Meridian failed and flooded the town of Meridian and the Meridian Basin. At least one person died in this area.

I\_MORESCO1-08

The history of the Sacramento Valley flood system, in my opinion, has been overlooked in the development of this plan. The levee system was conceived of and started by the pioneers that founded our cities and towns in this valley. Private landowners would build levees to protect their own property from flooding. There were always levee failures, because there were always larger floods that weren't expected. Sacramento was built in a poor spot as far as flood safety was concerned. It was established where the American and Sacramento River flows meet, just above the Delta region. It was prone to flooding, and the old town of Sacramento was actually raised up at one point by hauling in material and rebuilding the town over the top of the old town. At some point the pioneers came up with the concept of bypassing some of the river water out of the river to protect the city of Sacramento from flooding. In the early 1900's, and 1920's as the river bypasses were being planned and engineered, there was a great disagreement about which side of the Sacramento River to bypass the water. The engineers wanted to bypass the water to the west. They said the slope was better and there would be less silt build up, plus the Delta, and the Pacific Ocean are to the west, and that was the logical way to bypass the water. But wealthy farmers and land owners on the west side of the Sacramento River would not have anything to do with this plan, and eventually the Sacramento River bypasses were built towards the east into the Butte Basin. This doesn't help the Feather and Yuba River system, which has been prone to flood the Yuba City, Marysville area. Yet with the historical flooding of this area, developers have still urbanized the flood plains there. I don't believe my community should be destroyed because others have made poor decisions where to build their homes.

I\_MORESCO1-09

I\_MORESCO1-10

I\_MORESCO1-11

I\_MORESCO1-12

I\_MORESCO1-13

I\_MORESCO1-14

We have a system in place, though not perfect, it still functions fairly well. But this system is not adequately maintained. We have let the bypasses and the rivers and canals build up with overgrowth which impede water flows and put more stresses on the system. If the Dept. of Water Resources wants to spend billions building levees and condemning land, why can't they spend the money fixing what they aren't maintaining now? And why is environmentalism even a topic for discussion in this plan? This is a public safety, and property protection issue not and environmentalist land grab. This plan doesn't address the build up of silt and debris in the river systems. The Sacramento River used to be dredged up to and north of the town of Colusa, This hasn't been done for decades. Yet the river continues to silt up and rise. We are trying to contain our rivers within levees, then we must keep the channels fairly clear, otherwise, the levees will eventually become worthless as the river levels continue to rise. Set back levees are, in my opinion, useless, and nothing more than an environmental land grab. This is just putting a bandage on a problem that will never go away.

California is unique. For water it is feast or famine. This is why we should be looking into more storage and flood control reservoirs, or at least increase the capacities of the current reservoirs. The environmentalist movement has crippled this state. As the states population continues to grow, these issues need to be addressed in an intelligent manner, not an environmental manner. Don't get me wrong, I am a steward of the land, and I want to preserve as much of the beauty and wildlife as I can, while I use the land God gave us to produce food, and a life, for my family and others. Common sense needs to prevail here.

Respectfully,

Jeff Moresco  
P.O. Box 292  
Colusa, CA. 95932  
(530)-624-6820  
aggiejeff@frontiernet.net

**Jeff Moresco, Colusa, California**

***Response***

***I\_MORESCO1-01***

The comment is noted. The Butte Basin is a component of the CVFPP study area.

***I\_MORESCO1-02***

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 event) required for participation in the NFIP, and is consistent with the existing Building Code.

***I\_MORESCO1-03***

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)).

As stated in Master Response 4, 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.

***I\_MORESCO1-04***

As stated in Master Response 15, 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.

***I\_MORESCO1-05***

As stated in Master Response 7, 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.

As stated in Master Response 6, 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.

***I\_MORESCO1-06***

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.

This program has been implemented in a deliberate manner with adequate outreach to solicit wide ranging public input.

***I\_MORESCO1-07***

As stated in Master Response 1, it was concluded that 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. However, future project-level plans to implement bypass improvement would need to consider several factors 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.

Furthermore, 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. 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.

***I\_MORESCO1-08***

The comment is noted. The history of flooding in the Sacramento Valley is well understood and is one of the primary reasons for implementation of the CVFPP.

***I\_MORESCO1-09***

As stated in Master Response 1, 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.

**I\_MORESCO1-10**

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 operations and maintenance is a supporting goal of the CVFPP. The SSIA includes elements to address and improve operations and maintenance at existing facilities as part of residual risk management. These elements include identifying and repairing after-event erosion, developing and implementing enhanced operations and maintenance programs and practices, and forming regional operations and maintenance organizations and sustained investments in flood system maintenance (management of the Sacramento River channel and levees, bank protection, and rehabilitation of flood structures).

**I\_MORESCO1-11**

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 integration of ecosystem benefits (CWC Sections 9616(a)(7), 9616(a)(9), and 9616(a)(11)).

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.

***I\_MORESCO1-12***

See response to comment I\_MORESCO01-11.

***I\_MORESCO1-13***

As stated in Master Response 8, 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. Furthermore, 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.

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.

***I\_MORESCO1-14***

As stated in Master Response 7, multiple benefits can be achieved with implementation of the CVFPP, including the interrelationship of water supply storage and flood risk control facilities. 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. Capturing and using floodflows for groundwater recharge is a component of integrated flood and water management in the CVFPP. The State supports programs that use floodflows for groundwater recharge to improve water management throughout California. However, the State also recognizes the limitations of



direct groundwater recharge in lowering flood stage and reducing flood risks, especially in the Sacramento River Basin.

# I\_MORRIS1

**From:** [Hadden, Mary](#)  
**To:** [Meredith Parkin](#)  
**Subject:** FW: Central Valley Flood Protection Plan  
**Date:** Monday, April 23, 2012 1:49:05 PM

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**From:** Mark Morris [mailto:mmorrisc21@yahoo.com]  
**Sent:** Friday, April 20, 2012 12:53 PM  
**To:** DPEIRcomments@water.ca.gov  
**Subject:** Central Valley Flood Protection Plan

To Whom It May Concern:

I\_MORRIS1-01

I am a landowner and resident of Grimes in Colusa County for the past 57 years. My family has lived, owned land and farmed in this area and Yolo County for 4 generations. I most strenuously object to your flood plan and how it will affect myself, my neighbors and almost everyone in rural California. I ask and strongly urge you to vote this plan down. We are all aware of the need for better flood protection and are willing to work towards achieving those goals but to do so at one area or parties expense does not seem fair to me. After attending your meetings and reading your report it appears that the rural areas are getting the short end of the stick. We are giving up ground that we farm and produce a living from, have to deal with environmental rehabilitation that costs us money, and still remain at risk for flooding.

I am also a real estate broker and shudder to think what this plan will do to real estate values in our rural areas. Our market has already been slammed because of the financial meltdown and adding this on top will drop prices even further down. These small towns have been here for years and years and your plan threatens to kill them. Please reconsider and take the time to come up with a plan we can all support and be proud of. Not something that is protecting the many at the expense of the few.

I could not locate in your plan anything dealing with old Indian burial grounds along the river. As you should know the Indians located themselves on high water areas along the river, which is also where our towns and cities are, and there are old burial grounds along the river. It appears that you are rushing to judgement to get a plan, any plan in effect and this one has way too many flaws to support. I strongly urge you to reconsider and go back to the drawing board and come back with a plan that serves all of California and not just the urban areas.

Sincerely,

Mark S. Morris  
PO Box 87  
Grimes, CA 95950  
(530)437-2429 Home

**Mark Morris, Grimes, California**

***Response***

***I\_MORRIS1-01***

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.

In addition, 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 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).

Potential impacts on Native American burial grounds are discussed in Section 3.8, “Cultural and Historic Resources,” of the DPEIR.

# I\_MSTEIDL1

**From:** [Hadden, Mary](#)  
**To:** [Meredith Parkin](#)  
**Cc:** [Ng, Michele](#)  
**Subject:** FW: "comments" CVFPP  
**Date:** Friday, April 20, 2012 8:40:10 AM

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**From:** michael steidlmayer [mailto:msteid@hotmail.com]  
**Sent:** Friday, April 20, 2012 6:48 AM  
**To:** dpeircomments@water.ca.gov; michael steidlmayer  
**Subject:** "comments" CVFPP

Mike Steidlmayer  
Potential homeless stakeholder  
Colusa Ca. 95932  
April 20 2012

I\_MSTEIDL1-01

Recently I have had the opportunity to read the CVFPP. After reading this document and many sleepless nights since I

decided to write my comments down in hopes that the will be posted for all to see. Hopefully someone will read these

comments and will understand the situation the rural community is faced with.

I am in favor of flood control and who living in the central valley isn't? We have a fairly good system in place that has

worked well for a long time. My family and I have lived near the Sacramento river for over 100 years, I deal with the effects

I\_MSTEIDL1-02

of the river on a daily basis. I know the problems with the system in my area just like my father did and his father and my

great grandfather did. Anyone who has ever irrigated with a ditch knows that when the ditch fills with sediment, the

ditch losses efficiency, this is the same for irrigation ditches and rivers, no difference. Our system is completely plugged

debris and sediment making it loose efficiency. This is what we need to work on in this plan. When you have a flat tire

on your car, you don't add another tire, you fix the flat on the car.

I\_MSTEIDL1-03

This brings me to the set back levee issue. The proposed locations of the set backs make no sense to me in a flood

control sense. I thought about this for a long time and realized that there must be a hidden agenda. These areas

are for the most part high ground, thats why the river has meandered its way around them. That also made me think that

this high ground was inhabited for that reason, they don't flood. Most of the houses on this high ground

were built before

the levees existed like mine. This made me think that if these homesteads were here before the levees then they must

have riparian water rights which DWR wants control of, I believe this is the first reason for the set backs. If these properties

have been owned by families for that long, they are obviously are not willing sellers and privately own the levees adjacent

to there lands like me. We own the property to the mean high water mark, we pay taxes on that property and the district

I\_MSTEIDL1-04 has an easement to maintain them only. This is private land with no public access, I believe this is the second reason for

the set back levees to gain public access to our private land along the river corridor. There is another argument I must comment on. In the report

I\_MSTEIDL1-05 it states that one of the reasons for the set back levees is to reduce the amount of levee distance to reduce maintenance

costs for DWR. DWR doesn't pay for the maintenance on our levee, our district assesses our property and WE pay for the

repairs, not DWR.

I\_MSTEIDL1-06 I have one more key point before I close my statement, It is my belief that another reason for this land grab is for

mitigation purposes and create habitat for native species. The central valley farmer does this on a daily basis, providing

food, water and shelter to many native species. Do you really think that all the crops we grow get harvested 100% ? There

is a certain amount of waste in every crop we grow, but not even remotely close to the amount of waste in this

plan that is being proposed.

When I heard we were proposing a plan for a 200+ year flood event, I didn't realize we were not talking about high

water but talking about the flood of environmentalists and big government overrunning the self sufficient rural farmers

of this state and community. God bless America!

**Mike Steidlmayer, Colusa, California**

***Response***

***I\_MSTEIDL1-01***

As stated in Master Response 8, 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.

***I\_MSTEIDL1-02***

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.

#### ***I\_MSTEIDL1-03***

The comments generally express concern that the conceptual setback would not function hydraulically and 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 maps are from page E-12 to page E-16 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.

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.

#### ***I\_MSTEIDL1-04***

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.

#### ***I\_MSTEIDL1-05***

Although local maintaining agencies pay for all minor repairs, DWR has been paying 100 percent of emergency repairs and up to 33 percent of larger levee repairs. For this reason, DWR is proposing sustainable, long-term O&M practices. 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

In addition, 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.

**I\_MSTEIDL1-06**

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)).

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.

In addition, 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 topic or information was raised in the comments.

**Moricz, Nancy**

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**From:** ysfb@ysfarmbureau.com  
**Sent:** Wednesday, February 22, 2012 3:21 PM  
**To:** Cvfpp\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Samuel Nevis  
President  
Yuba-Sutter Farm Bureau  
475 N. Palora Ave  
Yuba City, CA 95991-4731

February 22, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_NEVIS1-01 Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

Sutter County Farmers will be tremendously impacted by the proposed CVFPP in its current draft form. Extending the bypass with setback levees will cause a hardship for a host of growers in our community.

Growers who raise crops historically protected from flooding by the levees, now face the prospect of their ground being periodically inundated. Commodities such as wheat, tomatoes, peaches, prunes, and walnuts, all major crops in our area, cannot withstand flooding. And the growers of rice, who farm the top commodity in Sutter County, will also be negatively impacted by the proposed levee setbacks. Rice is one of the most prevalent commodities grown in the path of the setbacks, and contrary to a common misperception that all flooding is good for rice, uncontrolled flooding can cause fields to be lost in their entirety. Shifting lands from behind levees into the floodplain would be very disruptive to all affected growers and businesses currently on those lands.

I\_NEVIS1-02 The Yuba-Sutter Farm Bureau is also deeply concerned that there have not been maps released for the public detailed enough to allow individual growers and homeowners to determine if their property will be affected by the proposed levee setbacks. If the CVFP Board plans to allow the periodic inundation of some 40,000 acres of predominantly agricultural lands now located behind the levees in the Central Valley, growers in those areas have a right to detailed, specific information regarding the footprint of the proposed setback levees.

I\_NEVIS1-03 Private property rights are also at stake. In recent years we saw the state impose imminent domain upon growers in Yuba County to allow for the setbacks of levees there. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_NEVIS1-04 A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, sacrifices thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end. This is too large a price to pay in terms of our food supply, and local economy.

I\_NEVIS1-05 Agriculture is the number one economic contributor in Yuba and Sutter counties, with over \$716,471,000 of gross production value in 2010 alone. With unemployment in our bi-county area over 20%, we cannot jeopardize one of the few industries that remain profitable in this recession.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_NEVIS1-06

With the CVFPP presenting such an immense impact to farmers in Sutter County in particular, the lack of outreach by DWR to our agricultural community is a grave disappointment to the Yuba-Sutter Farm Bureau. Come June of 2012, many of the growers who will undoubtedly lose productive acres to the levee footprint, or subsequently own land in the proposed new bypass area, are unaware of the changes that will have a lasting effect on their livelihood.

The Yuba-Sutter Farm Bureau is calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Samuel W. Nevis  
530-673-6550  
President  
Yuba-Sutter Farm Bureau

**Yuba-Sutter Farm Bureau, Samuel Nevis**

***Response***

***I\_NEVIS1-01***

As discussed 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 topics or information were raised in the comments. For additional details, see Master Response 2.

***I\_NEVIS1-02***

As discussed 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 Responses 1 and 23.

#### ***I\_NEVIS1-03***

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.

#### ***I\_NEVIS1-04***

As discussed 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. 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.

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 Responses 6 and 7.

#### ***I\_NEVIS1-05***

See response to comment I\_NEVIS1-03. Furthermore, 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.

#### ***I\_NEVIS1-06***

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.

#### **Engagement Specifics:**

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.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.

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.

**Moricz, Nancy**

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**From:** luisn@mail.fresnostate.edu  
**Sent:** Friday, March 09, 2012 12:45 PM  
**To:** Cvfp Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Luis Nichols  
1680 E. Barstow Avenue Apt 305C  
Fresno, CA 93710-6594

March 9, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I\_NICHOLS1-01 I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

I\_NICHOLS1-02 Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_NICHOLS1-03 Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_NICHOLS1-04 The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_NICHOLS1-05 While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Luis Nichols  
661-350-4987

**Luis Nichols, Fresno, California**

***Response***

***I\_NICHOLS1\_01***

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.

***I\_NICHOLS1\_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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_NICHOLS1\_03***

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.

***I\_NICHOLS1\_04***

See response to comment I\_NICHOLS1-03. Furthermore, 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.

#### **I\_NICHOLS1\_05**

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.

#### **Engagement Specifics:**

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.cvfpb.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.

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.



**Peabody**  
engineering

1700 Alhambra Blvd., Suite 102  
Sacramento, CA. 95816

# I\_PEABO1

February 21, 2012

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and betted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I am very concerned about the proposed plan for the following reasons:

- \* The potential farmland conversion impacts;
- \* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
- \* Private property rights;
- \* Impacts on particular parcels, farming operations, reclamation district areas, etc.
- \* Impacts on livelihoods and businesses;
- \* Impacts on property values;
- \* The potential for eminent domain abuses;
- \* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
- \* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
- \* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- \* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;
- \* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;
- \* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
- \* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
- \* Assurances associated with potential liabilities under the federal and state endangered species acts;
- \* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);
- \* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Ross E. Peabody  
20040 Old River Road  
West Sacramento, Ca. 95691

**Ross E. Peabody, Peabody Engineering**

***Response***

***I\_PEABO1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_PEABO1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_PEABO1-03***

See response to comment I\_PEABO1-02.

***I\_PEABO1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

***I\_PEABO1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_PEABO1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_PEABO1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_PEABO1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_PEABO1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_PEABO1-04.

***I\_PEABO1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I PEABO1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### ***I\_PEABO1-11***

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I PEABO1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I\_PEABO1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I PEABO1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I PEABO1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

***I\_PEABO1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I PEABO1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_PEABO1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

# I\_POLLO1

February 21, 2012

State of California  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I\_POLLO1-01

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined and considered by affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I\_POLLO1-02

We are very concerned about the proposed plan for the following reasons:

I\_POLLO1-03

- \* The potential farmland conversion impacts including impacts to land we personally farm;

I\_POLLO1-04

- \* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_POLLO1-05

- \* Private property rights;

I\_POLLO1-06

- \* Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_POLLO1-07

- \* Impacts on livelihoods and businesses;

I\_POLLO1-08

- \* Impacts on property values;

I\_POLLO1-09

- \* The potential for eminent domain abuses;

I\_POLLO1-10

- \* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_POLLO1-11

- \* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_POLLO1-12

- \* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_POLLO1-13

- \* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_POLLO1-14

- \* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

I\_POLLO1-15

- \* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_POLLO1-16

- \* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_POLLO1-17

- \* Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_POLLO1-18

- \* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impractical, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

- \* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

Herbert E. Pollock

Lynnel Pollock

PO Box 468, Yolo, CA 95697

**Herbert E. and Lynnel Pollock, Yolo, California**

***Response***

***I\_POLLO1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_POLLO1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_POLLO1-03***

See response to comment I\_POLLO1-02.

***I\_POLLO1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

#### ***I\_POLLO1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_POLLO1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze



specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_POLLO1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_POLLO1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_POLLO1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_POLLO1-04.

***I\_POLLO1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_POLLO1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### ***I\_POLLO1-11***

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I\_POLLO1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

### ***I POLLO1-13***

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_POLLO1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I\_POLLO1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

#### ***I\_POLLO1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_POLLO1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

**I\_POLLO1-18**

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

# I\_RAMOS1

April 7, 2012

To: Central Valley Flood Protection Board

I would like to submit the following comments regarding the current Flood Plan:

I\_RAMOS1-01

First of all you keep looking to take more and more land to put into the floodways. This only puts off the problem for a few more years. Then you come back and say we need more land for the floodways. Why don't you get out of your offices and survey the existing rivers and waterways? Develop a spread sheet to compare how much water was carried through the waterways (say 60 – 70 years ago) to how much is carried today. What is the elevation of the bottom of the rivers today compared to when the levees first were put into place. They are silted in and overgrown with trees, shrubs and weeds. Trees and shrubs allowed to grow on the levees threatens their integrity or so Safety of Dams says regarding the strength and safety of dam embankments. So it should be the same for river levees. Common sense tells you that water slows down considerably when there are obstacles in the way. It backs up and overflows. If you don't start doing something within the levees of the rivers and creeks you will either have to increase the height of the levees or keep taking more and more ag land for the floodways. When do you stop? How high do you go with the levees? How much land was taken the last time you reviewed the flood plan?

I\_RAMOS1-02

I don't think I have to tell you that agriculture plays a very important part in the economy of California. It doesn't stay with just the employees on the farm. It creates jobs throughout the state, i.e. food processing, freight, farming equipment. Employees in these categories spend their money in grocery stores and retail stores creating more jobs.

I\_RAMOS1-03

Yes, you have environmental issues, but we have allowed these to get way out of hand and you need to start reversing this trend.

*Etta Lee Ramos*  
Etta Lee Ramos  
4490 Gallagher Rd.  
Rio Oso, CA 95674



**Etta Lee Ramos, Rio Oso, California**

***Response***

***I\_RAMOS1-01***

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.

### ***I\_RAMOS1-02***

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.

***I\_RAMOS1-03***

The comment states that environmental issues have gotten way out of hand. 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 comment is noted.

**Moricz, Nancy**

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**From:** mksankey@sankeyauto.com  
**Sent:** Friday, April 20, 2012 1:10 PM  
**To:** Cvfpp\_Comments  
**Subject:** Comment CVFPP

April 20, 2012

Paul and Kathy Sankey  
1126 Parkhill Street  
Colusa, Ca 95932  
530-458-2126

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

RE: Written Comments Central Valley Flood Protection Plan

Dear Ms. Moricz and Central Valley Flood Protection Board Members,

I\_SANKEY1-01 The following comments pertain to the proposed Central Valley Flood Protection Plan in the areas pertaining to Moonbend Road in Colusa, California and all other affected areas of farmland throughout the scope of the levee project. For the record, we are landowners in the Moonbend area and are deeply concerned by the fact that this project has moved forward to this point at a "reconnaissance level" without consideration being given to land owners in the proposed areas of the levee project. We believe input from landowners is vital to the movement toward a viable and sustainable solution to flood protection and the other goals of this project including "public safety, environmental stewardship, and economic stability" while "meeting the needs of all Californian's."

We think it is worth mentioning with regard to the Moonbend area in Colusa, levee improvements and reinforcements were recently conducted on the levee on Moonbend Road. The Army Corps of Engineers took a core out of the existing levee and put in a slurry wall to eliminate weak spots within the levee and ensure the safety of residents in the surrounding areas. Therefore, why would it be necessary to take out an existing portion of the levee that has recently been repaired?

I\_SANKEY1-02 With that being said, we are extremely concerned about the lack of foresight and consideration given to the preservation of farmland in California; particularly fertile, non-renewable, and very valuable farm land that would be taken out of production by this project. It is essential that all farmland remain in production within the state of California. **Agriculture is the economic engine that drives our local and state economies in**



**California.** It is short sighted to think that the loss of production of this farmland will have little effect on the local and State budgets throughout the years ahead and at the very least the following should be considered:

\*This project may reduce the maintenance on the overall length of the existing levee, however this project will take a lifetime of earning potential away from the land owners and future generations.

I\_SANKEY1-03 \*Crop production in our area has been a way of life for generations of family farmers. Revenue generated from ag production not only yields family income, but promotes economic growth throughout the local and state economies. Farmers spend their farm dollars on farm inputs, supplies, fuel, etc. which in turn creates jobs and supports local businesses in rural areas throughout the state.

I\_SANKEY1-04 \*Landowners pay to their County Tax Assessor an annual sum of tax assessments on every acre of land within the scope of this project. With local and state budgets in jeopardy, we doubt very much that rural counties can do without the tax revenue generated from the farmland in question.

I\_SANKEY1-05 \*Landowners also pay a substantial water assessment to their local water reclamation districts at a pre-determined dollar amount per acre foot of water used for ag production. Without this water assessment paid by farmers, the local water agencies would also suffer substantial losses in revenue.

I\_SANKEY1-06 \*Farmers feed Americans as well as attempt to meet the growing demand of the global population. With an increasing world population, it is imperative that we all act as “good stewards of the land” and protect every acre of farmland for the preservation of human kind in the future.

I\_SANKEY1-07 Public safety is a must and environmental stewardship is a noble cause, there is no denying either of these facts, however we believe both of these can be more easily and equitably achieved by reinforcing and/or reconstructing the existing levee system. This would allow for a common sense approach to flood protection with minimal disruption to existing habitat and the livelihoods' of those trying to make a living in the rural communities within the proposed project areas.

I\_SANKEY1-08 With regard to the goal of promoting economic stability, where would necessary funding come from for a project of this magnitude? With state revenues consistently lower than annual budget projections and the ever increasing national debt we find it hard to believe funds would be available for this project at this time or anytime in the near future. Furthermore, the taxpayers of California cannot afford any more tax increases to fund any new projects. The consumption of farm land and the ensuing destruction of livelihoods' within the rural areas encompassed by this project would severely impact the viability of the local and state economies. The magnitude of debt created by this project appears to be unsustainable. In order to reach the goal of economic stability, we urge the committee, legislators, and state agencies to consult with local agencies and land owners to assess local needs and areas of concern with the existing levee system. It is our belief that the locals know their areas best, and by working closely with the locals a fair and equitable solution to flood protection could be achieved that would ensure public safety and environmental stewardship while promoting economic growth within the areas of concern of the Central Valley Flood Protection Plan.

I\_SANKEY1-09 In closing, we urge all those who have contributed to this flood protection plan, plan authors, CVFPP Board Members, State Legislators, and State Agencies to consider the following: the taking of land, a non-renewable resource for flood protection as outlined by this plan when there is an existing levee system in place that can be restored and repaired is no different than farmers deciding it is in the best interest of the public to take the land your homes are built on in our effort to increase agricultural production and fuel our efforts to feed an ever growing world population. When viewed in such a light the thought of this plan becomes equally personal to all of us. We urge all of you to extend your deadline, hold many more public hearings, and collect

more information from all people, entities, landowners, rural communities, local and state agencies before moving forward with this plan. There is a lot at stake for many with the implementation of this project as is, and we are confident there are a variety of options available and many viable solutions for flood protection for “all Californians.”

Thank you for your consideration of our comments with regard to the proposed plan for flood protection within the Central Valley and throughout the State of California.

Sincerely,

Paul and Kathy Sankey  
Landowners Moonbend Road  
Business Owners in Colusa California

**Paul and Kathy Sankey, Colusa, California**

***Response***

***I\_SANKEY1-01***

This comment expresses concern with the conceptual levee setback element depicted on a map in Appendix A “Central Valley Flood Protection Plan” Attachment 8J. The comment expresses concern that the conceptual setback would require conversion of the particular agricultural lands indicated on the map.

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.

***I\_SANKEY1-02***

As stated in Master Response 2, impacts of agricultural land conversions are addressed in Section 3.15 in Appendix A, “Central Valley Flood Protection Plan”; and DPEIR Section 3.3, “Agriculture and Forestry Resources.” 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.

***I\_SANKEY1-03***

See response to comment I\_SANKEY1-02.

***I\_SANKEY1-04***

As stated in Master Response 3, rural-agricultural areas outside small communities (see Section 3.4 in Appendix A, “Central Valley Flood Protection Plan”) are addressed in the SSIA. 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.

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](http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf)).

#### ***I\_SANKEY1-05***

The economic effects that are noted in the comment will be considered in the evaluation of potential projects.

As stated in Master Response 15, and 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.

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.

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.

***I\_SANKEY1-06***

See response to comment I\_SANKEY1-02.

***I\_SANKEY1-07***

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 stated in Master Response 6, consideration of repairing/maintaining the existing flood system “in place” as recommended by the commenter was evaluated (see Sections 2.3, 2.8, and 3.1 in Appendix A, “Central Valley Flood Protection Plan”). 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.

### ***I\_SANKEY1-08***

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.

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.

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](http://www.water.ca.gov/floodsafe/docs/Cost_Sharing_Formula_12-29-10_Final.pdf)).



The PEIR prepared for the CVFPP includes mitigation measures that 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.

***I\_SANKEY1-09***

See responses to comments I\_SANKEY1-07, I\_SANKEY1-02, and I\_SANKEY1-01.

April 18, 2012

**I\_SCHODERC1**

Ms. Mary Ann Hadden, Staff Environmental Scientist  
DWR, Division of Flood Management c/o MWH

3321 Power Inn Road, Suite 300  
Sacramento, CA 95826

[DPEIRcomments@water.ca.gov](mailto:DPEIRcomments@water.ca.gov)

Re: CVFPP – MSAC\_2A

Dear Ms. Hadden:

I\_SCHODERC1-01

I am writing this to address my family's and my extreme concerns regarding the Central Valley Flood Protection Plan's (CVFPP) proposal to relocate the Sacramento River Levee in Colusa County specifically in regards to CVFPP – MSAC\_2A, which is found in Attachment 8J: Cost Estimates – Appendix E. Flood Corridor Expansion of the plan, dated January 2012.

Please consider this letter as our formal objection to the proposed levee relocation and our request that you consider alternate locations for the proposed re-positioning of the levee in this area. While it is my understanding that the long range planning giving rise to this proposal has been underway for several years, my family and I were not aware of this potential loss of our land, homestead, and livelihood, and were given no official notice of it. I only very recently learned of this explicit relocation proposal, which was toward the end of a very extensive document, and only specified in this attachment and appendix.

Your proposal will effectively destroy our family's means of generating income through the loss of our family land. This land has been held in our family farming operation since the late 1880s, and will affect multiple family members. The land in question is the base of our family's farming operation. We are a multigenerational farming entity, and we have 5 homestead sites on this property, 4 of which currently are being occupied by family members and their children. At present there are 8 houses situated on our land. In addition, we have more than 20 other structures on our property. These other structures are comprised of different operational shops, barns, pump buildings, animal sheds, and various other small outbuildings. At the present time, we also have two operational gas wells located here. This proposal will result in the relocation of a large number of people, not to mention our various farming assets. In addition to our family members that will need to be relocated, there are, I believe, 6 additional occupied homes within this proposed area.

Our land is part of a medium sized farming operation, employing more than 20 employees who will also lose their livelihood. We generate income for ourselves, the City, the County, the State, the Federal government, and our employees. In light of the fact that many family farming operations have failed, especially in these hard economic times, it seems to make poor financial sense to remove a successful family farming business from the overall income generating entities in this area.

Our family farm produces high quality crops such as rice, alfalfa, and various vine crops. We also have approximately 60 acres of walnuts in 4 different walnut orchards, and we have a small beef and sheep operation. Two of these orchards, more than 50 acres, are planted with young trees. Historically, many of these acres were planted in various grains, vine crops, and fruit and nut orchards. In the past we also used our property for our large ranching operation which marketed beef and sheep.

I\_SCHODERC1-02

As I was scanning through the document outlining the plan, a couple of things caught my eye. One of them was the references to a "nature preserve" or "natural habitat" for animals and waterfowl. We have 4 different areas of dedicated acreage for animal habitats on our property. Due to being a part of the Pacific Flyway, our location is a critical stopping point for many migrating birds, especially when our rice fields are irrigated. We take the stewardship of our land very seriously, and as farmers and ranchers, we ensure that all animals and birds in our area are well cared for. One of these places is a registered Nature Preserve area. We pride ourselves in the environmental husbandry of our property habitats.

I\_SCHODERC1-03

While I understand your need for a flood protection plan, I fail to see how the property outlined by CVFPP – MSAC\_2A constitutes a good area to choose. The land in question is higher than the surrounding area. Historically, during times of flooding or high river water resulting in seepage, our property has not had any flooding events. All of the land in question has always remained clear of water. Even when there has been flooding elsewhere in Colusa County, our land has stayed dry. One would think that a better flood protection zone would be at a lower elevation.

I\_SCHODERC1-04

Your proposal will also take out a part of State Highway 20 as well as the historic Meridian Bridge. The scope of the disruption that these two things will cause actually defies my imagination. I didn't see in the plan where the highway will be rerouted to. This is a main thoroughfare for the entire town of Colusa going to Yuba City, Marysville, and Sacramento. Interstate 5 is many miles away from our community, and will require much more driving as well as the use of more gas. People in our area go to these nearby communities very frequently, many on a weekly or daily basis to take advantage of sales and shopping that the larger stores offer. Many people in Colusa have their doctors located in Yuba City, Marysville, Rocklin, Sacramento or Davis, and prefer the direct route that State Highway 20 provides. Rideout Hospital and Freemont hospitals in Yuba City are also a choice for many people in the town of Colusa for their emergency and higher level medical care. In addition, State Highway 20 is the preferred route for many people in Colusa to get to the Sacramento Metro Airport.

I\_SCHODERC1-05

The destruction of the historic bridge at Meridian would be a tragic loss. This bridge has been rebuilt and updated in the 1970s, but in its heyday, it was quite the sight to behold. It was originally a combined rail and vehicle bridge, which allowed the train to go from Yuba City to Colusa. It is a movable bridge; I believe the northernmost swing bridge on the Sacramento River. It could be moved for the paddle wheelers that frequented the river to ply their trade. It also allowed many larger boats to pass by to go northward to take supplies and goods upriver. I remember as a girl watching it open to let a large boat go past. Very few of these types of bridges still remain in existence as most of them have been replaced by bridges with more modern designs.

The proposed plan for the relocation of the levee in CVFPP – MSAC\_2A will directly and permanently destroy our family's more than 100 year legacy of being self sufficient farmers and ranchers. It will wipe out our plans for our children's future as farmers and ranchers on property that all of our family members have dedicated their lives to working on and preserving. Our homesteads will be gone, some of which have been occupied for over 100 years. This proposed relocation will also disrupt the lives of our employees and their families. The rerouting of Highway 20 as well as the destruction of the Meridian Bridge will also be extremely disruptive to many of the residents of Colusa County and some of the residents of Sutter County.

Please consider this letter my family's written testimony and objection to the proposed levee relocation at CVFPP – MSAC\_2A. Please also include a copy of this letter as a submission of written testimony in all of the upcoming public meetings relating to this proposal.

I ask that you do not hesitate to contact me for further information or comment. My family and I, as well as those potentially impacted by this proposal, thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Steidlmayer Schoder". The signature is written in black ink and is positioned below the "Sincerely," text.

Catherine Steidlmayer Schoder  
92-834 Wainohia Street  
Kapolei, HI 96707

Tel: (808) 864-8447 or (808) 672-4309  
E mail: Schoder\_Hawaii@msn.com

**Catherine Steidlmayer Schoder, Kapolei, Hawaii**

***Response***

***I\_SCHODERC1-01***

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted in a map in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” The comments generally expressed concern that the conceptual setback 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 to 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.

***I\_SCHODERC1-02***

The commenter makes a statement that her family's rice fields are part of the Pacific Flyway and a registered Nature Preserve area. The comment is noted.

***I\_SCHODERC1-03***

See response to comment I\_SCHODERC1-01.

***I\_SCHODERC1-04***

See response to comment I\_SCHODERC1-01.

***I\_SCHODERC1-05***

See response to comment I\_SCHODERC1-01.

April 19, 2012

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

[DPEIRcomments@water.ca.gov](mailto:DPEIRcomments@water.ca.gov)

916-574-1431 ph, 916-574-1478 fax

Re: Central Valley Flood Protection Plan (CVFPP) – MSAC\_2A

**I\_SCHODERT1**

Ms. Hadden,

I\_SCHODERT1-01

I am writing this to address mine and our family's concerns with the plans for re-location of the Sacramento River Levee according the Central Valley Flood Protection Plan (CVFPP), specifically MSAC\_2A located in the Colusa County area. This area has been a family homestead for many generations and your plans for the relocation of the river levee will permanently and directly destroy the lives and livelihood of 4 families and indirectly significantly disrupt and possibly destroy the lives of 20–30 families, not to mention the lives of all future generations of the Steidlmayer Family.

This property has been used as a basis operation for a family owned and run farming small business since the late 1880's. As you are well aware of, too many small farming businesses have already been destroyed by the influx Big Business that is destroying the small farming way of life. Farming is everybody's bread and butter. The property in question has at least 5 homesteads, 4 of which are occupied. There are many houses, barns, shops, pump buildings, not to mention a couple operational gas wells. The property also contains many dedicated wildlife areas, and one is currently a wildlife preserve that our family oversees and maintains. This relocation of the levee's will destroy this habitat, not to mention the family farm, homes and the livelihood of many along with the destruction for all of our future generations.

I\_SCHODERT1-02

Please consider this letter as a voice against this relocation, and the consideration of some alternative solutions. I was just recently been made aware of the specifics to your planning that gives rise to this potential loss of the land, homesteads, and livelihood of our family and we have not received any official notice of it. I was made aware of it by word of mouth and found the specifics buried deep in a vast many hundred page report.

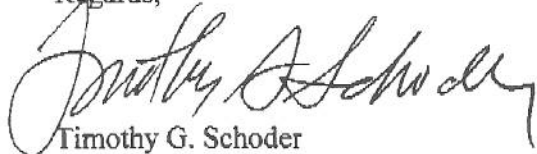
I\_SCHODERT1-03 Further to my objection, this land is a central hub of the family business that employs up to 20 more people, generating incomes for them, and their family as well as for the City, County and State. This plan will put all of them on the unemployment rolls that our economy is currently struggling enough with.

I\_SCHODERT1-04 I do understand the need for flood protection of the river valley; however during the 30+ years I have been visiting regularly to this area, and even during some of the worst flooding periods, we have never seen even the seepage water approach our ranch. In fact this property has the highest elevations of the surrounding areas. I think that if flood mitigation was the desired result, then common sense would dictate that using lower surrounding property would be a much better plan that just drawing lines on a map.

I\_SCHODERT1-05 Again I am, and our entire family is opposed to the proposed CVFPP-MSAC\_2A relocation plan, and I want a copy of this written testimony to be a submission in all future upcoming meetings related to this proposal.

Please do not hesitate to contact me for further comment. We look forward to continue to being a contributing Family Business to the struggling and recovering economy.

Regards,



Timothy G. Schoder  
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Kapolei, HI 96707

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**Timothy G. Schoder, Kapolei, Hawaii**

***Response***

***I\_SCHODERT1-01***

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted on a map in Attachment 8J, “Cost Estimates,” found in Volume IV of DPEIR Appendix A, “Central Valley Flood Protection Plan.” The comments generally expressed concern that the conceptual setback 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 to 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.

#### ***I\_ SCHODERT1-02***

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. 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.cvpfb.ca.gov>. 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.

For additional details about these post-adoption activities, see Master Response 14.

***I\_SCHODERT1-03***

See response to comment I\_SCHODERT1-01.

***I\_SCHODERT1-04***

See response to comment I\_SCHODERT1-01.

***I\_SCHODERT1-05***

See responses to comments I\_SCHODERT1-01 and I\_SCHODERT1-02.

**Central Valley Flood Protection Board,**

**Care of: Ms. Nancy Moricz**

Central Valley Flood Protection Board

3310 El Camino Avenue, Room 151

Sacramento, CA 95821

Members of Central Valley Flood Protection Board,

I\_SCHHR1-01

Thank you for the opportunity to comment the Central Valley Flood Protection Plan (CVFPP), as well as the Draft Program Environmental Impact Report (DPEIR). The following remarks should be considered on BOTH the DPEIR AND the 2012 Draft Central Valley Flood Protection Plan.

I\_SCHHR1-02

Throughout the past several weeks, I have had two particular opportunities to participate in “town hall” meetings in both Richvale and Colusa, California where Department of Water Resources officials have failed to provide to clarity about the CVFPP and DPEIR. As it is currently drafted, I strongly suggest that the plan should be REJECTED, in its entirety, by the board.

I\_SCHHR1-03

As such, I have a few comments below for the “Flood Board” to consider.

- I. **Considering the vast volume of supporting documents, I believe the CVFPP and DPEIR have not been released in a timely fashion to allow for proper vetting by taxpayers, landowners, and small communities who will be affected by the plan.**
  - a. The plan and supporting attachments includes complex tables, references acreage amounts for newly created habitat, miles of new or updated levees, yet lacks specific, detailed information for effected landowners or even socioeconomic impact on taxpayers, rural communities, and small businesses.
  - b. The plan proposes spending Billions of public tax Dollars on potential projects, with little regards to funding mechanisms for to equitably collect the funds, or equitably allocate them. We’ve heard from DWR’s Noel Lerner at the meeting Colusa that “cost share” funds may be available. It was not clearly answered, by whom or when the criteria will set for the cost share funds. Perhaps strings will be attached to cost sharing funds which are counterproductive to flood

protection, or, out of the hands of the Flood Board entirely. Questions remain, these concerns should be addressed publicly before being the Plan is approved by the board.

**II. The potential acreage covered by the Plan could be much bigger than was indicated by DWR staff at public meetings in Richvale and Colusa, as revealed in Appendix A (the "CVFPP Cost Estimate Methodology") to Attachment 8J to the Flood Plan ("Cost Estimates" document). The Board should address this with staff and reject the plan entirely based on this alone.**

- a. It was mentioned by DWR staff in both Richvale and Colusa when that is a "top level" plan, with no specific details to discuss about projects mentioned in the plan, including the proposed Feather River Bypass along the Cherokee Canal (bypass), yet specifically, **Attachment 8J** and subsequent tables mention specific acreage amounts, specifics miles of new levees, and specific miles of enhanced or repaired levees, as well as mentioning the price per acre for acquiring new land in title, or through easements.
- b. If in fact there are now specifics, and this is a "high level" plan, why is it then in table 4-5 of the attachment, does it mention that 15.5 miles of new levees will be required along the "Cherokee Canal – Left Bank?" Consider that it's even delineated to the TENTH of a mile, it seems there are MANY specifics.
  - i. Where, specifically, are these 15.5 miles of new levees to be located to create the new levee along the Cherokee Canal?
  - ii. Where, specifically, are these 15 miles of levee repairs needed along the Cherokee Canal?
  - iii. What lands adjacent to the Cherokee canal, specifically will be effected, or proposed for habitat or levee or flood plain construction? It would seem to me, that if DWR knows 15.5 miles of new levees need to be created, and 15 miles of new levees need significant repairs, and well as the 5,000 acres of new land acquisitions will be required as discussed for the Feather River Bypass in Table 4-1 of attachment 8J, that there must be specific mapping and a detailed analysis conducted by someone at DWR or the Flood Board?

**III. Increasing habitat and/or creating additional wetlands under the guise of flood protection should NOT be considered as a priority of the CVPP, by the board, or by DWR.**

- a. Habitat creation and enhancement activities in, along, and near flood structures, and levees operated & maintained by DWR have lead to significant problems and damaging impacts for nearby landowners while compromising repair activities. Various species which use the levees as artificial habitat often find their way into adjacent lands and cause crop losses, and potentially damage orchards and irrigation systems. I don't believe the plan, the Flood Board, or DWR has

addressed this at all. In fact, during the meetings in Colusa and Richvale, it was mentioned by DWR that losses to agriculture were not considered or addressed at all! With such significant plans to change the landscape of flood protection structures, why?

- b. Potential for habitat restoration or creation should not be a priority in the plan, but only discussed as a potential coexistent feature of flood control structures after building or repairing them to design capacity, and should not impeded on any later maintenance activities.
- c. Current habitat areas often cost taxpayers additional amounts of public dollars to maintain annually. Any habitat created or enhanced as function of this plan, should not require any additional amounts of public dollars, to manage or enhance them, further into the future. In other words, any habitat should be self supporting.
- d. The Plan talks about specific habitat acreages, yet fails to adequately address or offer mitigation for any future problems or funding needs for the habitat, for things such as fire protection, ongoing maintenance, changes in operation or in the species served.

I\_SCHOHR1-06

#### **IV. Climate Change is not adequately addressed by the Plan or DPEIR**

- a. While it may be politically expedient, or in an effort to capture “green” dollars allocated by the legislature to consider climate change, the plan fails to adequately address all aspects of climate change, or the costs to simply adapt.
  - i. For example, what happens if forecasts or models, often generated themselves under political considerations or questionable funding sources, are simply wrong?
- b. Have the effects on climate change been addressed by the creation of additional habitat under the plan?
  - i. Have increased amounts of carbon levels been considered when creating additional habitat, when habitat features such as tules & reeds decompose annually?
  - ii. Have increased amounts of such things as methane gas releases been considered when additional acreages are proposed to be covered with water by the plan?

I\_SCHOHR1-07

#### **V. Impacts to Agriculture and subsequent losses have not been adequately considered or addressed by the plan.**

- a. It was noted at the meeting in Richvale by DWR staff that agricultural losses were not considered in the plan or in the DPEIR. These should be considered, especially when taking into account the acreages and improvements detailed in Attachment 8J.

- b. Rural communities the plan aims to protect are reliant on a strong, vibrant agricultural economy. Yet this plan will take away Millions if not Billions of Dollars of farm income which will not be available to circulate in rural communities, generate tax revenue, or generate employment in the sector.
- c. Impacts to a decline in property value of farmland, homes, and rural business have not been discussed by the documents, and should be considered by the board and DWR. It could amount to a government “taking” as it potentially could decimate property values of areas identified for wildlife habitat, or where slated for flood control project areas. The would obviously effect local property tax based funding for counties and communities as well.
- d. Current watershed programs should be considered, such as the Irrigated Lands Program, as well as future groundwater management activities by both the plan and the board prior to adoption.

I\_SCHOHR1-08

**VI. Impacts to counties, small communities, and taxpayers have not been addressed adequately, though should be prior to adoption. It seems nonresident species, such as migrating waterfowl, have been given priority, and that is unfortunate.**

- a. Impacts to drainage of water from agricultural lands, as well as from cities through agencies such as Reclamation District 833 in times of even normal flow or rainfall, have not been considered adequately, or even addressed that I am aware of.
  - i. These agencies provide important functions year round, and consideration of their operations, infrastructure, and funding should be considered both in the design, construction, and ongoing maintenance of any flood control structures.
- b. Consideration of taxpayers adjacent to the levees who already pay a disproportionate amount of taxes for levee maintenance and repair simply based on their location, not necessarily benefit, should be given relief from shouldering the increased burden of ongoing maintenance with any new structures or improvements. It should be allocated more equitably amongst ALL California residents.
- c. Waterfowl already enjoy private working landscapes, such as rice fields, private wetlands, and pastureland in the Sacramento valley annual. Additional habitat should not be purchased in title or through easement, and the contributions of private, working landscapes should be recognized by the plan.

I\_SCHOHR1-09

**VII. Additional water storage should be a priority!**

- a. To provide greater flexibility regionally in the event of “atmospheric rivers” or high water flows, new storage facilities should be built and existing ones expanded.



- i. Municipalities, agriculture, wetlands, and our rivers all enjoy the bounty of what's stored behind our lakes in reservoirs in times of storage. This should be discussed further in the plan, and any plan adopted by the board in the future should advocate, along with DWR, for more storage.
  - 1. This allows greater flexibility for flood control as well.

I\_SCHOHR1-10

Thank you for the opportunity to comment on both the CVFPP and the DPEIR, if you have any questions or concerns, please don't hesitate to contact me at [ryan@schohr.com](mailto:ryan@schohr.com).

Best Regards,

Ryan Schohr

1523 Ridgebrook Way

Chico, CA 95928

## Ryan Schohr

### **Response**

#### ***I\_SCHOHR1-01***

The comment is introductory and 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.

#### ***I\_SCHOHR1-02***

The commenter states an opinion regarding past events 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 their comment. The comment is noted. The commenter's preference regarding rejecting the CVFPP is noted.

#### ***I\_SCHOHR1-03***

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) identifies a public review period of not less than 45 days for a draft EIR when the draft EIR is submitted to the State Clearinghouse for review by state agencies. The DPEIR was made available for public comment on March 6, 2012; however, as described

above, most attachments (the CVFPP and attachments) were publicly available several months before.

Regarding funding, 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. 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.

As stated in Master Response 4, 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. For additional details, see Master Response 4.

Regarding level of detail, 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. For additional details, see Master Response 23.

#### **I\_SCHOHR1-04**

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted in a map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. The comments generally expressed concern that the conceptual setback 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. 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 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 at this time until future project-level evaluation until 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 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.

Master Response 20 addresses information provided in DPEIR Appendix A, "Central Valley Flood Protection Plan," Attachment 8J. Although Master Response 20 focuses on a particular element of Attachment 8J, information on the preliminary nature of parts of the information included in Attachment 8J can be applied to the entirety of Attachment 8J. As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted on a map in DPEIR Appendix A, "Central Valley Flood Protection Plan," Attachment 8J. The comments generally expressed concern that the conceptual setback 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.

**I\_SCHOHR1-05**

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. For additional details, see Master Response 7.

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 compatibility of habitat and adjacent land uses will be addressed as needed as plan implementation proceeds. However, there seems to be little potential for meaningful conflicts between habitat created as part of the plan and existing agricultural uses, particularly conflicts severe enough to result in incidents of inverse condemnation as implied by the commenter. Where DWR, the Board, or others create habitat, the land would be part of a specific project and owned in fee title by an appropriate agency to preserve and maintain the habitat. Where this habitat is in an expanded floodway, DWR or another appropriate agency would own the surrounding land in the floodway in fee title, and land would 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 long-term maintenance of habitat areas, although ideally habitat would be self-sustaining without additional human input, this is rarely the case. As indicated by the commenter, fire protection and ongoing maintenance are two elements of long-term efforts to manage and protect habitat areas. Where habitat areas are specifically identified as mitigation/compensation for impacts of a project or program, requirements for long-term monitoring and maintenance are often included as part of agency authorizations allowing a project to proceed, such as part of a biological opinion supporting federal ESA compliance or a permit to fill wetlands or waters of the United States under Section 404 of the CWA.

***I\_SCHOHR1-06***

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."

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 Section 6.6 of the DPEIR, titled "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.

The DPEIR addresses GHG emissions in Section 3.7, "Climate Change." The evaluation of Impact CLM-1 (NTMA and LTMA), "Net Construction-Related and Operational Related Greenhouse Gas Emissions," considers multiple mechanisms for GHG emissions and sequestration from CVFPP construction and operation. For example, potential GHG emissions resulting from inundated soils are identified in Section 3.7.5, "Environmental Impacts, Mitigation Measures, and Mitigation Strategies for LTMA's," of the DPEIR as follows:

Anaerobic microbial activities generate emissions of methane and nitrous oxide in inundated soils. The increase or decrease in emissions produced would depend on the incremental increases in inundated soil areas: the duration and frequency of inundation; the nutrient content of inundated soils (carbon and nitrogen); and the amount of submerged vegetation, temperature, pH, and dissolved oxygen levels. The carbon content of submerged soils may be particularly important in areas such as the Delta, where soils contain high percentages of organic matter and therefore have a greater potential to generate methane emissions.

***I\_SCHOHR1-07***

See response to comment I\_SCHOHR1-04 regarding the conceptual nature of current bypass planning and estimates of effects as well as information provided in Attachment 8J.

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 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 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. For additional details, see Master Response 2.

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.

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.

***I\_SCHOHR1-08***

See response to comment I\_SCHOHR1-03 regarding funding and cost sharing.

See response to comment I\_SCHOHR1-05 regarding the inclusion of ecosystem restoration and habitat creation in the CVFPP.

See response to comment I\_SCHOHR1-07 regarding future development of more detailed project proposals and the involvement of the public and landowners during that process.

***I\_SCHOHR1-09***

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.

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. Floodflows 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 floodflows 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.

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.”) For additional details, see Master Response 10.

***I\_SCHOHR1-10***

DWR and the Board appreciate the commenter’s participation in the CVFPP and DPEIR review process. The comment is a concluding statement and 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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# I\_SCHOHR2

**Ms. Nancy Moricz**

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Response and Objections to: 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN and the  
DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT for the PLAN

Dear CENTRAL VALLEY FLOOD PROTECTION BOARD, STAFF AND DEPARTMENT OF WATER RESOURCES  
STAFF:

Our is writing in response and with objections to the PLAN and the DPEIR concerning the PLAN. The major concern is that the Schohr family was completely left out of this plan even though it will encompass the majority of our farming ground and one hundred year history on this property. We currently live, work, play and are raising the sixth generation at this location. Our property concerns lie on both sides of the current Cherokee Canal and within the proposed acquisition area for increasing the area of the Cherokee Canal and Levees.

We first heard about this program in an email forwarded to us from a neighbor who in turn had just heard about it from Reclamation District 833 in Gridley, CA. This was only in February of this year (2012)! How disconcerting that we had never been approached concerning this project in any way, shape or form even though hours and hours of work were put into the plan over several years. After attending hearings we realized that urban areas and especially the environmental concerns were all included at the table for planning purposes of the PLAN but not rural cities, rural counties and especially those who would be affected with the process.

The first meeting family members attended was in Richvale, CA, on March 28, 2012 at the Richvale Café where over one hundred local people attended to find out about the PLAN and voice their concerns. The primary concern was once again that all were not included in the process.

Attending and speaking at this meeting to inform those present were – Noel Lerner, Chief of Flood Control and Head of the PLAN, Paul Marshall –Division Chief and Assistant Flood Manager and Mark List – Assistant Chief of Flood (he did not speak).

Noel Lerner made the following comments about the PLAN –

1. The current flood system is antiquated and at risk
2. The plan offers multiple benefits.
3. Limited funds are available for the PLAN
4. Primary concern of the PLAN is to protect the public and health
5. Also to protect the local economy
6. The PLAN looks at safety, economic, environmental concerns and emergency response
7. The PLAN includes improved maintenance and system improvements.
8. The PLAN maximizes benefits from limited funds.
9. The "Feather River Bypass" is not defined in the PLAN and is on conceptual at this time. Analysis has not been done.
10. DWR and CVFP are faced with challenging issues to protect sake interests of agriculture, environmentalist and urban interests. This is a onetime effort.
11. Can't answer what the flow is now or what it will be.
12. Intent of the PLAN isn't to take productive farmland. Some farmland may have to go to environmental restoration which further helps future maintenance..
13. Plan addresses sediment removal.
14. Agriculture might have to switch to another type of farming more conducive to flood plain areas.
15. DWR wants to work hand in hand with agriculture on maintenance.
16. Looking for easements on ground.
17. State and PLAN are not looking for 100 year protection in agriculture areas.

18. Other policies are being developed in DWR Flood Office working on cost share with communities for reimbursement
19. PLAN will have all weather roads for better maintenance
20. Programs for are being developed for small communities at risk for flooding.
21. This is a High Level PLAN not intended to list specific projects.
22. The PLAN will be developed with local groups.

At this point Paul Marshall addressed the standing room only crowd. His comments were as follows:

1. PLAN doesn't have specifics in it. DWR tried to come up with an overarching plan.
2. PLAN looks at preliminary models with major modifications.
3. Have never done this before in California.
4. We have been talking to local agencies and communities for the past three (3) years.

At this point there were many hands raised in the audience.

The first comment was from Loren Ward. He stated the PLAN seemed on track with very limited public participation. The comment back from Paul Marshall stated that PLAN was not going forward without analysis or public buyin and currently there is no funding for the program. Bond funding may or may not be required. This is a thirty (30) year project. If we don't approve this plan there will be businesses losses in the state which were calculated as part of the plan. But losses to agriculture numbers were not included in the PLAN.

A question was asked about future storage in the plan and current storage changes. Marshall responded with the following. Raising one dam only handles one watershed. Have to control damage in the Valley. We want to work with integrated water management to use the current facilities. We want to reoperate reservoirs during floods.

Ryan Schohr asked Marshal about what the agriculture losses would be. Marshall's response was – No idea. We don't want ag ground we want to give fair market value for flood agreements. Concept is to make whole.

Noel Lerner then talked about the Cherokee Canal issues with tremendous sediment build up due to hydraulic mining.

Ryan Schohr asked about restoration of the canal. Lerner's response was we can't do restoration because we want the channel to meet design capacity. We need to do environmental restoration. Only 4% of the riparian habitat that used to exist in the valley exists now. Habitat has a need. We don't want fifty acres here and fifty acres there of habitat.

Susan Schohr asked what local communities and agencies had been contacted about the PLAN. Lerner answered after a long pause that we worked with Live Oak. Marshall interjected that they had worked with local flood control areas.

Marshall commented that there is nothing in the PLAN to raise levees because of the under seepage issues. It would be cost prohibitive to raise the levees.

Brad Mattson asked about later draft EIR's at the state, regional and local level where we would be allowed to comment later on the PLAN. Marshall answered that the DPEIR is set up to analyze the whole plan and will have to do others at the regional planning level.

Steven Schohr asked what has been studied and what is missing in the PLAN. Marshall answered that there is no ag addressed in the PLAN. The local input is missing and the feasibility level needs to be analyzed.

Lerner commented that the Army Corp used to pay 65% to 75% of projects but that will no longer happen.

Marshall commented that the 2017 PLAN update will be much more specific and he would like the communities to be involved before 2017.

There was some further discussion after the meeting ended

At this point I (Susan) will comment on our family concerns:

The current Cherokee Canal was developed in put into place in the early 1960's. It is one of the newer levee systems in the state. I have lived next to the levee for over thirty-seven (37) years. Not once have I been concerned enough to leave my home. Carl Schohr has lived in the same complex his entire life except for 3 months away at school. He

watched the levees be built. Douglas Schohr has lived here since 1935 at the age of five after having lived in the Grimes area next to the Sacramento River. He too has been involved in the Cherokee levee area all of his life (yes there was a preexisting levee prior to the project of which remnants can still be seen).

I\_SCHHR2-04

We are all appalled at the total lack of maintenance on the Canal. No sediment has ever been removed in the area that we own. The trees are overgrown which has made it difficult to farm this area anymore. It just isn't cost effective. We currently farm a portion inside the levees and run cattle on the remainder during non flood periods. Number 12 of Noel Lerner's comments greatly bothers us all. The area planned for the Cherokee expansion is ALL prime farmland of economic value to our families, communities and counties.

I\_SCHHR2-05

As for Maintenance on these levees on April 12, 2012 I contacted Mary at the Butte County Tax Auditors office who told sent me the following information on what landowners already pay for flood control in Butte county.

April 12, 2012 from Butte County Tax Auditor - Mary

		Amount assessed	# of parcels	
Maintenance area 13				
Zone	1	\$ 126,092.00	165	\$ 764.19
Zone	2	\$ 30,551.34	53	\$ 576.44
Zone	3	\$ 12,760.16	43	\$ 296.75
Total		\$ 169,403.50	261	\$ 649.06
Reclamation District #833				
Ag		\$ 98,587.00	899	\$ 109.66
Urban		\$ 36,450.00	3045	\$ 11.97
Total		\$ 135,037.00	3944	\$ 34.24
Sutter Butte Flood		\$ 410,987.58	5547	\$ 74.09



Drain District #1	\$	53,233.00	810	\$ 65.72
Drain # 100	\$	119,431.66	271	\$ 440.71
TOTALS	\$	888,092.74		

There are many more in the form of irrigation districts and other flood taxes paid by others in Butte County. This is for one year only. It is interesting that ALL of Maintenance Area 13's budget is exactly what we as LANDOWNERS pay to protect our farm land from flooding which is what the Cherokee levee was supposed to do. The state pays none of the maintenance.

I\_SCHOHR2-06

We specifically Objected to the whole of 4.1 and 4.2 of the PLAN on pages 4-1 through 4-13. These pages outline costs and areas in the Cherokee to be taken for a guise of flood protection and we really believe it is for habitat restoration.

I\_SCHOHR2-07

I have attended many meetings of the past few years. Specifically one meeting in Colusa in July of 2002 where the DWR presented the following plan – "Sacramento and San Joaquin River Basins California Comprehensive Study Draft Interim Report" This new PLAN is an exact copy of the 2002 plan with another name with more concerns to locals.

I\_SCHOHR2-08

I have also attended Butte Creek Watershed Conservancy meetings where I listened to DWR speakers. Specifically at the July 21, 2004 meeting where Michelle Ng informed us that none of the levees below were under DWR control and that area was a "non-Maintenance area for DWR. (It is also a non maintenance area for Reclamation District 833). The plan "Butte Creek Watershed Flood Plain Management Plan from May 2005 contains the comments that in 1997 a five hundred year flood occurred on Butte Creek putting over 32,000 cfs down Butte Creek into the Butte Sink. That is the same projection to be brought with the new Cherokee levees.

I\_SCHOHR2-09

In closing we can't make intelligent informed decisions based on the little information give in the PLAN. Or what is buried in the plan. We also reserve the right to further litigation on this plan if necessary.

Sincerely

Susan Schohr  
Carl Schohr  
Douglas B. Schohr  
Alma Jean Schohr  
Steven Schohr  
Tracy Schohr

## **Schohr Family, Schohr Ranch, Gridley, California**

### ***Response***

#### ***I\_SCHOHR2-01***

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 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.

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.

**Engagement Specifics:**

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.cvpfb.ca.gov>.

***I\_SCHOHR2-02***

The commenter provided personal notes from the CVFPP public meeting in Richvale on March 28, 2012. The comments are noted.

See response to comment I\_SCHOHR2-01. In addition, 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.

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

***I\_SCHOHR2-03***

The commenter provided a family history of living in the Cherokee area. The comment is noted.

***I\_SCHOHR2-04***

See response to comment I\_SCHOHR2-01. In addition, 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.

***I\_SCHOHR2-05***

See response to comment I\_SCHOHR2-04.

***I\_SCHOHR2-06***

See response to comment I\_SCHOHR2-01.

***I\_SCHOHR2-07***

See response to comment I\_SCHOHR2-01.

***I\_SCHOHR2-08***

See response to comment I\_SCHOHR2-04.

***I\_SCHOHR2-09***

See responses to comments I\_SCHOHR2-01 and I\_SCHOHR2-02. 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.

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.

# I\_SELOVER1

**From:** [Hadden, Mary](#)  
**To:** [Meredith Parkin](#)  
**Subject:** FW: We must stop this plan  
**Date:** Monday, April 23, 2012 1:53:23 PM

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-----Original Message-----

From: Rich Selover [<mailto:rselover@selovers.com>]  
Sent: Friday, April 20, 2012 10:33 PM  
To: DPEIRcomments@water.ca.gov  
Subject: We must stop this plan

I\_SELOVER1-01

The plan is incomplete and cannot be adopted without all of its elements. Too many open ended items do not allow the plan in this format to pass .

Rich Selover  
President Selover's Inc  
530-458-4335

**Rich Selover, President, Selover's Inc.**

***Response***

***I\_SELOVER1-01***

The comment states that “the plan is incomplete” and “too many open ended items” remain. However, the comment does not provide specific page numbers, sections of the plan, or specific concerns that the commenter believes should be addressed. Therefore, DWR and the Board are unable to respond with specificity.

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.

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.

# I\_SEVER1

**Moricz, Nancy**

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**From:** valeri@strachanbees.com  
**Sent:** Friday, February 17, 2012 4:01 PM  
**To:** Cvfppl\_Comments  
**Subject:** Flood Protection Plan Comments

Valeri Severson  
Strachan Apiaries, Inc.  
2522 Tierra Buena Rd.  
Yuba City, CA 95993-9654

February 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Valeri Severson  
Strachan Apiaries, Inc.

**Valeri Severson, Strachan Apiaries, Yuba City, California**

***Response***

***I\_SEVER1-01***

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.

***I\_SEVER1-02***

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 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. For additional details, see Master Response 2.

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).

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 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)).

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.

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.

***I\_SEVER1-03***

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.

***I\_SEVER1-04***

See response to comment I\_SEVER1-03. Furthermore, 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.

#### **I SEVER1-05**

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.

#### **Engagement Specifics:**

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.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.

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.

**I\_SLIGAR1**

To: Central Valley Flood Protection Board (CVFPB)  
From: James Sligar

I\_SLIGAR1-01 My name is James Sligar and I own ground in Butte County in which the current Cherokee Canal crosses.

As I stated at both your Sacramento meeting in March and again at the Richvale town hall meeting in which both Jane Dolan and ~~Steve~~<sup>Bob</sup> Carter were present, the process of involving those most affected i.e. the land owners, was completely lacking until the final phase of the discussion and then only by notification of the California Farm Bureau.

I\_SLIGAR1-02 Since the final specifications of this Cherokee bypass are unknown, it is hard to intelligently discuss its impacts. The Department of Water Resources disavowed the 32,000 CSF flow requirements stated in the draft proposal and would not clarify the exact design flows required for the Cherokee bypass. Not knowing these design requirements, it is hard to propose alternative solutions but here are three that come to mind.

I\_SLIGAR1-03 First increase water storage at Lake Oroville proportionate to the quantities of additional water that were to be moved by the new Cherokee bypass system, or at least increase the flood protection storage requirements at Lake Oroville to compensate for not building the Cherokee bypass.

I\_SLIGAR1-04 Secondly, or in combination with the first proposal, clean and maintain the Cherokee canal to function as it was originally designed. It is currently filled with vegetation that does little to help with water flow. Third, or in conjunction with suggestions one and two, work with the Joint Districts and Western Canal to secure an agreement to convey flood waters through existing After Bay outlets and the "Sunset Pumps" at Live Oak (capacity 4,000 CFS) onto district lands. Land owners could be compensated by annually paid easements and participation would be voluntary.

I\_SLIGAR1-05 By graduating easement payments based on the number of acre feet per acre a farmer is willing to agree to pond, the DWR could encourage land owners to make physical alterations to their properties in order to pond more water.

Given the combined districts involved cover more than 100,000 acres, a considerable quantity of water could be ponded at a significantly reduced price and with a lot better public relations.

Sincerely,  
James S. Sligar

**James Sligar, Landowner, Butte County, California**

***Response***

***I\_SLIGAR1-01***

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 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.

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.

#### ***I\_SLIGAR1-02***

Attachment 8C, “Riverine Channel Evaluations,” to DPEIR Appendix A, “Central Valley Flood Protection Plan,” described the analysis for the Cherokee Bypass. 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.

***I SLIGAR1-03***

Section 2.6.1 in the CVFPP presents major elements of preliminary approaches. Forecast-Coordinated Operations and Forecast-Based Operations for 15 reservoirs, including Lake Oroville, are included as major elements in all three preliminary approaches. Consequently, the comment's recommendation for re-operating Lake Oroville would be considered in the context of flood risk reduction in the Feather River basin. The comment is noted.

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. 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.

***I\_SLIGAR1-04***

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).

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

***I\_SLIGAR1-05***

The comment's suggestion to work with the Joint Districts and Western Canal to secure an agreement to convey flood waters through existing After Bay outlets and the "Sunset Pumps" at Live Oak onto district lands can be input into the CVFPP's regional planning process, discussed below. The comment is noted.

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

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.

**Moricz, Nancy**

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**From:** Scott--NorthStateDiving [scott@northstatediving.com]  
**Sent:** Friday, April 20, 2012 3:36 PM  
**To:** Cvfppl\_Comments  
**Cc:** Scott Smith-NSD  
**Subject:** CA Draft Central Valley Flood Plan  
  
**Importance:** High

From: Scott Smith

April 19, 2012

To: Central Valley Flood Protection Board

3310 El Camino Ave

Room 151

Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_SMITHSC1-01

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_SMITHSC1-02

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.

I\_SMITHSC1-03

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

Thank you for your time and sincere consideration in this matter.

Sincerely,

Scott Smith

PO Box 266

Richvale, CA 95974

530-882-4424

**Scott Smith, North State Diving, Richvale, California**

***Response***

***I\_SMITHSC1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_SMITHSC1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

### ***I SMITHSC1-03***

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

**Moricz, Nancy**

**From:** Sherry Smith [ricefarmersdaughter@yahoo.com]  
**Sent:** Friday, April 20, 2012 4:12 PM  
**To:** Cvfp Comments  
**Cc:** ricefarmersdaughter@yahoo.com  
**Subject:** California Draft Central Valley Flood Protection Plan

Attention: Ms. Nancy Moricz

April 19, 2012

Central Valley Flood Protection Board  
3310 El Camino Ave  
Room 151  
Sacramento, CA 95821

Re: CVFPP Proposed Plan

Dear Members of the Central Valley Flood Protection Board:

I\_SMITHSH1-01

I would like to express a few concerns regarding the State of California's Draft Central Valley Flood Protection Plan ("the Plan") and its potentially detrimental effects on my welfare and that of others living in the southern Butte County region. This plan would subject many farmers upon whom the state relies for food supplies and income taxes to undue hardship and risk, while allocating funds to projects that could be used more effectively in alternative ways.

I recently learned that a plan to create a new bypass, called the Feather River Bypass, has been proposed as part of the Plan. The building of a new bypass and redirecting of the waterways away from recently-built urban areas and into the heart of agricultural land, which serves as not just our home, but as our primary source of income, would take 10,000 acres of productive farmland out of service, while putting the rest (up to 30,000 acres), including the homes of growers and workers at an increased flood risk.

As I understand it, the Feather River Bypass is intended to supplement the existing water transfer structures, specifically the Cherokee Canal, which was originally built for flood control. The current transfer structures have become inadequate due not to lack of facilities, but to deficient maintenance over the years. Perhaps, instead of spending billions of taxpayers' dollars on new structures, the state should consider investing significantly less money on maintenance and restoration of those already in service. A new bypass will also require increased funding for maintenance – over and above the costs to maintain the old canal, which would continue to serve if maintained at its designed capacity.

I\_SMITHSH1-02

In addition, as a taxpayer, I would be reluctant to designate the funds I contributed to into any plan that does not account for an increase in flood storage capacity. Increased storage would benefit many Californians during times of drought, at decreased cost to consumers who need the water, rather than allowing run off to be wasted. Instead of building new transfer channels when the current channels could serve our need if properly maintained, the money should be spent on new reservoirs that would help to increase storage and alleviate flood risks at the same time.



I\_SMITHSH1-03

State agencies are financed by taxpayer funds and should, therefore, operate in the best interest of those taxpayers. Adoption of the State of California's Draft Central Valley Flood Protection

Plan would accomplish the opposite of such a purpose. It would create financial hardship for growers who provide irreplaceable services, and would put their lands in peril when more expedient, fiscally sounder, alternatives that would benefit many more of California's residents, are readily available.

I\_SMITHSH1-04

*In a personal note; I live and farm on the rice farm that my great-grandfather purchased over 80 years ago. . generations of my family have farmed and are continuing to farm here. I was genuinely dissappointed to find out that such a plan, without details, was forming and planning on going through our farm without any direct notification to us, our neighbors, local businesses, etc. by DWR or the Central Valley Flood Protection Board. The planning for this state's flood control has been going on for several years, and we weren't even told about this part of it until now (February 2012). I found out only from another farmer. I also understand that the CVFP Board didn't know DWR's intentions with this part of the plan either.*

*I am asking that the CVFP Board not pass any flood plan without all of the details and costs and full understanding and input of those of us directly involved. The July 1<sup>st</sup>, 2012 deadline is much too early a date to make this kind of a decision. Please vote that an extension of the deadline date be made, for at least 1 to 2 years. Please do NOT vote yes to a blank-slate plan where the details will be "filled in at a later date" by a government agency. This is not wise and not the way anyone should do business, let alone plan flood control for an entire state.*

Thank you for your time and sincere consideration in this matter. I have attended your meetings and felt that you, the CVFP Board, are a good group of people that have experience, seem understanding to this situation and are very capable and knowledgable in making wise decisions. Please hear us as you consider DWR's unfinished flood plan for California.

Sincerely,

*Sherry Smith*

Sherry Smith  
PO Box 266  
Richvale, CA 95974  
530-882-4424

**Sherry Smith, Farmer, Richvale, California**

***Response***

***I\_SMITHSH1-01***

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 O&M of flood management facilities; and (3) provide flexibility to adapt to future change in climate and improved system resiliency.

In addition, 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 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. See Master Response 1 for additional information.

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.” For additional details, see Master Response 6.

***I\_SMITHSH1-02***

As stated in Master Response 10, DWR considered various forms of storage for flood management in developing the CVFPP and formulating the SSIA, 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.

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.

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.

#### ***I\_SMITHSH1-03***

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.

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. This vision is described in greater detail in Master Response 8.

As stated in Master Response 9, the SSIA was formulated by assembling the most promising, affordable, and timely elements of the three preliminary approaches to best meet legislative requirements and identified CVFPP goals. The SSIA reflects a balanced and fiscally responsible

approach, which will be developed further as DWR completes more detailed studies and designs for site-specific capital improvements and develops other, systemwide flood improvement projects. The Central Valley Flood Protection Act of 2008 (SB 5) requires a systemwide approach for developing the CVFPP (CWC Section 9603) and requires inclusion of multiple benefits, where feasible (CWC Section 9616). 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.

#### **I SMITHSH1-04**

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). See Master Response 15 for additional information.

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 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>.

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.

For additional details, see Master Responses 13 and 15.

Thompson, Steldmayer  
Re: MSAC\_2A  
Page 1 of 2

April 18, 2012

Ms. Mary Ann Hadden, Staff Environmental Scientist  
DWR, Division of Flood Management c/o MWH  
3321 Power Inn Road, Suite 300  
Sacramento, CA 95826  
[DPEIRcomments@water.ca.gov](mailto:DPEIRcomments@water.ca.gov)

**I THOMP1**

Re: CVFPP -- MSAC\_2A

To whom it may concern,

L\_THOMP1-01

This is in regards to your proposal to move the Sacramento River levee on my grandparents' farmland in Colusa, CA.

Your proposal will put my family's ranch underwater.

This ranch has been in our family for over 100 years. It provides jobs for my family. Four family members have homesteads on our ranch. The rice paddies and walnut orchards nourish our country. My grandfather and uncle are respected farmers in Colusa, as well as in northern California. Please don't destroy everything they have worked for, everything they have built over these years.

I cannot express what this place means to me. I spent my summers running in its fields and playing in its orchards. All of my most fond childhood memories take place on our ranch. All I've ever wanted was to be able to live there permanently. I cannot think of one central place, not even the house I grew up in, that I love more than this ranch.

My grandparents house is a central landmark in our family, located near a bend in the river, and unfortunately, underwater in your proposal.

A couple years ago, when my grandmother passed away, we were glad to still have a piece of her on the ranch; to have fond and happy memories of her in that house.

If we lost our ranch, we are not only losing our family's welfare and livelihood, we are losing chunks of our family's history. We are losing the last thing we have that connects us physically to my Grandmother. My grandfather is in his late 70s. He currently resides

Thompson, Steidlmayer  
Re: MSAC\_2A  
Page 2 of 2

in this house. He has raised six children in this house and countless grandchildren. A move at his age would destroy him, especially if he knew everything he owned and built would be gone. I honestly don't know how he would take it. I am not ready to lose another grandparent.

My uncle's house, my grandfather's house, and two of my cousin's houses are all on this land. Four families will be directly impacted and displaced, not to mention all of the relatives who feel something for this place. Please, consider my family, consider the history that your proposal will destroy.

I want my daughter to be able to experience the ranch in similar ways that I did. Please don't take her future away from her. Please don't take the future of my family.



Anastasia Thompson  
Granddaughter of Richard Steidlmayer of R&D Farms

808-783-3918

**Anastasia Thompson**

***Response***

***I\_THOMP1-01***

As stated in Master Response 20, multiple comments were received during the public review processes for the draft CVFPP and DPEIR expressing concern about the conceptual levee setback element depicted on a map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. The comments generally expressed concern that the conceptual setback 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. 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.

DWR and the Board understand the concerns discussed in the comment. 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.

**Moricz, Nancy**

**I\_TONEY1**

**From:** dtoneygcfb@att.net  
**Sent:** Friday, February 17, 2012 9:16 AM  
**To:** Cvfpf\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

David Toney  
925 East St.  
95963, CA 95963-1815

February 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

I\_TONEY1-01

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

I\_TONEY1-02

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

I\_TONEY1-03

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

I\_TONEY1-04

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

I\_TONEY1-05

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

David Toney

**David Toney**

***Response***

***I\_TONEY1-01***

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.

***I\_TONEY1-02***

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 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. For additional details, see Master Response 3.

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).

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 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)).

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.

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.

***I\_TONEY1-03***

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.

***I\_TONEY1-04***

See response to comment I\_TONEY1-03. Furthermore, 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.

#### ***I\_TONEY1-05***

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.

#### **Engagement Specifics:**

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.cvfpb.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.

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.

**Moricz, Nancy**

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**From:** dadofranki@yahoo.com  
**Sent:** Tuesday, April 17, 2012 5:17 AM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Chris Torres  
owner  
Chris Torres Farming and equipment  
p.o. box 349  
princeton, CA 95970-0349

**I\_TORRES1**

April 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I have attended the workshops and this proposal is not complete! It needs to be sent back to staff for review and completion. It needs to include more study on the effect on agriculture. We have had members go to the meetings and be promised to be heard and then the time canceled. This is not correct or fair, it seems the environmental segment gets the most attention on the back of agriculture.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural

stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Chris Torres  
5307012462  
owner  
Chris Torres Farming and equipment

**Chris Torres Farming and Equipment, Chris Torres**

***Response***

***I\_TORRES1-01***

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.

***I\_TORRES1-02***

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 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. For additional details, see Master Response 3.

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).

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 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)).

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.

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.

***I\_TORRES1-03***

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.

***I\_TORRES1-04***

See response to comment I\_TORRES1-03. Furthermore, 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.

### ***I TORRES1-05***

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.

### **Engagement Specifics:**

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.cvfpb.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.

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.

**Moricz, Nancy**

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**From:** dadofranki@yahoo.com  
**Sent:** Tuesday, April 17, 2012 5:17 AM  
**To:** Cvfppl\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Chris Torres  
owner  
Chris Torres Farming and equipment  
p.o. box 349  
princeton, CA 95970-0349

**I\_TORRES2**

April 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I have attended the workshops and this proposal is not complete! It needs to be sent back to staff for review and completion. It needs to include more study on the effect on agriculture. We have had members go to the meetings and be promised to be heard and then the time canceled. This is not correct or fair, it seems the environmental segment gets the most attention on the back of agriculture.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural

stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Chris Torres  
5307012462  
owner  
Chris Torres Farming and equipment

**Chris Torres, Chris Torres Farming and Equipment, Princeton, California**

***Response***

***I\_TORRES2-01***

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.

***I\_TORRES2-02***

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 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. For additional details, see Master Response 2.

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).

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
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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.

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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.

#### ***I\_TORRES2-03***

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.

#### ***I\_TORRES2-04***

See response to comment I\_TORRES2-03. Furthermore, 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.

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***I\_TORRES2-05***

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.

**Engagement Specifics:**

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.cvfpb.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.

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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.

# I\_VERES1

**Moricz, Nancy**

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**From:** mvereschagin@sbcglobal.net  
**Sent:** Friday, February 17, 2012 7:11 PM  
**To:** Cvfpfp\_Comments  
**Subject:** Comments on Central Valley Flood Protection Plan

Mike Vereschagin  
President  
Vereschagin Farms Inc  
3548 County Road P  
Orland, CA 95963-9802

February 17, 2012

Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, CA 95821

Dear Central Valley Flood Protection Board:

I am writing regarding the State of California's Draft Central Valley Flood Protection Plan.

A viable agricultural industry is essential to the State's economy and particularly to the rural areas within the Central Valley. The future of rural communities and the viability of agriculture in the Central Valley is, in turn, dependent upon the State's ability to plan a resilient flood protection system that is compatible with and supportive of Central Valley agriculture.

As a Central Valley agricultural stakeholder, I am concerned that, by moving levees and widening bypasses, the Flood Plan proposes to expose to periodic flooding some 40,000 acres of predominantly agricultural lands now located behind the levees. A plan that "expands" and puts more habitat in our existing floodways, without rehabilitating the existing system or ensuring proper maintenance in the future, risks sacrificing thousands of acres of existing agricultural lands, without ensuring we will be any better off in the end.

Some types of agriculture can and do coexist in the state's existing bypasses and overflow basins. In contrast, farming on lands that have been historically protected from flooding is frequently incompatible with flooding. Shifting lands from behind levees into the floodplain would be very disruptive to the farming operations and businesses currently on those lands.

Private property rights are also at stake. Lands or interests in lands would have to be acquired from willing sellers—or, where there are no willing sellers, could be acquired by eminent domain. Condemnation of private lands should be a tool of last resort and should be used only where there is a compelling public purpose.

The proposed plan would dislocate people, homes, multi-generational family farming operations, and established businesses, representing decades of hard work and investment, without the means to fully compensate such loss, and no clear or adequate transition plan.

While representatives from the California Department of Water Resources have suggested that more extensive outreach to local agencies, farmers, and landowners will occur in the "regional planning" and "feasibility study" and "project implementation" phases of the Plan, it is a serious concern for Central Valley agricultural stakeholders that the major features of the Plan have been already selected with little or no attempt on the part of the State to involve affected local interests. As of today, most affected farmers, landowners, and local interests remain wholly uninformed of the State's proposed Plan.

As a Central Valley agricultural stakeholder, I am calling on the State of California to reach out to local governments, rural communities, farmers, and landowners to ensure local issues and concerns are fully understood, taken into account, and addressed.

Thank you for the opportunity to comment.

Sincerely,

Mike Vereschagin  
President  
Veresachagin Farms Inc

**Veresachagin Farms Inc., Mike Vereschagin, President**

***Response***

***I\_ VERES1-01***

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.

***I\_ VERES1-02***

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 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. For additional details, see Master Response 3.

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).

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 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)).

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.

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.

***I\_VERES1-03***

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.

***I\_VERES1-04***

See response to comment I\_VERES1-03. Furthermore, 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.

#### ***I \_ VERES1-05***

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.

#### **Engagement Specifics:**

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.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.

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.

RECEIVED

MAI 27 1988  
**I\_WALD1**

State of California, Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 152, Sacramento, CA95821

RE: Agriculture and Central Valley Flood Issues

I\_WALD-01 I am unable to attend the meeting on Thursday, April 5 when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers has been limited, and the timeline has been very short.

I\_WALD-02 I am very concerned about the proposed plan for the following reasons:

- I\_WALD-03 \*The potential farmland conversion impacts;
- \*The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;
- I\_WALD-04 \*Private property rights;
- I\_WALD-05 \*Impacts on particular parcels, farming operations, reclamation district areas, etc.
- I\_WALD-06 \*Impacts on livelihoods and businesses;
- I\_WALD-07 \*Impacts of property values;
- I\_WALD-08 \*The potential for eminent domain abuses;
- I\_WALD-09 \*The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;
- I\_WALD-10 \*The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;
- I\_WALD-11 \*Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;
- I\_WALD-12 \*The need for dedicated funding, permitting and legal enforcement to maintain the flood protection functions of weirs and bypasses;
- I\_WALD-13 \*The timing of inundation in the bypasses and the compatibility of farming with future Inundation for proposed habitat and fish passage purposes;
- I\_WALD-14 \*Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;
- I\_WALD-15 \*The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;
- I\_WALD-16 \*Assurances associated with potential liabilities under the federal and state endangered species acts;
- I\_WALD-17 \*Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 10-yr. level of flood protection);
- I\_WALD-18 \*Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

*Marilyn Fitzgerald Waldschmitt*  
Marilyn Fitzgerald Waldschmitt  
5235 George Rd. Lakeport, CA 95453  
707 262-0589

**Marilyn Fitzgerald Waldschmitt, Lakeport, California**

***Response***

***I\_WALD1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_WALD1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_WALD1-03***

See response to comment I\_WALD1-02.

***I\_WALD1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

#### ***I\_WALD1-05***

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_WALD1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

***I\_WALD1-06***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

***I\_WALD1-07***

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

***I\_WALD1-08***

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_WALD1-04.

***I\_WALD1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_WALD1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### ***I\_WALD1-11***

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

***I\_WALD1-12***

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I\_WALD1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.



***I\_WALD1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I\_WALD1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

#### ***I\_WALD1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_WALD1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

**I\_WALD1-18**

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

**I\_WARD1**

Lauren Ward  
P O Box 1205  
Sonoma, CA 95476

April 5, 2012

Central Valley Flood Protection Board  
Mark Cowin, Dept of Water Resources

Gentlemen:

I\_WARD1-01

Enclosed are my comments on the proposed 2012 Central Valley Flood Protection Plan. It is clear the department has done a great deal of work in putting forth this plan but it is equally clear that the plan is neither financially feasible nor does it address the critical supply issues facing the State.

I believe it is incumbent on the Flood Board to redirect DWR's efforts toward incorporating the issues of Delta Flows and augmented storage in its plans. Moreover, as any plan will require bond financing, the approach finally selected must be financially responsible.

Respectfully,



Lauren Ward

## 2012 Central Valley Flood Protection Plan -- Comments -- March 31, 2012

I\_WARD1-02 DWR has presented a conceptual flood control plan containing very little in the way of details and asked for comments. The risk is that the Flood Board will adopt this plan and the stakeholders will forever be limited to objecting to small pieces of projects when in fact, we should be arguing strongly with the plan concepts.

I\_WARD1-03 **DWR's Plan:** An overview of DWR's proposed plan shows that:

1. It is financially infeasible for the State to undertake any of the options presented. The plan omits entirely the interest burden that would be borne by taxpayers nor does it include any estimate of annual operating and maintenance costs. If you add interest charges on \$10-40 Billion of debt, the increase in taxes necessary to fund the various options analyzed ranges from \$360 million to over \$1.3 Billion annually. The projected savings from any of the options are tiny in comparison to the added costs. None of the plan options presented is acceptable financially.

I\_WARD1-04 2. The plan is focused entirely on disposing of excess water during peak flow periods. It does nothing to augment Delta flows during low flow periods, nor does it augment storage which is critically needed during normal and dry years. Climatologists forecast California will suffer from a drier climate with longer dry periods between wet spells which increases the need for storage. We don't need to get rid of water; we need to save it.

I\_WARD1-05 3. The plan ignores Southern California's needs. The Colorado River system is overdrafted and Lake Mead is at its lowest level since Hoover Dam was built. As Southern California grows ever shorter of water, the pressure on Northern California water grows ever stronger. Rather than expediting the flow of fresh water to the ocean, we need to find ways to save and use that water. Northern California's water resources are needed for the San Joaquin Valley and Southern California. We do not have the luxury of pushing Northern California's excess water into the ocean while the rest of the State goes dry.

I\_WARD1-06 4. The plan proposes to abandon efforts to maintain existing flood control facilities at design capacity while simultaneously spending \$15.5 billion more building new facilities. If DWR is unable to maintain the assets we already have, what will happen when the maintenance job is even greater? Moreover, many existing flood control projects were funded with Federal funds and the State is legally obligated to maintain them. If we give up on this effort, we risk having the Federal government demand repayment of those monies.

I\_WARD1-07 5. The plan proposes to take 10,000 acres of prime farmland permanently out of production with no mention or consideration of the economic consequences of that withdrawal. Agricultural production from another 30,000 acres would be compromised by inclusion in expanded bypasses.

I\_WARD1-08 **Financial Analysis:** Following is a financial analysis of the proposed plans. DWR's projections suggest the State would have to increase the burden on taxpayers from a low of \$360 million/year to a high of \$1.314 billion/year just to pay the interest costs on the various options. As the study provides no funds for Operations and Maintenance, that cost would be in addition.

This analysis also points out how insensitive to cost the plan is in its selection of a preferred option. The plan recommends the "State Systemwide Investment Approach" which is projected to cost \$15.5 billion and save \$220 million in flood costs each year. The obvious



## 2012 Central Valley Flood Protection Plan -- Comments -- March 31, 2012

choice should be "Protect High Risk Communities" with a projected cost of \$10 billion and an estimated savings of \$207 million.

In selecting the "System..." approach over "Protect...", DWR is proposing to spend an additional \$5.5 billion in capital investment plus an additional \$198 million in annual interest payments to save an incremental \$13 million of flood damage. Note again that none of these calculations reflect the additional cost of operating and maintaining the new system.

	Achieve SFPC Design Capability	Protect High Risk Communities	Enhance Flood System Capacity	State Systemwide Investment Approach
Estimated Capital Cost	\$19-23 Billion	\$9-11 Billion	\$32-41 Billion	\$14-17 Billion
Mid-point of Est Cost Range	\$21 Billion	\$10 Billion	\$36.5 Billion	\$15.5 Billion
Est reduction in expected annual damages of \$329 Million if no project	47%	63%	80%	67%
	\$155 Million	\$207 Million	\$263 Million	\$220 Million
Estimated annual costs:				
Interest on Capital Invested at 3.6%	\$756 Million	\$360 Million	\$1.314 Billion	\$558 Million
Net Annual Loss (Before Operations and Maintenance)	\$601 Million	\$153 Million	\$1.051 Billion	\$338 Million

If we fail in the effort to convince the Flood Board to pursue other options, we should press for the "Protect High Risk Communities" plan. It doesn't make financial sense either but it does the least damage.

I\_WARD1-09 **Our Proposal:** We want the Flood Board to reject this plan and redirect DWR's planning effort to a different conceptual framework that will:

1. Properly maintain and utilize existing flood control facilities. DWR's own plan estimates that existing facilities, if properly maintained and operated at original design capacity, will



2012 Central Valley Flood Protection Plan -- Comments -- March 31, 2012

prevent half of their projected flood damages.

I\_WARD1-10 2. Invest in new or expanded storage facilities which will reduce flooding during wet years and augment supplies during normal and dry years, and

I\_WARD1-11 3. Eliminate removal of highly productive farmland from agricultural use.

I\_WARD1-12 This approach would force DWR to consider flow requirements in the Delta and look at State water supply needs overall, not just the short-term task of getting rid of locally unwanted high water.

I\_WARD1-13 **Feather River System:** With respect to the Feather River system, following this approach could mean:

1. Cleaning out the existing Cherokee Canal to return its capacity to the 25,000 CFS it was designed to carry. DWR has publicly acknowledged the Cherokee is now capable of moving just half its design capacity. DWR was seeking 32,000 cfs of increased carrying capacity from the proposed Feather River Bypass, and this would achieve over 1/3 of that with no bypass expansion.

2. Increasing storage on the Feather River system. This might mean raising the Oroville Dam or increasing levee levels on the Forebay and the Afterbay or building additional storage on other feeder streams. We should also seek to have hydroelectric power generated from new or expanded storage facilities.

I\_WARD1-14 **Usefulness of the current study:** DWR staff have done a great deal of work in preparing this study and are no doubt, psychologically committed to moving forward with one of the options. Had they not done this study, and instead proposed some alternative, they would be justifiably criticized for failing to examine these possibilities. The present study is useful as it clearly shows that these options are not financially feasible. Our challenge is to get DWR back to the drawing boards. It's in our interest to get DWR to focus on increasing storage as a major component of any plan.

**Lauren Ward**

***Response***

***I\_WARD1-01***

The comment states that the CVFPP is not financially feasible, and that it does not address “critical supply issues” facing the state (which DWR and the Board assume refers to water supply issues). 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.

With regards to water supply, as stated in Master Response 7, 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 PEIR (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 PEIR.

The PEIR 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.

The comment further states that DWR’s efforts should be redirected towards incorporating Delta flows. As stated in Master Response 11, consistent with 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 about 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.

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.

All areas protected by the SPFC are given the same consideration in the CVFPP. When making flood management investments within areas of the Delta protected by the SPFC, the State will consider structural and nonstructural actions to help achieve the following objectives:

- A 200-year level of flood protection, minimum, for urban areas (e.g., Stockton, Sacramento, and West Sacramento metropolitan areas)
- A 100-year level of flood protection for small communities in the Delta that are not already protected by urban flood 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)

Furthermore, the comment indicates that DWR should consider opportunities for augmented storage as part of the CVFPP. 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.

#### ***I\_ WARD1-02***

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. 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).

#### ***I\_ WARD1-03***

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.

**I\_WARD1-04**

The comment states concerns related to Delta flows and augmentation of water storage. See response to comment I\_WARD1-01.

As stated in Master Response 17, recent CEQA case law suggests that an EIR is not required to evaluate the effects of climate change on proposed projects. However, CWC Section 9614(f) requires the CVFPP to include a "description of the probable impacts of projected climate change .... on the ability of the system to provide adequate levels of flood protection." To address this requirement and promote the informational and public participation purposes of CEQA, an analysis of the effects of climate change was included in Attachment 8K, "Climate Change Analysis," in Appendix A, "Central Valley Flood Protection Plan."

**I\_WARD1-05**

As stated in Master Response 10, multiple comments were received during the public review processes for the draft CVFPP and DPEIR regarding the absence of new reservoirs or increased reservoir storage in the SSIA. (The SSIA only includes coordinated and forecast-based operations and the Folsom Dam Raise project, currently authorized.) Specifically, many of those comments suggested that increases in upstream flood-storage capacity could reduce the need for or replace the increases in floodplain conveyance and storage capacity proposed in the SSIA. Many of these comments also suggested that increasing upstream flood-storage capacity could provide water supply benefits and reduce potential adverse effects on agriculture.

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.

Some specific examples of ongoing multipurpose surface-storage investigations and related investigations that are examining the feasibility of adding new flood storage are listed below.

- **Upper San Joaquin River Basin Storage Investigation**—An evaluation of increasing storage in Millerton Reservoir or building a new multipurpose reservoir upstream, such as Temperance Flat Reservoir. The current formulation includes an additional storage allocation for flood management.
- **North-of-Delta Offstream Storage Investigation**—An evaluation of building a new offstream reservoir in the Sacramento River Basin west of the Sacramento River, also known as Sites Reservoir. Flood management benefits may be possible by coordinating storage operations with other multipurpose reservoirs, such as Shasta Dam and Reservoir.
- **Shasta Lake Water Resources Investigation**—An evaluation of raising Shasta Dam for multiple purposes. The formulation considered an additional allocation for flood storage as well as operational changes, but these options are not being carried forward.
- **DWR System Reoperation Program**—An evaluation of pursuing reservoir reoperation strategies at a systemwide scale to improve water supply reliability, reduce flood hazards, and protect and restore the ecosystem.

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.

#### ***I\_WARD1-06***

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 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.

#### ***I\_ WARD1-07***

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 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. For additional details, see Master Response 3.

#### ***I\_ WARD1-08***

The comment's "fiscal analysis of the proposed plans" is noted.

As stated in Master Response 8, 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 Sections 9600–9625 of the California Water Code.

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

#### **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

### **CVFPP Supporting Goals**

- **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.

In addition, the DPEIR includes the following specific statutory objectives:

- **Maximize Flood Risk Reduction Benefits within the Practical Constraints of Available Funds**—Ensure that technically feasible and cost-effective solutions are implemented to maximize the flood-risk reduction benefits given the practical limitations of available funding, and provide a feasible, comprehensive, and long-term financing plan for implementing the plan.
- **Adopt the CVFPP by July 1, 2012**—Complete all steps necessary to develop and adopt the CVFPP by July 1, 2012, or such other date as may be provided by the Legislature.

- **Meet Multiple Objectives Established in Section 9616 of the California Water Code, as Feasible.**

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.

The Protect High Risk Communities Approach failed to meet most of the basic program objectives and would offer only minor contributions to the supporting goals of promoting ecosystem functions and multi-benefit projects.

***I\_WARD1-09***

See response to comment I\_WARD1-06.

***I\_WARD1-10***

See response to comment I\_WARD1-05.

***I\_WARD1-11***

See response to comment I\_WARD1-07.

***I\_WARD1-12***

See response to comment I\_WARD1-01.

***I\_WARD1-13***

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.

For concerns about maintenance of current flood protection facilities, see response to comment I\_WARD1-06.

For concerns about storage, see response to comment I\_WARD1-05.

***I\_WARD1-14***

See responses to comments I\_WARD1-08 and I\_WARD1-10.

# I\_WEBBER1

February 21, 2012

State of California  
Central Valley Flood Protection Board  
3340 El Camino Avenue, Room 151  
Sacramento CA 95821

RE: Agriculture and Central Valley Flood Issues

I\_WEBBER1-01

I am unable to attend the meeting on Friday, February 24th when the Central Valley Flood Protection Plan will be discussed. The proposal affects some 40,000 acres of land in the Central Valley. The existing flood system is outdated and needs improvements, but any changes should be thoroughly examined, considered and vetted through affected landowners and farmers. Unfortunately, the input from affected landowners and farmers have been limited, and the timeline has very short.

I\_WEBBER1-02

I am very concerned about the proposed plan for the following reasons:

I\_WEBBER1-03

- \* The potential farmland conversion impacts;

I\_WEBBER1-04

- \* The importance of Central Valley agriculture and the potential impacts on the viability of Central Valley agriculture;

I\_WEBBER1-04

- \* Private property rights;

I\_WEBBER1-05

- \* Impacts on particular parcels, farming operations, reclamation district areas, etc.

I\_WEBBER1-06

- \* Impacts on livelihoods and businesses;

I\_WEBBER1-07

- \* Impacts on property values;

I\_WEBBER1-08

- \* The potential for eminent domain abuses;

I\_WEBBER1-09

- \* The importance of preserving the capacities of the flood bypasses by retaining lands in agriculture;

I\_WEBBER1-10

- \* The potential for conflicts between the flood protection purposes of the bypasses and the prospect of extensive habitat restoration in the bypasses;

I\_WEBBER1-11

- \* Improper subordination in the Plan of traditional flood protection purposes to ecosystem restoration;

I\_WEBBER1-12

- \* The need for dedicated funding, permitting, and legal enforcement to maintain the flood protection functions of weirs and bypasses;

I\_WEBBER1-13

- \* The timing of inundation in the bypasses and the compatibility of farming with future inundation for proposed habitat and fish passage purposes;

I\_WEBBER1-14

- \* Potential redirected impacts and unintended consequences of the Flood Plan, including potential increased pressure on existing levees;

I\_WEBBER1-15

- \* The need for meaningful involvement from farmers, landowners, and other affected interests in rural and agricultural areas;

I\_WEBBER1-16

- \* Assurances associated with potential liabilities under the federal and state endangered species acts;

I\_WEBBER1-17

- \* Imposing flood protection standards on rural and agricultural areas that are unreasonable, impracticable, and ill-suited to a rural setting (inflexible FEMA rules, 100-yr. level of flood protection);

I\_WEBBER1-18

- \* Shifting greater burdens, pressures, risks and liabilities on to agricultural and rural areas when compared to urban and urbanizing areas.

Sincerely,

John R. Webber

Yolo County Land Owner



**John R. Webber**

***Response***

***I\_WEBBER1-01***

As stated in Master Response 13, the CVFPP and related PEIR have included substantial outreach and engagement activities since 2009 to help first develop the goals of the CVFPP, and more recently to allow for comments on the environmental analysis presented in the DPEIR. A full list of participants and forms of engagement related to the CVFPP are provided in Attachment 5, “Engagement Record,” in Appendix A, “Central Valley Food Protection Plan.” Master Response 13, especially Section b, describes the future opportunities for engagement that will be available to landowners, farmers, and others as further program planning proceeds.

The comments in this letter do not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor do the comments specify additional information needed or particular insufficiencies in the DPEIR. The comments are noted.

***I\_WEBBER1-02***

As stated in Master Responses 2 and 3, the CVFPP is a high-level document that describes the State’s vision for a sustainable flood management system in the Central Valley through improvements such as bypass expansions. 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 (that is, would be compatible with floodways), while about 25 percent would likely be converted to floodways with supplemental ecosystem benefits. These preliminary planning estimates will be refined during subsequent project-level analyses. The actual needs for and uses of land, including farmland conversion, will vary depending on the types and locations of specific flood system improvements. The CVFPP, as noted in Sections 3.4.1 and 3.5.1 of Appendix A, “Central Valley Flood Protection Plan,” describes State investments in agricultural conservation easements to help preserve agriculture.

The DPEIR does, in fact, address potential effects on agricultural lands and productivity. 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) in Section 3.3, “Agriculture and Forestry Resources,” of the DPEIR. 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 related to the potential agricultural land conversion effects of the CVFPP, see Master Response 2. For additional details related to the effects of the CVFPP on agriculture, see Master Responses 2 and 3.

***I\_ WEBBER1-03***

See response to comment I\_ WEBBER1-02.

***I\_ WEBBER1-04***

DWR and the Board recognize that the construction and operation of proposed management actions (i.e., new bypasses, levee setbacks, and expanded floodways) may affect private property rights. 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 property rights that may be needed to implement the plan are unknown at this time. 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. 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.

DWR and the Board respect private property rights, and all land acquisitions conducted to implement the SSIA will comply with State and federal laws, as applicable.

For additional details, see Master Response 2.

**I\_WEBBER1-05**

As stated in Master Responses 2 and 3, and as discussed in response to comment I\_WEBBER1-02 above, the conversion of 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 PEIR 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. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

DWR and the Board are aware that if a future site-specific project is implemented, project-level CEQA compliance may be required to analyze

specific environmental impacts and to identify required mitigation measures, where appropriate, including projects that propose converting agricultural lands to nonagricultural uses. See Section 2.5.1, “Implementation in Accordance with Applicable Laws and Regulations,” of the DPEIR, which states that “...subsequent implementation actions stemming from adoption of the proposed program would involve additional project-level environmental review and documentation to the extent required by CEQA and the CEQA Guidelines.”

**I WEBBER1-06**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). Section 3.16, “Population, Employment, and Housing,” of the DPEIR discusses issues relevant to these topics, and Master Responses 2 and 3 provide additional information on effects related to agricultural land conversion and the sustainability of rural-agricultural economies, respectively.

**I WEBBER1-07**

This comment raises issues of a social and economic nature, which are beyond the scope of analysis required by CEQA, except to the extent that they may link the proposed project to potentially significant adverse effects on the physical environment or to the extent that they are considered as part of the determination of significance of a physical environmental effect (see State CEQA Guidelines Section 15131). As stated in Master Response 1, concerns were expressed that preliminary identification of conceptual bypass elements and other SSIA system elements 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 project is entirely speculative at this time. For additional details, see Master Response 1.

**I WEBBER1-08**

The commenter states a concern about possible “eminent domain abuses,” but does not further clarify this concern or comment on the environmental analysis provided in the DPEIR. 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. For additional details, see response to comment I\_WEBBER1-04.

***I\_WEBBER1-09***

As stated in Master Response 2, 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.

As stated in Master Responses 1, 2, and 13, future project-level planning for the CVFPP, including possible bypass expansions and new bypasses, will involve the development of basin-wide feasibility studies, the completion of project-level proposals, and compliance with environmental laws and regulations. During these efforts, opportunities to invest in agricultural easements with willing landowners to preserve agriculture, as

well as ensuring compliance with Mitigation Measures AG-1a, AG-1b, and AG-1c (NTMA and LTMA), which address specific ways to lessen impacts on existing agriculture, will occur. For additional details, see Master Responses 1, 2, and 13.

As stated in Master Response 14, 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. 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). DWR and the Board recognize that multiple types of crops are currently cultivated in the floodways which can pass the design flows. When the Board permits an activity in the federal flood control facilities, which includes the bypasses, the Board requires technical information that demonstrates the activity will not affect the design flows. Any future management action undertaken that may affect design flow in a federal flood control facility will need to be designed to pass the design flow.

#### ***I\_ WEBBER1-10***

This comment notes the potential for conflicts between the values of bypasses for flood protection and habitat restoration. The comment does not include specific requests for additional information or concerns with the environmental analysis presented in the DPEIR. 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)). Among these multiple objectives is the 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. For additional details, see Master Response 7.

The DPEIR prepared for the CVFPP concluded that implementing conservation and habitat restoration actions could adversely affect agricultural land and production (see Section 3.3, "Agriculture and Forestry Resources," of the DPEIR). Impact AG-3 (NTMA) states, "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.”

Impact AG-3 (NTMA) also notes that “Purchasing flood easements could provide beneficial effects by preventing development from occurring on agricultural land and preserving land uses compatible with periodic flooding, which may preserve agricultural land uses. As demonstrated throughout the Central Valley, multiple types of crops are currently cultivated in floodways under appropriate conditions. Conversely, agricultural lands within the floodway may no longer be suitable for certain types of 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 within the expanded floodway may make certain types of agricultural production in the floodway no longer feasible.”

As stated in Master Responses 2 and 3, the PEIR includes mitigation measures that further protect agricultural resources, or minimize adverse effects on agricultural resources that could result from implementation of the SSIA. Therefore, DWR and the Board have determined that the DPEIR has adequately addressed the environmental issues related to the conversion of agricultural land to nonagricultural uses at a program level. For additional details, see Master Responses 2 and 3.

#### **I WEBBER1-11**

As stated in Master Response 19, the primary goal is “to improve flood risk management.” The four supplemental goals, by definition, are supplemental to the primary goal to improve flood risk management.

As further 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. 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. For additional details, see Master Response 19.

**I WEBBER1-12**

The commenter notes the need for dedicated funding, permitting, and legal enforcement to maintain flood protection functions. No specific issues related to the environmental analysis presented in the DPEIR are raised in this comment. As stated in Master Responses 14 and 15, the Central Valley Flood Protection Act of 2008 (SB 5) requires DWR to prepare a financing plan for the CVFPP after plan adoption (see Section 4.7 in Appendix A, “Central Valley Flood Protection Plan”). Up to \$1.7 billion of 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). 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.

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.

As stated in Master Response 14, 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. The Board has review and permitting and enforcement 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).

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.

For additional details, see Master Responses 3, 14, and 15.

**I WEBBER1-13**

As stated in Master Response 1, 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). The timing of inundation in bypasses is a project-level component that cannot be evaluated in a program-level EIR such as the DPEIR. The comment is noted, and potential impacts on the physical environment from the quantities and timing of bypass flooding for flood conveyance, habitat, fish passage, or any other purpose will be addressed in project-level CEQA documents as necessary. 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 regarding new and expanded bypass development, see Master Response 1.

As stated in Master Responses 2 and 3, 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) 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 Responses 2 and 3.

***I\_ WEBBER1-14***

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, including potential increased pressure on existing levees. 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.

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.

***I\_ WEBBER1-15***

As stated in Master Responses 13 and 14, 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 basin plans that reflect the priorities of local entities in reducing flood risks in each of the nine regions identified in the CVFPP. 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 Responses 13 and 14.

***I\_ WEBBER1-16***

This comment raises concerns about assurances associated with potential liabilities under the federal ESA and the CESA. The CVFPP and related DPEIR do not alter these laws or related liabilities for landowners. As stated in Master Response 7, the CVFPP is intended to meet multiple objectives, including the integration of ecosystem benefits. It would be speculative to assume that a private property owner could face additional liabilities under the ESA or CESA as a consequence of a future project. See Master Responses 13 and 14 for additional information about how project proposals under the CVFPP would be developed in the future and public engagement is encouraged in post-adoption processes.

Section 3.6, “Terrestrial Biological Resources,” of the DPEIR discusses the impacts of the proposed program on federally listed and State-listed endangered species. Mitigation Measure BIO-T-3b in Section 3.6 states that “The project proponent will coordinate with the appropriate regulatory agency (e.g., USFWS or DFG) to determine acceptable methods for minimizing or compensating for effects on a species; and applicable State and/or federal permits will be secured and permit requirements will be implemented (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR). Mitigation Measure BIO-T-3c states that “The project proponent will consult or coordinate with USFWS under the federal ESA and DFG under the CESA regarding potential impacts on listed plant and wildlife species and associated critical habitat. The project proponent will implement any additional measures developed through the ESA and CESA consultation processes, including conditions of Section 7 biological opinions and Section 2081 permits” (see Section 3.6, “Biological Resources—Terrestrial,” of the DPEIR).

As stated in Master Response 1, 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.

***I\_ WEBBER1-17***

This comment does not raise issues or concerns about the environmental analysis presented in the DPEIR, but questions whether “unreasonable, impracticable, and ill-suited” flood protection standards would be imposed in a rural setting. As stated in Master Responses 3 and 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. 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 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 (e.g., purchasing agricultural easements from willing landowners, when consistent with local land use planning). 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 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 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 Responses 3 and 4.

***I\_ WEBBER1-18***

The commenter expresses concern that “greater burdens, pressures, risks, and liabilities” will be placed on agricultural and rural areas when compared to urban and urbanizing areas. State law (SB 5) defines an urban level of flood protection for urban and urbanizing areas within the Sacramento–San Joaquin Valley as that level of protection necessary to withstand a 1-in-200-year flood event (CGC Sections 65007, 65865.5, 65962, and 66474.5). Under SB 5, non-urbanized areas are subject to the national FEMA standard of flood protection. 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 for urban and urbanizing areas, and the FEMA standard for non-urbanized areas.

As stated in Master Response 4, 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. 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.

As stated in Master Response 3, 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 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.

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. 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. 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 Responses 3 and 4.

## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_WISLER1**

Date 4/12/12 Name Jarvis & Jack Wisler  
 Phone (optional) \_\_\_\_\_ E-mail (optional) whisperingengle@yahoo.com  
 Affiliation Farmer  
 Address (optional) 1637 E-Clay St, Colusa, Ca 95932

☐ 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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)

DPEIR 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)

☒ Both

I\_WISLER1-01

We went to Public Hearing and want to  
say we are not in favor of the plan  
as it was stated.  
Need to pay more attention to  
History of Water and how to maintain  
what we have before making other plans.  
We could be spending money better by  
maintaining what we have and how a

Please continue on back of this card, if needed.

History of Working Rather than always  
looking for new ways.

Those of us who live with the kind of  
the problems water creates have learned  
how to make it work.

Please Count our votes a 2 no's  
against plan as it is

FOLD HERE

Return address:

Wister  
1637 E. 4th St  
Colusa, Ca 95932



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

RECEIVED

APR 17

**Jackie and Jack Wisler, Farmers, Colusa, California**

***Response***

***I\_WISLER1-01***

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.



## CENTRAL VALLEY FLOOD PROTECTION BOARD

## REQUEST TO SPEAK AT HEARING

**I\_YERXA1**Date April 19, 2012 Name Woody Yerxa

Phone (optional) \_\_\_\_\_ E-mail (optional) \_\_\_\_\_

Affiliation Landowner- Section 17 14N 1EAddress (optional) P.O. Box 209, Colusa, Ca. 95932☐ I wish to speak to the Board about agenda item number(s) \_\_\_\_\_ ☐ CVFPP ☐ DPEIR☒ 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.cvfppb.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](mailto: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.gov](mailto:DPEIRcomments@water.ca.gov)DPEIR 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)☒ Both

I\_YERXA1-01

As a landowner I strongly object to the plan to change the levee south of Grimes, Ca  
 as it will destroy a good part of our property, infrastructure and water delivery  
 systems. This proposal is nothing more than a land grab by the State of California  
 to protect the urban area of Sacramento at the expense of the rural communities of  
 California. There is a great deal of land in the Sacramento area that should  
 never have been built upon prior to the 200 year flood protection being established.  
 This was not done and now you want us in rural California and the taxpayers of  
 California to pay the price.

Please continue on back of this card, if needed.

**Woody Yerxa, Landowner—Section 17 14N 1E, Colusa,  
California**

***Response***

***I\_YERXA1-01***

The comment references a conceptual levee setback element depicted on a map shown as Figure E-7, page E-14 map in DPEIR Appendix A, “Central Valley Flood Protection Plan,” Attachment 8J. As stated in Master Response 20, 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.

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.

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 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)).