3.3 State Agency Comments and Responses

S_CSP1

Moricz, Nancy

From: Essex, Cheryl [CESSEX@parks.ca.gov]
Sent: Wednesday, April 11, 2012 9:34 AM
To: Cvfpp_Comments
Subject: CVFPP comments from California State Parks
Attachments: CVFPP-Comments California State Parks.xls; CVFFP COMMENTS CSP APRIL 11.docx

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

S_CSP1-01 Thank you for the opportunity to review and comment on the December 2011 Public Draft of the *Central Valley Flood Protection Plan*. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand.

I have included our comments on the Plan in both Microsoft Word and Excel formats.

Please contact me if you would like to discuss these further or if we can provide additional information.

Best regards,

Cheryl Essex
California State Parks
Planning Division
PO BOX 942896
Sacramento, CA 94296
(916) 651-0386
"Watersheds come in families; nested levels of intimacy... As you work upstream toward home, you're more closely related. The big river is like your nation, a little out of hand. The lake is your cousin. The creek is your sister. The pond is her child. And, for better or worse, in sickness and in health, you're married to your sink. " *Michael Parfit, National Geographic*

CVFPP PUBLIC DRAFT COMMENTS APRIL 10, 2012

Jeremy Arrich
Chief, Central Valley Flood Planning Office
California Department of Water Resources
3464 El Camino Avenue, Suite 150
Sacramento, CA 95821
arrich@water.ca.gov

Mr. Arrich,

S_CSP1-02 Thank you for the opportunity to review and comment on the December 2011 Public Draft of the *Central Valley Flood Protection Plan*. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand.

For future generations of Californians to enjoy the recreation opportunities along our rivers, streams and lakes that we currently enjoy, recreation planning must be fully integrated into the *Central Valley Flood Protection Plan*. In fact, California's Davis Dolwig Act requires this, as follows:

> There shall be incorporated in the planning and construction of each project such features as (DWR), after giving full consideration to any recommendations which may be made by the…Department of Parks and Recreation,…determines necessary or desirable …to permit, on a year-round basis, full utilization of the project …for recreational purposes. Water Code section 11910.

The section goes on to require "full and close coordination" for all planning for recreation in state water projects between DWR and the Department of Parks and Recreation. This coordination is mandated for the federal and state water projects and "every other project constructed by the State itself or by the State in cooperation with the United States." Water Code section 11905. As used in this section, "project" means any "physical structure to provide for the conservation, storage, regulation, transportation, or use of water…". Water Code section 11904. We believe many flood control facilities fall into these definitions.

To meet these requirements, we recommend that recreation be more explicitly incorporated into the Plan in, at a minimum, the following sections:

S_CSP1-03 **CVFPP 1.5 State's Interest in Integrated Flood Management.** Consider mentioning that the State's interest in public safety, environmental stewardship and economic stability are well supported by safe public access to our rivers and streams, on-site environmental education, and the economic vitality provided by quality-of-life enhancements and environmental tourism revenues. The potential for enhancing recreational use of the flood control system has been recognized since 1929. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain and other, new possibilities will arise as the flood control system is improved.

S_CSP1-04 **PAGE 1-17. List of challenges.** Please consider adding this bullet point: Public access within California's navigable waterways has been guaranteed by the state's constitution since 1879; however, private land borders many Central Valley waterways, and significant state and federally-funded infrastructure was built without public access in mind. This limits access to public resources for boating, fishing and wildlife

observation in many park-poor, disadvantaged valley communities. This situation leads to conflicts between private landowners and recreationists and promotes the use of unsafe ad-hoc access points. California State Parks has developed multi-agency recommendations and multi-stakeholder strategies for enhanced utilization of public lands along rivers and sloughs for recreational access (*Central Valley Vision Implementation Plan at* www.parks.ca.gov/centralvalleyvision and the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at* www.parks.ca.gov/deltarecreation). Implementation of these strategies will reduce trespass on private land, increase economic sustainability, and improve the public health and safety of valley residents.

S_CSP1-05 **Page 2-6 and 2-9.** Paragraphs on both these pages bemoan the limited Preliminary Approaches' lack of opportunities to integrate environmental features and construct multi-benefit projects into small community and urban area protection actions. According to our statewide surveys (http://www.parks.ca.gov/?page_id=23880), these are the very areas where recreational facilities and safe access are most needed. Incorporating walking and bicycle paths with angling and paddling access points, and wildlife observation areas with environmental education components require a modest investment and little, if any, additional public land. Incorporating these features offers multiple benefits that meet significant State and/or FloodSAFE goals: encouraging environmental stewardship and water conservation, encouraging a healthy active lifestyle, offering non-polluting transportation routes (especially important in regions with impaired air quality), reducing trespass on private property, increasing public safety and supporting these communities' economic sustainability. These types of facilities should be integrated into all flood control improvements where feasible.

S_CSP1-06 **Page 2-23. Table 2-6.** California State Parks research has found that almost 80% of Californians cite the importance of water features (lakes, reservoirs, rivers and wetlands) to enjoyment of their favorite recreational activity, so improving public access cost-effectively increases the social sustainability of all Preliminary Approaches for all the reasons described in the comments above. Please consider adding the following bullets to the Social Metric:

METRIC	PRELIMINARY APPROACHES		
	ACHIEVE SPFC DESIGN FLOW CAPACITY	**PROTECT HIGH RISK COMMUNITIES**	**ENHANCE FLOOD SYSTEM CAPACITY**
Social	• Chance to incorporate safe public access to navigable waterways	• Chance to incorporate safe public access to navigable waterways	• Opportunities to substantially increase recreation and tourism opportunities in park-poor and disadvantaged regions of the State

S_CSP1-07 **Page 2-24. Figure 2-6.** Incorporating modest recreational facilities such as those described in the comments above increase the economic benefits of the least-costly Preliminary Approaches with little impact on capital and operating costs. For instance, all-weather levee roads can accommodate hiking and bicycling trails by selecting appropriate gates, connecting to public roads, bicycle routes and sidewalks, and providing directional signage. These routes can lead to occasional waterfront access for fishing and launching paddlecraft. The provision of wildlife viewing areas with benches and educational signage can be located along these routes at little cost.

S_CSP1-08 **Page 2-26. State Systemwide Investment Approach.** Please consider the following examples of how incorporating recreational facilities into all flood control improvements where feasible supports the five distinguishing characteristics important from a State investment perspective:

1. Life Safety: Providing safe public access reduces boating accidents and boats stranded without safe egress points, prevents drowning deaths, allows for easier patrols and reduces accidents from attempts to climb armored slopes. Encouraging more citizens to recreate along our rivers discourages illicit and criminal behavior in these areas.
2. Vibrant Agricultural Economy: Tourists, especially high-value international tourists, are drawn to areas with diverse opportunities. Developing outdoor recreational, environmental, agricultural and cultural tourism in California's Central Valley will improve the economic stability of the agricultural economy by supporting farm jobs, providing a local market for value-added product sales, generating tax revenues that support local infrastructure, etc. More data about tourism preferences and patterns is available in the federal report *Key Facts about International Travel and Tourism to the United States*, available at: http://www.tinet.ita.doc.gov/outreachpages/inbound.general_information.inbound_overview.html. Additional research is available from http://sfp.ucdavis.edu/agritourism/.
3. Reduction in Economic Losses: Low-intensity recreational development may be designed to limit flood damages. Utilizing lands for outdoor recreation, especially where flood frequencies limit agriculture and more intense development, provides regional economic benefits. Sacramento's American River Parkway including Discovery Park, the Napa River/Napa Creek Flood Control Project and the Guadalupe River Flood Control Project in San Jose are all useful examples.
4. Ecosystem Restoration and Enhancement: Providing modest access improvements in habitat areas allows for safe, beneficial public use of a public resource. Concentrating facilities in areas that cause the least disruption of ecosystem restoration projects minimizes damage to more sensitive areas. Educating the public fosters an appreciation and desire to protect these special areas. Descriptions of these strategies may be found in the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at* www.parks.ca.gov/deltarecreation.
5. Cost to implement: The *Central Valley Vision Implementation Plan* (CVV), completed in 2009, recommends a 20-year investment strategy for California State Parks acquisition and development in the region. While the project list is not entirely aligned with the Central Valley Flood Protection Plan goals, includes sites well outside the boundaries of the CVFPP, and doesn't include recreational development managed by local agencies, it offers a useful comparison of the magnitude of costs. Implementing all recommended CVV projects is estimated to cost $272 million—only 1.6 percent of the State Systemwide Investment Approach--while furthering FloodSAFE's goals.

S_CSP1-09 **Chapter 3.** To meet the requirements of Water Code section 11910, California State Parks is ready to assist FloodSAFE staff to identify opportunities to integrate recreational facilities into SSIA projects, based on our significant outreach, research, planning and management history in the region. Incorporating recommendations in the *Central Valley Vision Implementation Plan at* www.parks.ca.gov/centralvalleyvision and the *Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at* www.parks.ca.gov/deltarecreation into this chapter or citing these reports would clarify the State's intent to provide public access improvements.

S_CSP1-10 **Page 4-36. Financing Strategy**. Some funding for recreational infrastructure is expected to be available through boating fuel taxes and FERC relicensing of hydroelectric facilities, but more will be needed. The Financing Plan should allow funding of facilities to support recreation that is ancillary to and compatible with a project's flood control or floodplain restoration purposes. Providing examples of eligible facilities, such as parking lots, trails for walking, horseback riding, or bicycling, hunting blinds, nature observation facilities like interpretive signage, and bank fishing improvements, offers helpful guidance. The guidelines could indicate an appropriate cap on recreation costs, such as 5 percent of a project's total

cost, to ensure that recreation is ancillary to the project's primary flood control or floodplain restoration purpose.

S_CSP1-11 **What's missing: Beneficial Uses of Agricultural Land Conversion.** The Central Valley Flood Protection Board, in its April 5, 2012 Public Outreach Hearing, asked, in part: "Has the proposed Plan identified all possible uses – besides public safety – of farmland that is taken out of production?" We believe the Plan could more clearly articulate the potential for recreational use in these areas. Lands deemed unsuitable for other uses still retain an economic value for recreation use. For instance, where agricultural land is converted for flood control purposes, recreational and tourism land uses provide local jobs, support local businesses, provide local tax revenues and support resident's quality of life. You may refer to the *California Outdoor Recreation Economic Study (2011),* available at: http://www.parks.ca.gov/?page_id=795 for useful data on the economic benefits of recreation.

Please contact me if you would like to discuss these further or if we can provide additional information.

Best regards,

	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment
S_CSP1-01	Cheryl Essex	California State Parks	cessex@parks.ca.gov	CVFPP	general comment		Thank you for the opportunity to review and comment on the December 2011 Public Draft of the Central Valley Flood Protection Plan. An integrated approach to flood planning that includes recreational enhancements will support the quality of life, public health and economic stability of Central Valley communities. This approach can enhance opportunities for angling, boating, wildlife observation, hunting, hiking, bicycling and horseback riding that comprise so much of the region's recreational demand. For future generations of Californians to enjoy the recreation opportunities along our rivers, streams and lakes that we currently enjoy, recreation planning must be fully integrated into the Central Valley Flood Protection Plan. In fact, California's Davis Dolwig Act requires this, as follows: There shall be incorporated in the planning and construction of each project such features as (DWR), after giving full consideration to any recommendations which may be made by the…Department of Parks and Recreation,…determines necessary or desirable …to permit, on a year-round basis, full utilization of the project …for recreational purposes. Water Code section 11910. The section goes on to require
S_CSP1-04					Ch 1	1-17	**List of challenges.** Please consider adding this bullet point:
S_CSP1-03					Ch 1 State's Interest in Integrated Flood Management	1-20	Consider mentioning that the State's interest in public safety, environmental stewardship and economic stability are well supported by safe public access to our rivers and streams, on-site environmental education, and the economic vitality provided by quality-of-life enhancements and environmental tourism revenues. The potential for enhancing recreational use of the flood control system has been recognized since 1929. While access to these public trust resources has been degraded in some locations in the intervening decades, many still remain and other, new possibilities will arise as the flood control system is improved.
S_CSP1-05					Ch 2	2-6 AND 2-9	Paragraphs on both these pages bemoan the limited Preliminary Approaches' lack of opportunities to integrate environmental features and construct multi-benefit projects into small community and urban area protection actions. According to our statewide surveys (http://www.parks.ca.gov/?page_id=23880), these are the very areas where recreational facilities and safe access are most needed. Incorporating walking and bicycle paths with angling and paddling access points, and wildlife observation areas with environmental education components require a modest investment and little, if any, additional public land. Incorporating these features offers multiple benefits that meet significant State and/or FloodSAFE goals: encouraging environmental stewardship and water conservation, encouraging a healthy active lifestyle, offering non-polluting transportation routes (especially important in regions with impaired air quality), reducing trespass on private property, increasing public safety and supporting these communities' economic sustainability. These types of facilities should be integrated into all flood control improvements where feasible.
S_CSP1-06					Ch 2	2-23	**Table 2-6.** California State Parks research has found that almost 80% of Californians cite the importance of water features (lakes, reservoirs, rivers and wetlands) to enjoyment of their favorite recreational activity, so improving public access cost-effectively increases the social sustainability of all Preliminary Approaches for all the reasons described in the comments above. Please consider adding the following bullets to the Social Metric:

S_CSP1-07					Ch 2	2-24	**Figure 2-6.** Incorporating modest recreational facilities such as those described in the comments above increase the economic benefits of the least-costly Preliminary Approaches with little impact on capital and operating costs. For instance, all-weather levee roads can accommodate hiking and bicycling trails by selecting appropriate gates, connecting to public roads, bicycle routes and sidewalks, and providing directional signage. These routes can lead to occasional waterfront access for fishing and launching paddlecraft. The provision of wildlife viewing areas with benches and educational signage can be located along these routes at little cost.
S_CSP1-08					Ch 2	2-26	**State Systemwide Investment Approach.** Please consider the following examples of how incorporating recreational facilities into all flood control improvements where feasible supports the five distinguishing characteristics important from a State investment perspective: 1. Life Safety: Providing safe public access reduces boating accidents and boats stranded without safe egress points, prevents drowning deaths, allows for easier patrols and reduces accidents from attempts to climb armored slopes. Encouraging more citizens to recreate along our rivers discourages illicit and criminal behavior in these areas. 2. Vibrant Agricultural Economy: Tourists, especially high-value international tourists, are drawn to areas with diverse opportunities. Developing outdoor recreational, environmental, agricultural and cultural tourism in California's Central Valley will improve the economic stability of the agricultural economy by supporting farm jobs, providing a local market for value-added product sales, generating tax revenues that support local infrastructure, etc. More data about tourism preferences and patterns is available in the Federal report Key Facts about International
S_CSP1-09					3		To meet the requirements of Water Code section 11910, California State Parks is ready to assist FloodSAFE staff to identify opportunities to integrate recreational facilities into SSIA projects, based on our significant outreach, research, planning and management history in the region. Incorporating recommendations in the Central Valley Vision Implementation Plan at www.parks.ca.gov/centralvalleyvision and the Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh at www.parks.ca.gov/deltarecreation into this chapter or citing these reports would clarify the State's intent to provide public access improvements.
S_CSP1-10					4	4-36	**Financing Strategy.** Some funding for recreational infrastructure is expected to be available through boating fuel taxes and FERC relicensing of hydroelectric facilities, but more will be needed. The Financing Plan should allow funding of facilities to support recreation that is ancillary to and compatible with a project's flood control or floodplain restoration purposes. Providing examples of eligible facilities, such as parking lots, trails for walking, horseback riding, or bicycling, hunting blinds, nature observation facilities like interpretive signage, and bank fishing improvements, offers helpful guidance. The guidelines could indicate an appropriate cap on recreation costs, such as 5 percent of a project's total cost, to ensure that recreation is ancillary to the project's primary flood control or floodplain restoration purpose.
S_CSP1-11					what's missing		**Beneficial Uses of Agricultural Land Conversion.** The Central Valley Flood Protection Board, in its April 5, 2012 Public Outreach Hearing, asked, in part: "Has the proposed Plan identified all possible uses – besides public safety – of farmland that is taken out of production?" We believe the Plan could more clearly articulate the potential for recreational use in these areas. Lands deemed unsuitable for other uses still retain an economic value for recreation use. For instance, where agricultural land is converted for flood control purposes, recreational and tourism land uses provide local jobs, support local businesses, provide local tax revenues and support resident's quality of life. You may refer to the California Outdoor Recreation Economic Study (2011), available at: http://www.parks.ca.gov/?page_id=795 for useful data on the economic benefits of recreation.

California Department of Parks and Recreation

Response

S_CSP1-01

The comment is noted.

S_CSP1-02

The comments regarding the importance of including recreation enhancements in an integrated approach to flood planning are noted. DWR recognizes that the Davis-Dolwig Act and certain CWC sections require integration and coordination related to recreation planning and access, as described in the comment. 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. For additional details, see Master Response 7.

S_CSP1-03

DWR recognizes that the State's interests in public safety, environmental stewardship, and economic stability are supported by enhancement of safe public access to rivers and streams within the SPFC, as described in the comment. 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. For additional details, see Master Response 7.

S_CSP1-04

DWR recognizes, as stated in the comment, that public access is limited in much of the SPFC and that the lack of recreation facilities and private land bordering many of the waterways are major factors in limiting access. DWR also recognizes, as also stated in the comment, that these conditions limit recreation opportunities, lead to conflicts between recreationists and private landowners, and reduce public safety. Implementation of strategies for enhanced utilization of public lands along rivers and sloughs, as described in the comment, will enhance recreation opportunities as part of the development of site-specific, multi-benefit projects. For additional details, see Master Response 7.

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

S_CSP1-05

The lack of opportunities to integrate environmental features and construct multi-benefit projects in small communities and urban areas, as this comment addresses, is associated with two of the three preliminary approaches assessed: the Achieve SPFC Design Flow Capacity Approach and the Protect High Risk Communities Approach. This limitation is largely due to the fact that the footprint and operation of the SPFC facilities would remain largely unchanged under these approaches. However, the preferred SSIA meets the supporting goals of promoting ecosystem function and promoting multi-benefit projects, and implementation of the SSIA would also provide opportunities for enhancing recreational facilities and safe access in small communities and urban areas. As stated in Master Response 7, 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. For additional details, see Master Response 7.

S_CSP1-06

DWR recognizes that two of the three preliminary approaches assessed, the Achieve SPFC Design Flow Capacity Approach and the Protect High Risk Communities Approach, would provide the opportunity to enhance safe public access to navigable waterways, generally as part of levee improvements. DWR also recognizes that the Enhance Flood System Capacity Approach would provide opportunities to enhance recreation and tourism opportunities as part of the expanded suite of elements the approach contains. Most significantly, the SSIA incorporates the strengths of each of the three preliminary approaches compared in Table 2-6, including providing opportunities to substantially increase recreation and tourism opportunities, as described in the responses above. This is among the ways which the SSIA maximizes social sustainability. Although this contribution is not specifically called out in Table 3-6, which summarizes the financial, environmental, and social sustainability aspects of the SSIA compared with current conditions, Table 3-7 highlights that the SSIA provides enhanced opportunities to integrate recreation and other non-flood control benefits.

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

S_CSP1-07

DWR recognizes that two of the three preliminary approaches assessed, the Achieve SPFC Design Flow Capacity Approach and the Protect High Risk Communities Approach (the "least-costly Preliminary Approaches" in terms of capital costs), would provide the opportunity to enhance safe public access to navigable waterways and provide other recreation improvements, generally as part of levee improvements and at little cost. These types of low cost recreation enhancements, as described in the comment, may enhance recreation opportunities as part of the development of site-specific multi-benefit projects. As stated in Master Response 7, 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. For additional details, see Master Response 7.

S_CSP1-08

DWR appreciates the additional information provided by the comment, which indicates how incorporating recreational enhancements into flood control system improvements where feasible supports the five distinguishing characteristics important from a State investment perspective. DWR also appreciates the references to additional sources of information on relevant travel and tourism preferences and patterns, and on strategies for recreation enhancement in conjunction with ecosystem restoration and enhancement. These sources of information on the benefits of and strategies for recreation enhancements will be helpful when developing recreation opportunities as part of site-specific multi-benefit projects.

As stated in Master Response 7, 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. For additional details, see Master Response 7.

S_CSP1-09

DWR appreciates commenter's offer to identify opportunities to integrate recreational facilities into SSIA projects and recognizes the significant role of California State Parks in recreational opportunities throughout the Central Valley. 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. For additional details, see Master Response 7. The information sources cited in the comment pertaining to State Parks recommendations and strategies for recreation enhancements will be helpful when identifying

recreation opportunities as part of the development of site-specific multi-benefit projects.

S_CSP1-10

The CVFPP does not provide funding assurances for any specific project or improvement element, and current bond funding is not sufficient to fully implement the SSIA. A financing plan will be prepared as part of the post-adoption activities (CWC Section 9620(c)). For additional details, see Master Response 4.

As stated in Master Response 7, 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. For additional details, see Master Response 7.

CVFPP Section 4.7.1 provides additional details on funding for SSIA Implementation. As stated on pages 4-37–4-38, "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. In general, a cost-sharing arrangement among State, federal, and local agencies will be needed to implement the projects." The types of guidelines and guidance for funding of recreation facilities suggested in the comment may be most appropriately developed during those phases. It should also be noted that on page 4-37, the CVFPP states: "The State proposes to place a priority on funding and providing a greater cost-share for flood management improvement projects that provide multiple benefits," which include projects that enhance recreation access.

S_CSP1-11

DWR recognizes that any farmland taken out of production for flood protection purposes as part of implementation of the SSIA may support recreational uses, and these uses may provide local and regional economic benefits. As stated in Master Response 7, 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. For additional details, see Master Response 7.

S_DFG1

	Commentor	Commentor Agency	Contact Email	Document	Chapter/ Section	Page No.	Comment	Proposed Modification
S_DFG1-01	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.1	2.2	Include a bullet on side channel development and similar description as other bullets.	see comment
S_DFG1-02	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.2	2.9	These floodplain processes also affect the surrounding upland species, so suggest the minor change to the second sentence of the paragraph: "These fundamental geomorphic processes influence the formation of floodplain topography, soils, and other floodplain dynamics to create a diverse mosaic of floodplain landforms of different age classes that support a mosaic of upland and riparian vegetation and different age classes."	see comment
S_DFG1-03	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	2.2.3	2.1	Last sentence says riparian and wetland habitat that still exist are primarily found between levees ("narrow strips along waterways"). It should be mentioned that these areas are subject to flood management activities and USACE veg policies (or at least life cycle management as proposed by the CVFPP)	see comment
S_DFG1-04	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	3	3.1	The supporting goal "Promote Ecosystem Functions" is too weak. It needs to be "Improve Ecosystem Functions" in the Conservation Framework (CF) and the Plan. It better represents the intent of the Central Valley Flood Protection Act of 2008. Which states: promote, improve and increase ecosystem function.	see comment
S_DFG1-05	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.8	Add a bullet to potential improvements that includes identification and acquisition of potential mitigation lands in strategic locations early, before they are needed (i.e.. Regional Advanced Mitigation Planning - RAMP) .	see comment
S_DFG1-06	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4	4.9	Table 4-1: Removal of dams and other structures is a huge opportunity for habitat improvement, and it should be mentioned for its positive ecological benefits.	see comment
S_DFG1-07	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.2	4.11	2nd paragraph talks about mitigation and mentions off-site mitigation. It should be mentioned that any mitigation (on or offsite) must provide in-kind compensation for impacts made.	see comment
S_DFG1-08	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.4	4.14	2nd bullet should also mention that this would create an opportunity for bank swallow habitat if banks are allowed to erode	see comment
S_DFG1-09	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.8	4.18	1st paragraph of section: This should state that new and replacement levees will be set back as far as feasible.	see comment
S_DFG1-10	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	4.2.15	4.24	The changes to weirs described in this section should also address fish stranding issues and propose ways to reduce or eliminate this impact.	see comment
S_DFG1-11	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.2	5.3	This says that mitigation incentives will be developed on a project by project basis. This seems to indicate that there is no broad, unified approach to mitigation and funding for the whole CVFPP. Project-by-project funding, conservation and mitigation for the CVFPP will ultimately be more expensive than a unified approach. DFG suggests that DWR develop a concrete strategy to account for the impacts from the CVFPP and stay ahead of those impacts with completion and funding of appropriate mitigation. DWR should be able to say in whole, or better yet on a section by section basis that all of the impacts in that area will be compensated for with all of the mitigation and other beneficial effects in that area.	see comment
S_DFG1-12	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.1	5.5	Add to end of the sentence: "and State law such as CEQA, CESA, and section 1600 et seq. of the Fish and game Code.	see comment
S_DFG1-13	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4	5.4	1st paragraph of section 5.4 describes the vegetation management approach as one that will "protect and improve habitat" within the levee system. Life Cycle management will not protect and improve habitat if it is carried out as proposed and mitigated primarily on the landside toe of levees. LCM leads to the eventual elimination of all woody vegetation on the landside, crown, and upper waterside slopes of the levees. It is better for the environment than complete removal of vegetation as required by the USACE's ETL, but it still will cause substantive and possibly unmitigable impacts as it is currently described in the Plan and the CF.	see comment
S_DFG1-14	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.13	With regards to vegetation management (e.g. thinning or trimming) on levees: Management of this vegetation could exacerbate conditions for some species, particularly neotropical migratory birds that are prone to cowbird parasitism and/or that nest below five feet elevation. This needs to be acknowledged (i.e. the tradeoff in keeping vegetation, but making conditions potentially worse for some species).	see comment
S_DFG1-15	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.4.3	5.17	Endangered Species Act Compliance, first paragraph or section should also discuss the California Endangered Species Act and species that are only State listed such as the Swainson's hawk. The 1st paragraph is also very fish-centric and, other than the list of species in the first sentence, does not focus on terrestrial species. Swainson's hawk, Western burrowing owl, and riparian brush rabbit are a few examples of terrestrial species that may have a lot of impacts associated with loss of habitat and possibly direct take. This section should include a discussion of some key (most likely to be impacted) terrestrial species that occur in the planning area along with elements for protection and recovery.	see comment

S_DFG1-16	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6	5.21	The section on Regional Conservation Planning should also include potential use of Safe Harbor Agreements (federal, via USFWS, and state, via CDFG) and the ongoing efforts of groups like the Sacramento River Conservation Area Forum, the Sacramento River Watershed Program, CVPIA programs, and the efforts of resource conservation districts and watershed groups. Most of the watersheds in the upper Sacramento River, at least, have watershed assessments and management plans, some of which that address management of flooding.	see comment
S_DFG1-17	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.1	5.22	"This analysis identifies floodplain areas, both directly connected to the river and disconnected from the river (e.g., behind natural or built levees or other flow obstructions) that could be inundated by biologically meaningful floodplain flows." It should be considered that fish biologic needs/issues (i.e.. connectivity, predation, stranding) may not be met by such "...biologically meaningful floodplain flows."	see comment
S_DFG1-18	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	5.6.6	5.28	It is stated that DWR will collaborate with the NMFS Central Valley Anadromous Fish Recovery Plan. But, no fish species are listed for targeted planning under the heading: "Examples of species in the Central Valley that are suitable for this more targeted conservation planning include the following:".	see comment
S_DFG1-19	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.1	"Ecological Indicators" It would be very helpful to go into greater detail on how these "projects" will be monitored and how we'll measure "success" of a project (or set of projects). There is some mention of monitoring, however, there are many levels of work proposed over a long period of time and having some measure of success via monitoring would help "close the loop" on the projects.	see comment
S_DFG1-20	Compiled by Gina Ford	California Department of Fish and Game	gford@dfg.ca.gov	CVFPP Attachment 2: Conservation Framework	6.1	6.2	Last bullet under Habitat quantity should include dense riparian forest for yellow-billed cuckoo and other neotropical migrants	see comment

California Department of Fish and Game, Gina Ford (Excel file)

Response

DWR appreciates DFG taking the time to review and comment on the CVFPP and DPEIR. Many of the changes requested would provide good clarification in some cases and improvements to the CVFPP Conservation Framework. However, no changes will be made to the Conservation Framework because it is a higher level document that identifies some conceptual opportunities for multi-benefit projects in the CVFPP. As the CVFPP progresses in the post-plan adoption phase, DWR is developing a more comprehensive Conservation Strategy. DWR appreciates DFG's current participation in the development of the Conservation Strategy and is depending on DFG's continued participation.

All comments provided in comment letter S_DFG1 relate to the CVFPP Conservation Framework (included as Volume I, Attachment 2 to the CVFPP). The comments 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.

S_DFG1-01

The bullet list provided on page 2.2 is intended to provide examples of major premises underlying the Conservation Framework. It is not intended to be an all-inclusive list. In addition, side channel development, although important, would not fall in the category of a "major premise." The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-02

Although the suggested changes could enhance the referenced text, the changes are not critical to the clarity or effectiveness of the CVFPP. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-03

The text referenced in the comment is part of Section 2.2, "Historical Pressures and Changes." The section is intended to focus on the effects of past activities, not existing or future actions. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-04

A great deal of effort and coordination was put into the descriptions of the supporting goals, balancing input from multiple stakeholders. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-05

The bullet list identified in the comment is not simply a bullet list of concepts but is a list of items discussed in more detail elsewhere in the Conservation Framework. Adding an item to the list would require corresponding, additional text elsewhere in the document. The concept of early acquisition or mitigation lands is already incorporated into various elements of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-06

Removal of dams and similar structures is not a proposed component of the CVFPP or the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-07

The suggested text is at a greater level of detail than would be appropriate for the general descriptions and information provided on page 4.11. The concept of mitigation providing in-kind compensation for impacts is included in biological resources mitigation measures (aquatic and terrestrial) in the DPEIR. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-08

Mentioning benefits to a particular species would be a greater level of detail than would be appropriate for the general descriptions and information provided in this portion of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-09

Multiple factors influence the selection of an optimal location for a setback levee, such as hydrology, geomorphology, geology of underlying soils, land uses, property ownership, environmental impacts, and cost. It would not be appropriate to provide the criterion of setting back levees “as far back as feasible” as a single guiding factor in location selection. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-10

Providing mitigation for a particular activity would be a greater level of detail than would be appropriate for the general descriptions and information provided in this portion of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-11

The Conservation Framework provides a basis to implement ecological restoration above and beyond project by project mitigation. In the DPEIR, Mitigation Measure BIO-A-2b (NTMA), "Ensure Full Compensation for Losses of Riparian Habitat Functions and Values Caused by Implementing the Vegetation Management Strategy Along Levees," calls for establishment of compensatory habitat ahead of impacts generated by the VMS and LCM (see DPEIR Section 3.5, "Biological Resources—Aquatic"). The comment is noted.

S_DFG1-12

Although the suggested changes could enhance the referenced text, the changes are not critical to the clarity or effectiveness of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-13

Although LCM would remove levee vegetation, as described in the comment (and as identified in the DPEIR in Section 3.5, "Biological Resources—Aquatic," and Section 3.6, "Biological Resources—Terrestrial"), the sentence in question relates to the entire VMS and not just LCM. DWR anticipates that when implemented in its entirety, including elements to preserve, enhance, and restore riparian habitat, the VMS will "protect and improve habitat" within the SPFC. The comment is noted.

S_DFG1-14

Impacts on biological resources resulting from implementation of the VMS (in particular, LCM) are addressed in the DPEIR in Section 3.5, "Biological Resources—Aquatic," and Section 3.6, "Biological Resources—Terrestrial." See Impacts BIO-A-2 (NTMA and LTMA) and BIO-T-7 (NTMA and LTMA) of the DPEIR. Trimming of the lower tree canopy on levees has been implemented for many years as part of normal levee maintenance, to allow visibility on the levee surface during floodfighting efforts and, in many locations, the absence of lower tree branches is part of the existing condition. The comment is noted.

S_DFG1-15

The referenced section of the Conservation Framework mentions the CESA and riparian brush rabbit. Although the suggested changes could enhance the referenced text, the changes are not critical to the clarity or effectiveness of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-16

Although the suggested changes could enhance the referenced text, the changes are not critical to the clarity or effectiveness of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-17

The text in question is a general description of the floodplain restoration opportunity analysis that was conducted by the State. Consistent with the very general level of the discussion, the statement that "potential effects on other species" would be considered would encompass both potential positive and negative effects on fish. Both positive and negative effects on fish species from existing and potential future actions are considered in multiple locations throughout the Conservation Strategy. The comment is noted.

S_DFG1-18

The comment brings up a minor inconsistency in the text of the Conservation Strategy. Although this inconsistency could be corrected by adding one or more fish species to the bullet list on page 5-28, or by referencing a recovery plan that applies to a terrestrial species, these changes would only enhance the referenced text; the changes are not critical to the clarity or effectiveness of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-19

Providing specific information on monitoring efforts and success criteria would be a greater level of detail than would be appropriate for the general descriptions and information provided in this portion of the Conservation Framework. In addition, as stated on page 6-1:

The process to develop the 2017 Conservation Strategy will identify a more refined set of indicators of conservation-related progress. In the interim, the State is committed to developing baseline information that will be used to

develop and track possible ways that progress toward achieving conservation goals can be measured.

The comment is noted; however, no change to the current version of the Conservation Framework was made.

S_DFG1-20

Mentioning benefits to a particular species would be a greater level of detail than would be appropriate for the general descriptions and information provided in this portion of the Conservation Framework. The comment is noted; however, no change to the current version of the Conservation Framework was made.

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942874, MS-32
SACRAMENTO, CA 94274-0001
PHONE (916) 653-1067
FAX (916) 653-4570
TTY 711
www.dot.ca.gov/hq/tpp/

Flex your power!
Be energy efficient!

S_DOT1

April 17, 2012

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

2012 Central Valley Flood
Protection Plan - DPEIR
SCH# 2010102044

Dear Ms. Hadden:

S_DOT1-01 The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Draft Program Environmental Impact Report (DPEIR) Executive Summary for the 2012 Central Valley Flood Protection Plan (CVFPP). The CVFPP is intended to guide California's participation in managing flood risk along the Sacramento River and San Joaquin River systems.

The Department's Local Development-Intergovernmental Review (LD-IGR) Program is your partner in stewardship of the public interest, our part of which are the present and future mobility needs of California. We offer the following comments at this time:

S_DOT1-02
- As specific near term management activities (NTMA) and specific long term management activities (LTMA) are developed, Caltrans would like to review individual proposed NTMAs or LTMAs such as proposed actions to widen waterways by moving/building levees to determine if there are any impacts to Caltrans highways and associated drainage facilities.

S_DOT1-03
- Page 3.19-11 of the Draft Program EIR, Transportation and Traffic section does not acknowledge the bus service (the South County Transit's Delta Route) serving the community of Isleton. A discussion on this transit service should be included.

S_DOT1-04 ***Sea Level Rise***

The effects of sea level rise will have impacts on all modes of transportation located along the Sacramento River and San Joaquin River systems. Executive Order S-13-08 directs State Agencies planning construction projects in areas vulnerable to sea level rise to begin planning for potential impacts by considering a range of sea level rise scenarios for the years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect material durability, lead to increased groundwater levels and change sediment movement along shores and at estuaries and river mouths, as well as affect soil pore pressure at dikes and levees on which transportation facilities are constructed. All these factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans.

For guidance pertaining to the development of Project Initiation Documents and how to incorporate sea level rise concerns, please refer to Caltrans Guidance of Incorporating Sea Level Rise: (http://www.dot.ca.gov/hq/tpp/offices/orip/Updated_Climate_Change/Documents/Sea_Level_Guidance_May2011.pdf)

S_DOT1-05 ***Traffic Management Plan***

If it is determined that traffic restrictions and pedestrian / bicycle detours are needed, a Transportation Management Plan or construction traffic impact study may be required by the developer for approval by the lead agency and the Department prior to construction. The plans shall be prepared in accordance with the Department's *Manual of Traffic Controls for Construction and Maintenance Work Zones*, which begins as follows: "During any time the normal function of a roadway is suspended, temporary traffic control planning must provide for continuity of function (movement of traffic, pedestrians, bicyclists, transit operations, and access to property/utilities)." Further information is available on the following website: http://www.dot.ca.gov/hq/traffops/signtech/signdel/trafficmanual.htm

S_DOT1-06 ***Encroachment Permit***

Please be advised that any work or traffic control that encroaches on State right-of-way (ROW) requires an encroachment permit issued by the Department. Further information is available on the following website: http://www.dot.ca.gov/hq/traffops/developserv/permits/ .

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the Encroachment Permits office in the appropriate Caltrans District to ascertain whether such a permit will be required. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Enclosed for your reference is a map of the Caltrans Districts and Counties within California, providing contact information for each District's Encroachment Permits office.

For questions regarding this comment letter please contact Josh Pulverman, LD-IGR Statewide Coordinator, Office of Community Planning at (916) 653-0808, or at josh_pulverman@dot.ca.gov.

Sincerely,

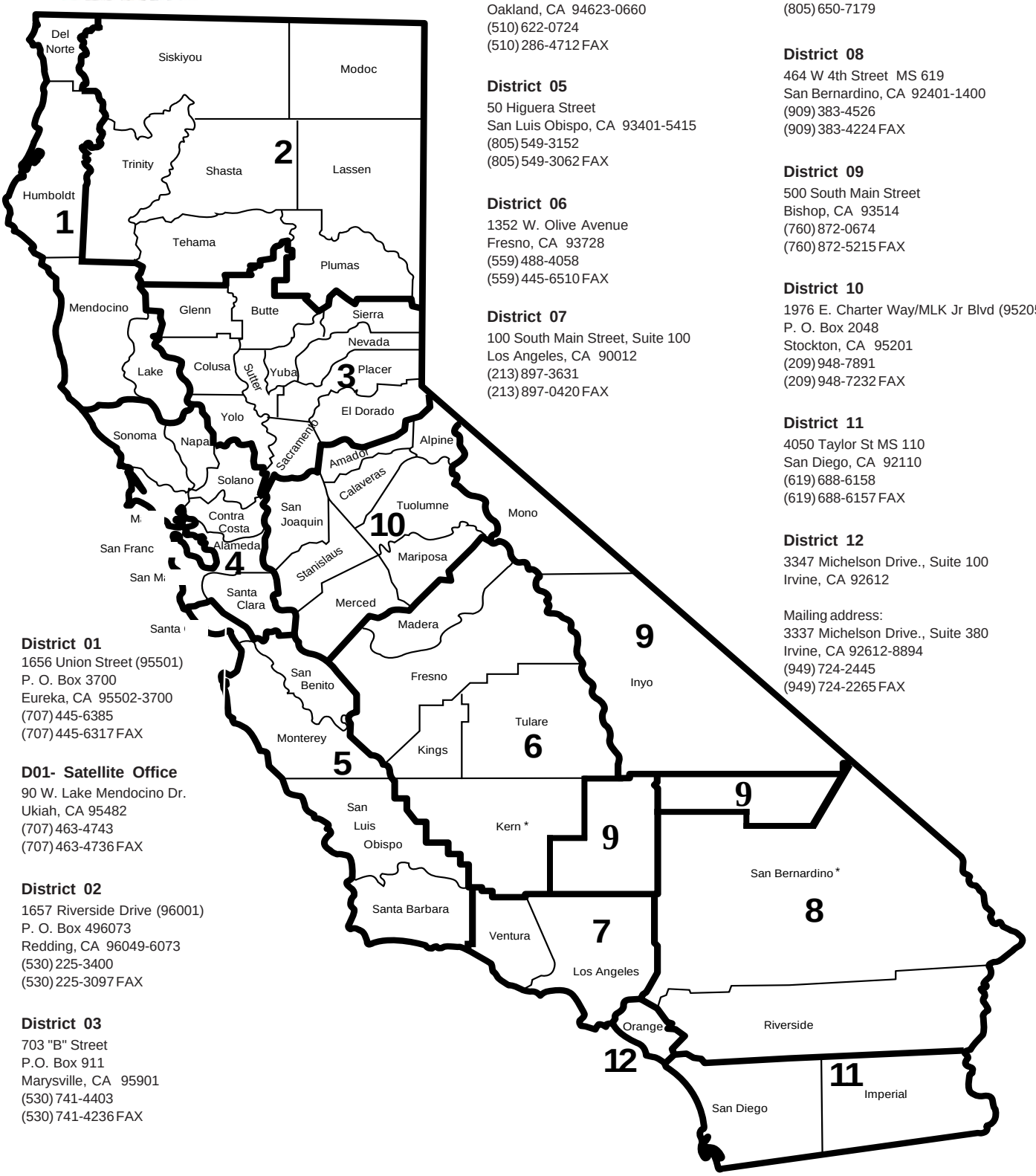
Terri Pencovic
Branch Chief, Office of Community Planning
LD-IGR Statewide Program Manager

c: Scott Morgan, State Clearinghouse
Jim Calkins, Caltrans District 3, Traffic Operations
Laura Pennebaker, Caltrans District 3, Office of Transportation Planning
Sinarath Pheng, Caltrans District 10, Office of Metropolitan Planning

Attachment

APPENDIX G

District Encroachment Permit Offices



District 01
1656 Union Street (95501)
P. O. Box 3700
Eureka, CA 95502-3700
(707) 445-6385
(707) 445-6317 FAX

D01- Satellite Office
90 W. Lake Mendocino Dr.
Ukiah, CA 95482
(707) 463-4743
(707) 463-4736 FAX

District 02
1657 Riverside Drive (96001)
P. O. Box 496073
Redding, CA 96049-6073
(530) 225-3400
(530) 225-3097 FAX

District 03
703 "B" Street
P.O. Box 911
Marysville, CA 95901
(530) 741-4403
(530) 741-4236 FAX

District 04
111 Grand Avenue, 6th Floor
P. O. Box 23660
Oakland, CA 94623-0660
(510) 622-0724
(510) 286-4712 FAX

District 05
50 Higuera Street
San Luis Obispo, CA 93401-5415
(805) 549-3152
(805) 549-3062 FAX

District 06
1352 W. Olive Avenue
Fresno, CA 93728
(559) 488-4058
(559) 445-6510 FAX

District 07
100 South Main Street, Suite 100
Los Angeles, CA 90012
(213) 897-3631
(213) 897-0420 FAX

D07 - Satellite Office
950 County Square Drive, Suite 112
Ventura, CA 93003
(805) 650-7179

District 08
464 W 4th Street MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
(909) 383-4224 FAX

District 09
500 South Main Street
Bishop, CA 93514
(760) 872-0674
(760) 872-5215 FAX

District 10
1976 E. Charter Way/MLK Jr Blvd (95205)
P. O. Box 2048
Stockton, CA 95201
(209) 948-7891
(209) 948-7232 FAX

District 11
4050 Taylor St MS 110
San Diego, CA 92110
(619) 688-6158
(619) 688-6157 FAX

District 12
3347 Michelson Drive., Suite 100
Irvine, CA 92612

Mailing address:
3337 Michelson Drive., Suite 380
Irvine, CA 92612-8894
(949) 724-2445
(949) 724-2265 FAX

* Eastern Kern County and Northern San Bernardino County fall under D09's jurisdiction. Please contact the office if you have any questions.

California Department of Transportation

Response

S_DOT1-01

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

S_DOT1-02

As stated in Master Response 14, multiple comments were received during the public review processes for the draft CVFPP and DPEIR regarding CVFPP post-adoption activities, including the regional planning process, basin-wide feasibility studies, the federal role, future coordination with other planning efforts, and project-level proposals and environmental compliance.

Elements of the CVFPP and DPEIR, including NTMAs and LTMAs, 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 and permitting agency review will be conducted before implementation of any projects stemming from the CVFPP. As site-specific projects are proposed as part of the CVFPP, all responsible agencies under CEQA, including Caltrans, will be included in the CEQA process to determine impacts on Caltrans highways and associated drainage facilities, as necessary.

For additional details, see Master Response 14.

S_DOT1-03

The comment points out a transit agency not discussed in the DPEIR. The text has been corrected as requested by the commenter as shown in Chapter 4.0, “Errata.”

S_DOT1-04

As stated in Master Response 14, elements of the CVFPP and the DPEIR 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 and permitting agency review will be conducted before implementation of any projects resulting from the CVFPP.

In the long term, sea level rise would have the potential to disrupt or damage transportation facilities. For the program level of analysis in the DPEIR, the changes in the transportation system are conceptual. As project details are developed, the types of evaluations raised by this comment, such as geotechnical and hydrological studies, would be conducted as necessary and would consider the effects of sea level rise as appropriate to the type of project. Caltrans' guidance document, "Caltrans Guidance of Incorporating Sea Level Rise," would be used as necessary for analyses affecting Caltrans transportation facilities.

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. An overview of potential climate change effects on the Central Valley flood management

system is 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 includes 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. For additional details, see Master Response 17.

S_DOT1-05

The potential for traffic disruption was addressed in the DPEIR relative to the conceptual nature of the CVFPP. The potential for detours during construction is addressed in Impact TRN-1 with the associated mitigation measure requiring that a TMP be developed consistent with Caltrans and local jurisdiction requirements. At this conceptual level of program review, a specific TMP cannot be defined, but would be at the time site-specific projects are proposed. 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 CVFPP projects. For additional details, see Master Response 14.

S_DOT1-06

It is anticipated that encroachment permits for work or traffic control within State right-of-way will not be needed from Caltrans until preliminary design and construction phases of specific projects are proposed. Any necessary applications and approvals will be sought at that time. The comment is noted. See also response to comment S_DOT1-02.

S_DSC1

DELTA STEWARDSHIP COUNCIL
A California State Agency

980 Ninth St., Suite 1500
Sacramento, California 95814
www.DeltaCouncil.ca.gov
(916) 445-5511

April 25, 2012

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue
Room 151
Sacramento, CA 95821

Mr. Mark Cowin, Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

RE: COMMENTS ON THE DRAFT CENTRAL VALLEY FLOOD PROTECTION PLAN

Dear Mr. Punia and Mr. Cowin:

S_DSC1-01

The Delta Stewardship Council appreciates the opportunity to comment on the draft Central Valley Flood Protection Plan (CVFPP). As you know, we are also undertaking a planning effort, initiated by the Delta Reform Act (2009) which charged the Council with developing a comprehensive management plan for the Delta (Delta Plan). The Act sets forth as state policy the achievement of the coequal goals of water supply reliability and ecosystem restoration (Water Code Section29702), along with the inherent objective of reducing risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection (Water Code Sec. 85020(g)). The Act directs the Council to consult with the Central Valley Flood Protection Board (Board) and to recommend in the Delta Plan priorities for state investments in levee operations, maintenance, and improvements in the Delta, including both levees that are part of the State Plan of Flood Control (SPFC) and nonproject levees (Water Code Sec. 85306). The Council may also incorporate other completed plans related to the Delta into the Delta Plan to the extent they promote the coequal goals. Our review of the CVFPP emphasized understanding how the CVFPP will support the Council's responsibility to address Delta flood risk reduction, further the coequal goals, and align with the Delta Plan.

S_DSC1-02

Overall, we found the draft CVFPP and its accompanying documentation useful and supportive of the direction of the Central Valley Flood Protection Act. In reviewing the draft CVFPP, we looked with particular interest at the potential benefits and impacts to the Delta that may be envisioned when the CVFPP is adopted by the Board. As drafted, the CVFPP addresses flood protection for those areas of the Sacramento and San Joaquin River systems protected by the facilities of the SPFC, which includes approximately one-third of the Delta. We support the CVFPP's proposals to improve urban levees here, which can

reduce flood risk in Stockton, Sacramento and West Sacramento. The CVFPP's proposal to create a new bypass on the San Joaquin River near Paradise Cut is also consistent with recommendations of the draft Delta Plan. The CVFPP's proposal to expand the Yolo Bypass, if properly designed and operated, can aid the ecosystem restoration project there that the draft Delta Plan recommends.

S_DSC1-03

CVFPP proposals outside the Delta can also aid in attaining Delta Plan objectives. The expanded Sacramento Valley bypasses that the CVFPP proposes could improve water supply reliability by expanding the flexibility of operations for Shasta, Oroville, and other multipurpose reservoirs, with potential benefits for water supplies, hydropower, and the environment as well as flood management. Setting back levees, where feasible, can improve migratory corridors for salmon, songbirds, and other wildlife that migrate through the Delta to areas along the Sacramento and San Joaquin Rivers and their tributaries.

S_DSC1-04

Two thirds of the Delta as well as Suisun Marsh lay outside of the CVFPP planning area but within the area of concern for the Delta Plan. Therefore, the Council takes a keen interest in how the potential implementation of the CVFPP may affect the flood risk for the Delta in its entirety. We look forward to working with you as you evaluate how specific projects may affect Delta areas outside of the CVFPP planning area so that any potential indirect impacts to the Delta can be avoided or mitigated.

S_DSC1-05

The initial portion of the comments attached to this letter are mainly in response to the identified "preferred approach" set forth in the CVFPP, namely the State Systemwide Investment Approach (SSIA). The second portion contains comments prepared by the Delta Science Program specifically directed at the Conservation Framework and the Draft Program Environmental Impact Report (DPEIR).

S_DSC1-06

We look forward to the development of the proposed SSIA in further detail so that we can better understand how its specific actions may impact the Delta, and anticipate working with your staff to ensure our program's goals remain in alignment. We would also be happy to meeting with the Board to discuss our role, interests and objectives in this matter. If you have any questions, please don't hesitate to contact the Delta Stewardship Council's Carl Lischeske at (916) 445-5891.

Sincerely,

P. Joseph Grindstaff
Executive Officer

S_DSC1-07

The following comments are organized as follows: the first portion addresses the SSIA, and the second portion addressing the Conservation Framework and the DPEIR, which were prepared by the Delta Science program.

S_DSC1-08

1. **State Systemwide investment Approach**

- **Urban flood risk reduction**: Consistent with the Central Valley Flood Protection Act of 2008 (SB5), the SSIA proposes urban areas within the SPFC be upgraded to receive protection from the 200-year flood. Within the Delta, there are urban areas not within the SPFC that will require upgrading to the 200-year protection level in the Stockton area. The SSIA indicates approximately 120 miles of urban, non-SPFC levees exist, and their upgrade to the 200-year level of flood protection would require approximately $1.2 billion (2011 dollars). We encourage the Department of Water Resources (DWR) and the Board to include the non-SPFC facilities in the plan to conform to the 200-year standard.

S_DSC1-09

- **Delta Legacy Communities**: The SSIA indicates that the State will evaluate investments to preserve small community development alternatives. Within the Delta, there are a number of Legacy Communities where the draft Delta Plan encourages appropriate growth and sustainability. We encourage DWR and the Board to further define and address the flood risks affecting the Delta's Legacy Communities, which contribute to the unique cultural and recreational values that the Delta Plan seeks to protect and enhance (Water Code Sec. 85020(b)). Recommendations about both levee improvements and non-structural hazard mitigation measures would be welcome.

S_DSC1-10

- **Future floodway designation**: The SSIA calls for the potential expansion of floodways, also called for in Water Code Sec. 9614(a)(12). The Council supports the further investigation and identification of potential floodway locations by the Board, including within the Delta, that both enhance flood risk reduction and improved ecosystem functionality. The Council's draft Delta Plan recommends that DWR and the Board evaluate whether additional areas both within and upstream of the Delta should be designated as floodways.

S_DSC1-11

- **Funding Prioritization:** The scope of the SSIA and its potential estimated costs will likely necessitate a prioritization of State expenditures. The Delta Reform Act also called for the Council to prioritize State investments in Delta levee operation, maintenance, and improvements. We encourage DWR and the Board to further address how a prioritization methodology might be developed and applied in order to ensure that the provision of State funds to Delta levees occurs in a manner consistent with the goals of the Delta Plan. These are summarized below:

    - Urban Flood Risk Reduction: Continue focus on ensuring that the 200-year level of flood protection be the minimum level of flood protection for urban and urbanizing areas in the Delta (Water Code section 9600 et seq.).

- Freshwater Pathway Protection:
  - Improve levees which protect freshwater aqueducts passing through the Delta.
  - Improve levees and flood management facilities that protect the primary freshwater channel pathways through the Delta.
- Achieve HMP: Improve those Delta levees not specifically planned for ecosystem restoration activities to the FEMA Hazard Mitigation Plan (HMP) guidance level.
- Delta Levee Maintenance: Continue to fund and implement DWR's Delta Levees Subventions Program in order to maintain Delta levee conditions.

S_DSC1-12

- **Setback levee criteria**: Within the draft Delta Plan, the Council calls on the Department of Water Resources (DWR) and the Board to recommend criteria for future setback levees. We encourage DWR to develop such criteria in a manner that both addresses flood risk reduction and ecosystem enhancement in the SSIA.

S_DSC1-13

- **Redirected impacts**: As highlighted in the SSIA, there are several proposed bypass expansions that would likely improve flood carrying capacity into the Delta. These include the expansion of the Yolo, Sutter, and Sacramento Bypasses, as well as the development of two new bypasses: (1) from the Feather River to Butte Basin, and (2) in the vicinity of the Lower San Joaquin River/Paradise Cut area. The Council supports a Lower San Joaquin River bypass, and agrees that the Yolo Bypass should not be encroached upon. Another concern of the Council is whether the flood control system within the Delta will be able to withstand the proposed upstream flood system improvements. While initial modeling appears to indicate minimal flood stage changes within the Delta with the proposed SSIA, it is important that upstream improvements to the flood management system also take into account the effects on the downstream Delta facilities that are not part of the SPFC. Such redirected impacts may necessitate additional considerations for the maintenance and upgrades of non-SPFC in-Delta facilities. Although the SSIA only addresses those areas protected by SPFC facilities, DWR and the Board should consider the impacts on a systemwide basis by including non-SPFC facilities in its analysis.

S_DSC1-14

- **Liability**: Of concern to the Council is the risk of expanding the State's flood risk liability. As the risks of levee failure and corresponding damage increase, California's courts have generally exposed public agencies and the State specifically, to significant financial liability for flood damages. Therefore, the Council believes the Legislature should investigate the opportunity to revise the Government Code to limit recovery of damages from the State due to flooding. We encourage DWR and the Board to use the Central Valley Flood Protection Planning process to address issues relating to minimizing the State's liability.

S_DSC1-15

- **Beneficiary assessment**: As stated within the draft CVFPP, "The intent of the CVFPP is to support equitable distribution of project costs among beneficiaries ..."(page 4-37). Within the draft Delta Plan, we also support the beneficiary-pays principle, and propose a Delta regional entity with fee authority to assess those who directly benefit from flood risk reduction projects. We encourage DWR and the Board to work with the Council to determine an equitable method for apportioning costs to all entities that benefit from flood risk reduction facilities within the Delta. These include public agencies and private companies with infrastructure and facilities located in the Delta (e.g. electrical transmission lines; water, oil and gas conveyance facilities, and transportation corridors).

S_DSC1-16

Emergency Preparedness, Response, and Recovery: DWR's Delta Flood Emergency Preparedness, Response, and Recovery Program (EPRRP) is being prepared under the FloodSAFE Initiative, and will provide for a specific plan to guide emergency flood related actions, a multi-agency coordination plan, and implementation of response facilities in the Delta. It would be useful for the CVFPP to identify its relationship to the EPRRP, as well as how it plans to monitor the development of county's flood emergency plans per Water Code Section 9621.The Delta Science Program reviewed the Conservation Framework and the Draft Programmatic Environmental Impact Report (DPEIR) with a focus on the potential impacts of the SSIA implementation actions and potential redirected impacts on the Delta; specifically the CVFPP environmental impacts on Biological Resources, Climate Change and Greenhouse Gas Emissions, Groundwater Resources, Hydrology, and Water Quality.

S_DSC1-17

Conservation Framework

The Delta Science Program reviewed the Conservation Framework in order to understand and highlight its relationship and potential implications to the Delta Plan. Their comments are presented below.

S_DSC1-18

General Comments

- Overall, the CVFPP Conservation Framework presents thorough, relevant and up-to-date background information regarding current conditions within the study area.

S_DSC1-19

- We support the Framework vision for future flood protection and feel that it complements related Delta Plan policies and recommendations. It presents a broad level overview of the flood ecosystem, including identification of stressors and management responses to these stressors, the importance of ecosystem processes to sustaining habitat and species, and the historical, current, and expected future status and trends of this ecosystem

S_DSC1-20

- While the information provided is at the framework level, we recommend including descriptions of future scenarios and desired conditions, and an outline of steps to achieve those.

S_DSC1-21

- We support the discussion of the importance of bypass system expansions and setback levees and recommend including framework level criteria for site selection for future projects.

S_DSC1-22

- We recommend expanding the integration of climate change and sea level rise effects in the adaptation strategies.

S_DSC1-23

- In general, we support the proposed adaptive management framework and the importance of the integration of science, monitoring, outreach and coordination. We recommend coordination with the Council on development and implementation of the adaptive management program.

S_DSC1-24

- We support the inclusion of indicators of success and the use of the ecological and planning indicators, and recommend coordination with the Council on further development and implementation of administrative, driver and outcome performance measures.

S_DSC1-25

- We recommend including discussions on specific aspects of the SSIA as they relate to the Delta, including relationships and potential redirected impacts of CVFPP and SSIA implementation actions on the Delta.

S_DSC1-26

Draft Programmatic Environmental Impact Report

General Comments:

- Overall the sections present thorough, relevant and up-to-date background information regarding current conditions within the study area.

S_DSC1-27

- In general, discussions of CVFPP related actions and associated impacts of the SSIA on biological resources, water quality, hydrology, etc., and pertinent rules and regulations that would need to be followed are generally clear for a programmatic level review.

S_DSC1-28

- We recommend expanded use of cross references. This would allow for easier identification of interrelated issues across the different sections.

S_DSC1-29

- The 2009 Delta Reform Act is not addressed in the Regulatory Setting sections of the DPEIR. We recommend incorporating a discussion of the 2009 Delta Reform Act and the policy implications associated with the Delta Plan.

S_DSC1-30

- We recommend close coordination with the Council in the SSIA implementation process (coordination with the Council mentioned in the actual CVFPP but not the DPEIR).

S_DSC1-31

- We suggest that prior to finalizing a vegetation management strategy (e.g., gradually clear levees of woody vegetation) that DWR work with the Department of Fish and Game and the Army Corps of Engineers to develop and execute an agreed-upon variance process to exempt Delta levees from the Army Corps of Engineers' levee vegetation policy where appropriate.

S_DSC1-32

- We suggest that when evaluating levee alternatives, options such as setback levees be considered to increase the extent of floodplain and riparian habitats.

S_DSC1-33

Aquatic Resources

- We recommend including a discussion on the potential effects of, and redirected adverse impacts from, upstream bypass and floodplain expansions and other SSIA implementation actions on the resources of the Delta, including hydrology (changed rates and inflow locations), sediment dynamics, water quality (nitrate leaching, mercury methylation), etc.

S_DSC1-34

Geology, Soil and Seismicity

- We recommend that you consider expanding the discussion on increasing stress on Delta levees in light of continued subsidence of organic Delta soils.

S_DSC1-35

Hydrology

- We recommend you consider addressing the relationships between potential changes in reservoir operations and downstream changes in channel morphology including timing, frequency, magnitude and velocity of flows and potential impacts on water supply (beyond referring to groundwater banking).

S_DSC1-36

Water Quality

- We recommend that additional evidence be provided for the statement that reservoir operational changes would be of a "limited nature", which is the basis for determining that "adverse effects would likely be minor".

S_DSC1-37

- We suggest that additional discussion and evidence for statements regarding potential benefits of cold water releases from reservoir operation changes and potential impacts of warmer temperatures unfavorable to fish be provided.

S_DSC1-38

- While floodplain inundation may allow for the settling of sediments and contaminants, which could improve downstream water quality, we are concerned that this would only provide a temporary benefit, as subsequent flooding could re-suspend previously deposited contaminants. Therefore we recommend augmenting this discussion, including the addition of monitoring and adaptive management strategies.

S_DSC1-39

Climate Change and Greenhouse Gas Emissions

- In general, the discussion of climate change and the plans to forecast hydrology are well done. You may also want to consider the information contained in the following references if you have not already done so:

Cloern, J., N. Knowles, L. Brown, D. Cayan, M. Dettinger. 2011. Projected Evolution of California's San Francisco Bay-Delta-River System in a Century of Climate Change. PLoS ONE 6(9): e24465. doi:10.1371/journal.pone.0024465.

Feyrer, F., Newman, K., Nobriga M., and T. Sommer. 2011. Modeling the effects of future outflow on the abiotic habitat of an imperiled estuarine fish. Estuaries and Coasts 34:120-128.

Mount J, Twiss R. 2005. Subsidence, sea level rise, seismicity in the Sacramento-San Joaquin Delta. San Francisco Estuary and Watershed Science. Vol. 3, Issue 1 (March 2005), Article 5. http://repositories.cdlib.org/jmie/sfews/vol3/iss1/art5.

Porter, Keith, Wein, Anne, Alpers, Charles, Baez, Allan, Barnard, Patrick, Carter, James, Corsi, Alessandra, Costner, James, Cox, Dale, Das, Tapash, Dettinger, Michael, Done, James, Eadie, Charles, Eymann, Marcia, Ferris, Justin, Gunturi, Prasad, Hughes, Mimi, Jarrett, Robert, Johnson, Laurie, Dam Le-Griffin, Hanh, Mitchell, David, Morman, Suzette, Neiman, Paul, Olsen, Anna, Perry, Suzanne, Plumlee, Geoffrey, Ralph, Martin, Reynolds, David, Rose, Adam, Schaefer, Kathleen, Serakos, Julie, Siembieda, William, Stock, Jonathan, Strong, David, Sue Wing, Ian, Tang, Alex, Thomas, Pete, Topping, Ken, and Wills, Chris; Jones, Lucile, Chief Scientist, Cox, Dale, Project Manager, 2011, Overview of the ARkStorm scenario: U.S. Geological Survey Open-File Report 2010-1312, 183 p. and appendixes [http://pubs.usgs.gov/of/2010/1312/].

Delta Stewardship Council, P. Joseph Grindstaff

Response

S_DSC1-01

The comment provides background information on the Delta Stewardship Council and the Delta Plan. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

The comment raises the topic of coordination between the Delta Plan and the CVFPP. Master Response 14 provides relevant information on this topic from the perspective of the CVFPP. As stated in Master Response 14, as part of post-adoption activities, the Board and DWR will continue to work collaboratively with local, State, and federal agencies, environmental interests, and other parties to develop regional flood management plans and further refine the proposed elements of the SSIA.

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

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

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 criterion 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. For additional details, see Master Response 14.

S_DSC1-02

The comment acknowledges consistencies between the CVFPP and the Delta Plan. DWR and the Board appreciate the Delta Stewardship Council's acknowledgement of the opportunities for the CVFPP to support the Delta Plan. 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.

S_DSC1-03

The comment identifies mechanisms by which the CVFPP can assist with attainment of Delta Plan objectives. As stated above, DWR and the Board appreciate the Delta Stewardship Council's acknowledgement of the opportunities for the CVFPP to support the Delta Plan. 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.

S_DSC1-04

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

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

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

The issue of indirect impacts to the Delta such as potentially redirecting hydraulic impacts is also addressed in the DPEIR under Impact HYD-2 (NTMA), Impact HYD-4 (NTMA), Impact HYD-2 (LTMA), and Impact HYD-4 (LTMA) in Section 3.13, "Hydrology." As indicated in these impact discussions, any project proponent implementing a project consistent with the SSIA that would affect flood stage elevations would need to obtain various applicable permits before project implementation (such as Section 408 and 208.10 authorizations from USACE and encroachment permits from the Board). The project proponent would need to analyze the potential for the project to locally impede flow or transfer flood risk by causing changes in river velocity, stage, or cross section. Projects would not be authorized if changes in water surface elevation, and thus flooding potential, would increase above the maximum allowable rise set by these agencies. If the design of a project would result in an unacceptable increase in flooding potential, a project redesign or other mitigation would be required to meet agency standards before the project could be authorized and implemented. For additional details, see Master Response 11.

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

For additional details, see Master Responses 13 and 14. The Delta Stewardship Council is encouraged to participate in post-adoption activities described above.

S_DSC1-05

The comment provides a transition between the first part of the letter and subsequent comments attached to the letter. The comment does not raise specific questions or information regarding the CVFPP or the adequacy of the environmental analysis provided in the DPEIR, nor does the comment specify additional information needed or particular insufficiencies in the DPEIR. The comment is noted.

S_DSC1-06

See response to comment S_DSC1-04, above, and Master Responses 13 and 14.

S_DSC1-07

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

S_DSC1-08

As indicated in the comment, the SSIA includes approximately 120 miles of urban, non-SPFC levees. The information in the comment regarding the SSIA is accurate. 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.

S_DSC1-09

DWR and the Board are aware that there are a number of legacy communities that receive at least a portion of their flood protection from SPFC facilities. The SPFC facilities providing protection to these communities will be evaluated during CVFPP post-adoption activities in the same manner as other SPFC facilities. See response to comment S_DSC1-04, above, for anticipated post-adoption activities, including regional planning efforts. The Delta Stewardship Council and representatives from legacy communities are encouraged to participate in these post-adoption activities.

S_DSC1-10

The comment expresses support for the expansion of floodways called for in the SSIA. DWR and the Board appreciate the Delta Stewardship Council's statement of support. The comment is noted.

S_DSC1-11

See response to comment S_DSC1-01 regarding coordination between the CVFPP and the Delta Plan.

In regard to CVFPP implementation funding, as stated in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. Consequently, State investments under the 2012 CVFPP would vary from region to region, depending on the

assets at risk (people, property, and infrastructure) and severity of flood risk (frequency and depth). However, most areas protected by the SPFC would realize flood risk management benefits under the SSIA.

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

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

The current available bond funding is insufficient to implement the entirety of the recommended SSIA. After the Board adopts the CVFPP, DWR will create a financing plan for potential legislative actions to fund the next increment of capital improvements, O&M, and residual risk management activities for the CVFPP. The CVFPP Financing Plan will be informed by other post-adoption activities, including regional and basin-wide planning. For additional details, see Master Response 15. The Delta Stewardship Council is encouraged to participate in the post-adoption planning efforts described above to further promote coordination between the Delta Plan and the CVFPP.

S_DSC1-12

The CVFPP includes urban levee design criteria, but does not include criteria specific to setback levees. The CVFPP VMS does include

guidance on incorporating vegetation into the construction of new levees. The Delta Stewardship Council's suggestions will be considered by DWR and the Board as implementation of the CVFPP proceeds.

S_DSC1-13

See response to comment S_DSC1-04, above, as well as Master Response 11 covering potential hydraulic effects on the Delta from upstream actions, and Master Response 12, which covers hydraulic impact policy and hydraulic effects of SSIA elements.

S_DSC1-14

The comment is directed primarily toward suggested action by the Legislature. By its nature, the CVFPP minimizes the State's flood risk liability by reducing flood risk across the SPFC. CWC Section 9603(a) states that "neither the plan nor anything in this part shall be construed to expand the liability of the State in the operation or maintenance of any flood management facility beyond the scope of the State Plan of Flood Control…"_The comment is noted.

S_DSC1-15

See response to comment S_DSC1-11 regarding funding. In addition, as stated in Master Response 15, flood management projects are typically cost-shared among federal, State, and local government agencies. Under existing federal law, the federal cost-share for construction may be 50–65 percent of the total project cost, depending on the amount of lands, easements, rights-of-way, and relocations necessary for the project. In recent years, many federally authorized projects and studies have not been adequately funded by the federal government.

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

protection in the Delta, this could potentially provide significant benefits to SSIA implementation.

S_DSC1-16

Emergency response is an important aspect of the residual risk element of the CVFPP, and the SSIA includes investments in emergency response planning. As noted by the commenter, DWR is currently working on development of a final Delta Emergency Preparedness and Response Plan. DWR's Flood Emergency Response Program, which administers such activities, is described in Section 4.1.1 of the CVFPP.

The remainder of the comment identifies that subsequent comments were generated by the Delta Science Program's review of the CVFPP Conservation Framework and the DPEIR. This element of 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.

S_DSC1-17

The comment identifies that subsequent comments were generated by the Delta Science Program's review of the CVFPP Conservation Framework. 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.

S_DSC1-18

DWR and the Board appreciate the positive statement regarding the content of the CVFPP Conservation Framework. The comment is noted.

S_DSC1-19

DWR and the Board appreciate the positive statement regarding the content of the CVFPP Conservation Framework. The comment is noted.

S_DSC1-20

The information requested by the commenter will be developed as future efforts are undertaken to develop the Conservation Strategy into more detailed guidance documents. At this time, the suggestion related to the Conservation Framework is noted; however, no change to the current version of the Conservation Framework was made.

S_DSC1-21

Although the suggested changes could enhance the CVFPP Conservation Framework document, the changes are not critical to the clarity or effectiveness of the Conservation Framework and are beyond the level of detail intended for the framework at this time. The suggestion related to the Conservation Framework is noted; however, no change to the current version of the Conservation Framework was made.

S_DSC1-22

Although the suggested changes could enhance the referenced text, the changes are not critical to the clarity or effectiveness of the CVFPP Conservation Framework. The suggestion related to the Conservation Framework is noted; however, no change to the current version of the Conservation Framework was made.

S_DSC1-23

See response to comment S_DSC1-01, above, regarding coordination of the CVFPP with the Delta Plan. The suggestion regarding coordination on a particular Conservation Strategy element is noted.

S_DSC1-24

See response to comment S_DSC1-01, above, regarding coordination of the CVFPP with the Delta Plan. The suggestion regarding coordination on a particular Conservation Strategy element is noted.

S_DSC1-25

See response to comment S_DSC1-04, above, regarding the issue of redirected impacts. This issue is addressed in the CVFPP and the PEIR; however, DWR does not believe that the Conservation Framework is an appropriate document for more than a cursory consideration of this issue. The suggestion related to the CVFPP Conservation Framework is noted; however, no change to the current version of the Conservation Framework was made.

S_DSC1-26

DWR and the Board appreciate the positive statement regarding the content of the DPEIR. The comment is noted.

S_DSC1-27

DWR and the Board appreciate the positive statement regarding the content of the DPEIR. The comment is noted.

S_DSC1-28

The suggestion regarding additional cross references is noted. This suggestion will be considered during development of future CVFPP documents; however, no errata to the DPEIR have been developed to address this issue. 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.

S_DSC1-29

The Delta Reform Act is described in the DPEIR in Section 3.14, "Land Use and Planning." See DPEIR page 3.14-24.

S_DSC1-30

See response to comment S_DSC1-01, above, regarding coordination of the CVFPP with the Delta Plan. The PEIR is an analysis and disclosure document required for compliance with CEQA and would not address coordination between DWR and the Delta Stewardship Council unless it was clearly related to an adverse physical change in the environment. Coordination between these two agencies is a policy issue, and is appropriately addressed in the CVFPP.

S_DSC1-31

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

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

The State will implement a comprehensive, integrated VMS in the Central Valley that both meets public safety goals and protects and enhances sensitive habitats in the Sacramento and San Joaquin valleys. The CVFPP's VMS represents the State's current approach to addressing levee vegetation in the context of USACE ETL 1110-2-571 governing vegetation on federal flood management facilities. However, DWR continues to advocate having USACE participate as a true partner in addressing legacy levee vegetation issues, jointly considering the environmental and risk-reduction implications of vegetation remediation within the context of prudent expenditure of limited public funds. DWR will continue a dialogue with USACE regarding plan formulation concepts that recognize the agencies' shared responsibility for addressing vegetation issues (along with traditional levee risk factors), within a systemwide risk-informed context intended to enable continued progress on critical cost-shared flood system improvements. For additional details, see Master Response 16. Additionally, DFG has participated in multiple capacities during preparation of the CVFPP and is familiar with the VMS and the ETL variance issue.

S_DSC1-32

Setback levees are included as part of the SSIA and are therefore considered in the PEIR. The PEIR evaluates setback levees in multiple sections, both in the context of positive effects (e.g., hydrologic benefits, opportunities for ecosystem restoration) and potential adverse environmental effects (e.g., potential conversion of Important Farmland to a non-agricultural use due to regular inundation).

S_DSC1-33

See response to comment S_DSC1-04, above, regarding the issue of redirected impacts. In addition, the potential water quality impacts

mentioned in the comment are evaluated in DPEIR Section 3.21, "Water Quality."

S_DSC1-34

The comment suggests expanding on a particular discussion in the DPEIR, but gives no details regarding the nature of any deficiencies in the DPEIR that could be corrected by an expanded discussion. 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 particular insufficiencies in the DPEIR. The comment is noted.

S_DSC1-35

Much of the requested information is included in DPEIR Section 3.13, "Hydrology." For example, see the discussion of Impact HYD-1 (NTMA), "Increased Erosion and Siltation from Modifying the Flood Conveyance System," regarding the potential for erosion and siltation resulting from modified reservoir operations. In addition, an assessment of the effects of SSIA implementation on water supply, including modified reservoir operations, is provided in Section 2.6, "No Near- or Long-Term Reduction in Water or Renewable Electricity Deliveries."

S_DSC1-36

The nature of proposed changes to reservoir operations are described in two locations in the DPEIR: Section 2.4.2, "Near-Term Storage-Related Management Activities," and Section 2.6, "No Near- or Long-Term Reduction in Water or Renewable Electricity Deliveries." As stated in Section 2.6, on DPEIR pages 2-51 and 2-52:

> Multipurpose reservoirs are managed to allocate the available storage space above minimum pool between water supply and flood control. Reservoir operations typically are governed by fixed allocations of reservoir capacity based on the time of the year, without regard to anticipated weather conditions or the amount of available capacity in other reservoirs in the watershed.
>
> The reservoir reoperations component of the proposed program would modify these current management practices to integrate information from weather forecasts (F-BO) and coordinate the operations of multiple reservoirs in a more flexible, adaptive fashion. This could, for example, result in the increased drawdown of a reservoir in anticipation of near-term storm events in the watershed that have high runoff potential (temporarily increasing the flood allocation to create space for the expected runoff). Conversely, when relatively dry conditions can

reliably be predicted, the flood allocation could be reduced (increasing the water supply allocation).

These types of short-term and small-scale coordinated operational changes would result in overall flow changes of a minimal nature.

S_DSC1-37

The comment suggests expanding on a particular discussion in the DPEIR, but gives no details regarding the nature of any deficiencies in the DPEIR that could be corrected by an expanded discussion. 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 particular insufficiencies in the DPEIR. The comment is noted.

S_DSC1-38

The comment does not identify a specific impact discussion or mitigation measure in the DPEIR perceived as deficient. The suggested impact mechanism is that sediments and contaminants already in a waterway will be temporarily held in an expanded floodway area, then remobilized at a later date. The impact mechanism is, in effect, a slightly modified continuation of existing conditions. The sediment and contaminants referenced in the comment do not appear to be generated by the proposed program, but occur from other sources. These existing sediments and contaminants would be generated by another source and under existing conditions they would go through periods of movement and settlement over time. Implementing floodway expansions as part of the SSIA would simply provide an additional area where settlement might occur. This is not a substantial deviation from existing conditions that would warrant detailed discussion in the PEIR or the suggested monitoring and adaptive management strategies.

Instances where the CVFPP could result in increased generation, mobilization, or releases of sediments and contaminants are evaluated thoroughly in the PEIR and mitigation provided for significant impacts. For example, see the discussions of Impact SWQ-1 (NTMA), “Temporary Construction-Related Effects on Water Quality that Would Not Cause Violations of Existing Water Quality Standards or Otherwise Substantially Degrade Water Quality,” Impact SWQ-3 (NTMA), “Alteration of Floodplain Inundation Patterns that Could Result in Substantial Erosion and Adversely Affect Water Quality,” and Mitigation Measure SWQ-3 (NTMA), “Conduct and Comply with Phase I Environmental Site Assessments.”

S_DSC1-39

DWR and the Board appreciate the positive statement regarding the GHG and climate change analysis. Several of the suggested references were considered during preparation of the DPEIR, although were not included in the list of references as specific information from these sources was not used in the DPEIR. The suggested references have also been reviewed by DWR as part of its extensive climate change analysis.

S_LAMALFA1

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4004

California State Senate

SENATOR
DOUG LA MALFA
FOURTH SENATE DISTRICT

February 24, 2012

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

Re: Draft Central Valley Flood Management Plan

To Whom It May Concern:

S_LAMALFA1-01

I am writing to you today in regards to the Draft Central Valley Flood Management Plan (Draft Flood Plan) that is proposed for the north Sacramento Valley. According to the current plans, the Draft Flood Plan proposes to expand and create new habitat in floodways on prime agricultural land. Not only are these lands the best in the nation for farming, the plan also does not include a proper maintenance plan. If approved as is, this plan would jeopardize thousands of acres of existing agricultural lands. Furthermore, the likely eminent domain seizure of productive private agriculture land for conversion to habitat is highly objectionable and takes them out of the property tax base.

S_LAMALFA1-02

S_LAMALFA1-03

The Draft Flood Plan would also displace family homes, farming operations, processing facilities and businesses that have been in place for generations. These private landowners would either willingly sell or be forced out through other circumstances such as eminent domain. How on earth in this budget crisis is the state going to pay each of these private landowners for their property?

S_LAMALFA1-04

S_LAMALFA1-05

The Department of Water Resources and/or the Central Valley Flood Protection Board has done an inadequate job of making residents aware of the Draft Flood Plan, thus most aren't even aware their property may be jeopardized. The Draft Flood Plan purports to achieve 200 years of flood protection for urban areas as well as habitat restoration. Where is the evidence that this plan will actually achieve a flood protection goal and how has that been demonstrated to those whose private property would be affected? Where is the benefit for the farmers and residents of the north Sacramento Valley? It is one thing to build flood control, it is quite another to create special habitat areas in lands designated for flood control conveyance.

S_LAMALFA1-06

In conclusion, I encourage this Board to take the comments of the private landowners very seriously and revise the plan to something that will continue to encourage agriculture while maintaining a viable flood plan for the Sacramento and San Joaquin Valley with clear, easy to understand detail, so the farmers know which of their parcels will be affected. Anything less is a disservice to the hard-working individuals that place food on our tables and pay taxes.

Sincerely,

Doug LaMalfa
Senator, 4th District

Senator Doug LaMalfa

Response

S_LAMALFA1-01

As discussed 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.

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.

As discussed in Master Response 6, DWR recognizes the importance of proper maintenance to protect State, local, and federal investments in the flood management system. However, maintenance activities alone do not meet current needs or legislative requirements for the CVFPP (e.g., urban level of protection, systemwide approach, and providing multiple benefits).

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.

S_LAMALFA1-02

See response to comment S-LAMALFA1-01.

S_LAMALFA1-03

As discussed in Master Response 15, the Central Valley Flood Protection Act of 2008 (SB 5) does not commit the State to any specific level of flood protection, action, prioritization, or funding (see CWC Section 9603). In recognition of current funding limitations, State investments under the SSIA would be prioritized commensurate with risks to people and property and opportunities to achieve multiple benefits. 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). For additional detail, see Master Response 15.

S_LAMALFA1-04

As discussed 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/. For additional details, see Master Response 13.

S_LAMALFA1-05

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

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

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

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

- Projects to maintain levee crown elevations for existing rural SPFC levees and provide all-weather access roads for inspection and floodfighting

- Economically feasible projects to resolve known SPFC performance problems, in conjunction with development of criteria for rural levee repairs

- System elements (such as new and expanded bypasses) that would lower water surface elevations within some rural and urban channels

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

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. 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.

S_LAMALFA1-06

The CVFPB and DWR believe that the CVFPP does encourage agriculture while maintaining a viable flood plan for the Sacramento and San Joaquin Valley. With regard to the requested details showing which parcels of land will be affected, as discussed 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.

S_SWRCB1

Mary Ann Hadden
Staff Environmental Scientist
DWR, DFM
3321 Power Inn Road, Suite 300
Sacramento, CA 95826

Dear Ms. Hadden:

COMMENT LETTER REGARDING THE MARCH 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

State Water Resources Control Board (State Water Board) staff are submitting this comment letter in response to the Public Notice of Availability of a Draft Environmental Impact Report (DEIR) for the 2012 Central Valley Flood Protection Plan (CVFPP) (SCH#2010102044).

S_SWRCB1_01 **SECTION 3.21.2 REGULATORY SETTING FOR WATER QUALITY SECTION**

(Preliminary Draft) Water Quality Control Policy for Wetland Area Protection and Dredge and Fill Permitting
The Preliminary Draft for the Water Quality Control Policy for Wetland Area Protection and Dredge and Fill Permitting (Draft Wetland Policy) was released on March 9, 2012. The DEIR needs to provide a discussion on the CVFPP's consistency with the Draft Wetland Policy. The Wetland Policy and the CVFPP are being developed concurrently, therefore, Section 401 Water Quality Certifications required for the CVFPP will need to meet the requirements of the Wetland Policy.

A copy of the Draft Wetland Policy is located on the State Board's Website at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/policy_draft.pdf

S_SWRCB1_02 **Basin Plan**
The DEIR should provide an expanded discussion on the Proposed Project's consistency with the Basin Plan for the Sacramento River and San Joaquin River Basins, the San Francisco Bay Basin Plan, and the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The discussion should focus on consistency with the Basin Plans, in terms of protecting surface and ground water quality in, and downstream of, the CVFPP, and should specifically address how all beneficial uses will be upheld and water quality objec will be met. The Basin Plans may be found through the State Water Board's website at:
http://www.waterboards.ca.gov/

S_SWRCB1_03 **State Antidegradation Policy**

The DEIR should provide an expanded discussion on the CVFPP's consistency with the State's Antidegradation Policy, in terms of protecting surface and ground water quality in the CVFPP area. A key policy of California's water quality program is the State's Antidegradation Policy. This policy, formally known as the "Statement of Policy with Respect to Maintaining High Quality Waters in California (State Water Board Resolution No. 68-16)", restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing water quality is higher than necessary for the protection of beneficial uses. Under the Antidegradation Policy, any actions that can adversely affect water quality in all surface and ground waters must:

1. meet Waste Discharge Requirements which will result in the best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained;
2. not unreasonably affect present and anticipated beneficial use of the water; and
3. not result in water quality less than that prescribed in water quality plans and policies.

Furthermore, any actions that can adversely affect surface waters are also subject to the Federal Antidegradation Policy (40 CFR Section 131.12) developed under the Clean Water Act.

For more information on the State Antidegradation Policy, please visit the State Water Board's website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf

S_SWRCB1_04 **GENERAL COMMENTS**

Waters of the State

The DEIR should clarify the definition of "waters of the state", as related to "waters of the United States." "waters of the state" are defined more broadly than "waters of the United States." According to California Water Code Section 13050(e), "waters of the state" means "any surface water or groundwater, including saline waters, within the boundaries of the state", and includes all waters within the state's boundaries, whether public or private, including waters in both natural and artificial channels. "waters of the state" includes all "waters of the United States", including all federally jurisdictional and non-federally jurisdictional waters, whether hydrologically isolated or not, and territorial seas.

This definition is relevant and central to any action taken by the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Board.

S_SWRCB1_05 **Construction Storm Water General Permit**

The DEIR should provide an expanded discussion on the CVFPP's compliance with this permit, including, but not limited to, the development of a Storm Water Pollution Prevention Plan (SWPPP). Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a SWPPP

For more information on the Construction General Permit, visit the State Water Board's website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Thank you for the opportunity to comment on DEIR for the 2012 CVFPP. If you have further questions, please contact me at (916) 341-5483, or rsolecki@waterboards.ca.gov.

Sincerely,

Bob Solecki
Environmental Scientist
Water Quality Certification and Wetlands Unit
State Water Resources Control Board

cc: Mr. Jason A. Brush, Chief
Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Michael Jewell, Chief
Regulatory Branch
Sacramento District
U.S. Army Corps of Engineers 1325 J Street
Sacramento, CA 95814

Mr. Bruce H. Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board

Ms. Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board

Ms. Victoria A. Whitney, Deputy Director
Division of Water Quality
State Water Resources Control Board

Bill Orme, Chief
Water Quality Certification and Wetlands Unit
Division of Water Quality
State Water Resources Control Board

State Water Resources Control Board

Response

S_SWRCB1-01

Section 401 of the CWA is discussed in the DPEIR in Subsection 3.5.2, "Regulatory Setting," in Section 3.5, "Biological Resources—Aquatic." Also, Table 2-2 of the DPEIR includes Section 401 of the CWA among the possible permits and authorizations required for future projects with implementation of the CVFPP.

DWR is aware that if a future site-specific project is implemented as part of the proposed program, the requirements of Section 401 of the CWA and other applicable federal and State regulations would need to be met and would be addressed in a project-level CEQA document. See Chapter 2.0 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."

DWR acknowledges that a Section 404 permit would be required for site-specific projects that include the discharge of dredged or fill material into waters of the United States, including wetlands; that water quality certification under Section 401 of the CWA is required for all projects receiving Section 404 permits; and that Section 401 certification would need to meet the requirements of the Wetland Policy.

Therefore, no changes to the DPEIR are required.

S_SWRCB1-02

The three relevant basin plans are described in Section 3.21, "Water Quality," of the DPEIR. Section 401 of the CWA is discussed in Subsection 3.5.2, "Regulatory Setting," in Section 3.5, "Biological Resources—Aquatic." In Section 3.5, the DPEIR states that "Section 401 certification is the responsibility of the SWRCB and the appropriate RWQCB (in this case, the Central Valley RWQCB), which certifies that the activity is consistent with State-issued water quality control plans, called basin plans." DWR is aware that if a future site-specific project is implemented as part of the proposed program, the requirements of Section 401 of the CWA and other applicable federal and State regulations would need to be met and would be addressed in a project-level CEQA document. Specifically, Chapter 2.0 of the DPEIR 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." Therefore, no changes to the DPEIR are required.

S_SWRCB1-03

A discussion of the State's Antidegradation Policy (State Water Board Resolution No. 68-16) is provided in Section 3.21, "Water Quality," of the DPEIR. As discussed therein, the State's antidegradation policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the antidegradation policy, any actions that can adversely affect water quality in all surface and ground waters must be consistent with maximum benefit to the people of California, must not unreasonably affect present and anticipated beneficial uses of the water, and must not result in water quality less than that prescribed in water quality plans and policies. In addition, any activity resulting in discharge of waste to existing high-quality waters will be required to meet waste discharge requirements, which will result in the best practicable treatment or control of the discharge necessary to assure that pollution or a nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of California will be maintained.

Water quality impacts that could occur from implementation of the CVFPP, which take into account the State's Antidegradation Policy, are addressed in Impacts SWQ-1, SWQ-2, and SWQ-3 (NTMA and LTMA). Mitigation measures are included, where appropriate, that would reduce all water quality impacts to a less-than-significant level. Therefore, no changes to the DPEIR are required.

S_SWRCB1-04

DWR agrees with the definition of "waters of the State" as presented in the comment by SWRCB and has already used that definition in the evaluation of impacts throughout the DPEIR. Therefore, no changes to the text of the DPEIR are required.

S_SWRCB1-05

Table 2-2 of the DPEIR includes Section 402 of the CWA—NPDES permit among the possible permits and authorizations required for future projects with implementation of the CVFPP. Further, Section 2.5.1, "Implementation in Accordance with Applicable Laws and Regulations," specifically discusses the requirement for a project proponent to prepare and implement a SWPPP and comply with the NPDES current general stormwater permit for construction activity.

In relation to specific potential impacts of the proposed program, Impact SWQ-1 (NTMA) in Section 3.21, "Water Quality," of the DPEIR states

that the construction-related stormwater permit requirement includes the preparation of SWPPPs, as mentioned in the comment, and would include the identification of BMPs to prevent or minimize the introduction of contaminants into surface waters.

Impact SWQ-1 (LTMA) in Section 3.21 notes that construction-related effects on water quality could be greater with implementation of LTMAs, but these activities would also be subject to the permit requirements detailed under Impact SWQ-1 (NTMA). Section 3.11, "Groundwater," of the DPEIR provides a parallel discussion of potential groundwater impacts of construction activities and permit requirements, including preparation of SWPPPs.

Therefore, no changes to the DPEIR are required.