### Delta Levees Program

**Special Flood Control Projects Section**

2018 Draft Project Solicitation Package

**PUBLIC COMMENT AND RESPONSE**

<table>
<thead>
<tr>
<th>Comment No.</th>
<th>Date</th>
<th>Full Name</th>
<th>Organization</th>
<th>Location</th>
<th>Comment</th>
<th>Commenter Suggested Change(s)</th>
<th>Delta Levees Program Response</th>
<th>Delta Levees Program Change to PSP</th>
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<tbody>
<tr>
<td>1</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Background, Page 2</td>
<td>The PSP talks about funding and mentions past legislation; however, there is no mention of Prop 1.</td>
<td>Understand that Prop 1 may be used for this round of PSP; if so, perhaps a paragraph on that will be helpful.</td>
<td>Section 4. Available Funds includes language to allow the use of other funding that may become available.</td>
<td>None.</td>
</tr>
<tr>
<td>2</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Table 6 and Section 4, Available Funds, Page 5</td>
<td>The table indicates that $20 million is allocated to each category. A multi-benefit project will cost more than $20 million. The program can use additional funds. Habitat enhancement is included as part of multi-benefit projects. Additionally, CWC §12311 is focused on implementation of a flood control program with its primary purpose being &quot;protection of discrete and identifiable public benefits.&quot;</td>
<td>It will be hard to hear the logic behind that. Perhaps a better template and therefore, a change in the number of multi-benefit funds would be $20 million for multi-benefit, $42 million for levee work, and $10 million for habitat only projects.</td>
<td>See response to Comment 8. See response to Comment 8.</td>
<td>None.</td>
</tr>
<tr>
<td>3</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Section 4, Available Funds, Page 5</td>
<td>Paragraph 3, limits the levee improvement projects to $7 million. Again, the primary purpose of the program outlined in the CWC §12300 et seq is to provide assistance to Delta LMAs to increase flood protection. I am anxious to hear the rationale behind this logic.</td>
<td>The Program has no control over the deadline to expend Proposition 1E funds. The current deadline of June 30, 2021, applies to all Proposition 1E funding.</td>
<td>Section 4. Available Funds will be modified to reflect the change in funding limits for Levee and Multi-Benefit Projects.</td>
<td>None.</td>
</tr>
<tr>
<td>4</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Available Funds, Page 6</td>
<td>Paragraph 4, targets June 30, 2021 as a deadline for the funds to be expended. This seems to be a very tight schedule. Realistically, DWR will require several months to finalize the PSP, complete its evaluation, and execute PFAs. Typically, a decent-size project requires about a year for the planning and 2 years for construction. June 30 deadline basically doesn’t allow any construction in 2021 since the construction season is typically after the food season through September.</td>
<td>The Program has no control over the deadline to expend Proposition 1E funds. The current deadline of June 30, 2021, applies to all Proposition 1E funding.</td>
<td>Section 4. Available Funds will be modified to reflect the change in the number of projects. DWR has agreed that the point level is inappropriate for the DSRSC. Scoring was corrected and the Draft 2018 PSP was released October 15, 2018.</td>
<td>None.</td>
</tr>
<tr>
<td>5</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Application and Selection Process, Pages 5-6</td>
<td>Section 5 limits LMA applications to 2 providing one submitted for habitat enhancement. Again, I’d refer to the primary purpose of the program.</td>
<td>The scoring was corrected and the Draft 2018 PSP was released on October 15, 2018.</td>
<td>Section 5. Application and Selection Process will be modified to reflect the change in the number of applications to one per district.</td>
<td>None.</td>
</tr>
<tr>
<td>6</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>Scoring Criteria Table 3, Page 10</td>
<td>Table 3 establishes a maximum scoring criteria of 90 points; however, the title indicates “Maximum 25 points.”</td>
<td>Please Correct</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>10/2/2018</td>
<td>Mirmazaheri, Mike</td>
<td>GES</td>
<td>2018 PSP</td>
<td>There is no mention of Suisun Marsh in this PSP; perhaps it is an oversight.</td>
<td>None.</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>10/23/2018</td>
<td>Nomellini Sr, Dante John</td>
<td>Central Water Agency</td>
<td>Scoring Criteria Table 2, Page 9</td>
<td>There should not be a separate allocation for habitat enhancement projects unrelated to the “reduction of the risk of levee failure in the Delta (see SB 85). The deliberate misuse of public funds is not only contrary to law but is not in the public interest.</td>
<td>The Habitat category will be removed from this PSP, with the allocated $20 million being redistributed to the other two categories.</td>
<td>The Habit category will be removed and the allocated $20 million redistributed to the other two categories as follows: $5 million will be allocated to Levee Projects ($25 million total), and $15 million will be allocated to Multi-Benefit Projects ($35 million total).</td>
<td>None.</td>
</tr>
<tr>
<td>9</td>
<td>10/23/2018</td>
<td>Nomellini Sr, Dante John</td>
<td>Central Water Agency</td>
<td>Available Funds, Pages 10</td>
<td>Some habitat projects, especially creation of tidal wetlands can result in increasing methyl mercury, toxic algae and disease carrying mosquitoes. The primary function of all the levee funding should be to reduce the risk of levee failure.</td>
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<td>None.</td>
<td>None.</td>
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<tr>
<td>10</td>
<td>10/23/2018</td>
<td>Nomellini Sr, Dante John</td>
<td>Central Water Agency</td>
<td>Scoring Criteria Table 2, Page 8</td>
<td>The DSC priorities ignore what should be obvious to all, that the individual reclamation districts comprise an interdependent system of levees. Seepage from flooded islands into the adjoining levees and lands located with the long fetch of flood water generated waves place non-flooded islands at a high risk of flooding. The DWR DRMS study concluded within the 100-year flood limits the damage to Delta infrastructure and their contents could be $67.1 billion in 2050 dollars. The Delta cannot be enhanced by an interdependent system of levees. Seepage from flooded islands into the adjoining levees and lands located with the long fetch of flood water generated waves place non-flooded islands at a high risk of flooding. The DWR DRMS study concluded within the 100-year flood limits the damage to Delta infrastructure and their contents could be $67.1 billion in 2050 dollars. The Delta cannot be enhanced by</td>
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<td>None.</td>
<td>None.</td>
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<td>11</td>
<td>10/23/2018</td>
<td>Nomellini Sr, Dante John</td>
<td>Central Water Agency</td>
<td>Scoring Criteria Table 7, Page 15</td>
<td>Bulletin 192-82 Template: The 16 foot crown width is not adequate to pass two way truck traffic during flood fight and does not provide an adequate base for levee raking in the event projected sea level rise develops as the State has predicted. Bulletin 192-82 is a clear that the template was intended to represent typical levee sections used to estimate costs and “if a plan is adopted and implemented, the specific design would be determined on a site by site basis.” (Page 7 of Bulletin 192-82). When work is performed on a given section of levee it is most efficient to rehabilitate or improve that section to meet an adequate engineering standard with adequate freeboard for the conditions rather than simply meet a template.</td>
<td>The funded work should not be limited to the DWR Bulletin 192-82 template. The allowable work under both alternatives and special projects should be directed towards achieving an adequate factor of safety in view of increased sea levels, increased sea levels and extreme conditions and other threats recognized by DWR as risks for Delta levee failure. Due to changes in conditions in the Delta over time building should be allowed to reduce the frequency of rebuilding the same sections.</td>
<td>None.</td>
<td>None.</td>
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</table>
Delta Levees Program
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PUBLIC COMMENT AND RESPONSE

12 10/23/2018 Nomalette, Sr. Dante John Central Water Agency Scoring Criteria, Pages 8-16
The following changes to the scoring are suggested: Dos Cerritos

DSC Priority – 30 points very high, 20 points high, 10 points other.
Partnerships – 50 points 10% or more with signed commitment, 30 points with 10% or more with letter of intent, 20 points with verbal intent to seek external funding from named partner for 10% or more, or 0 to 10 points for third party funding commitment below 10%.
Climate Change Accommodation – 0 to 50 points. Water Level Elevations – 10 points for FY17 and other, 0-20 for water level below FD30.
Levee Standard – 0 to 40 points, plus 10 to 30 for increased crown width up to 24 feet plus 10 to 30 points for increased crown width up to 20 feet.
System Flood Risk – 0 to 100 points.

Noted.
None.

13 10/26/2018 Mullin, Erin DSC Eligible LMA’s, Page 4
The following changes to the scoring are suggested:

2018 Draft Project Solicitation Package

Consistency with the DSC Delta Levee Investment Strategy: Dos Cerritos

As a suggestion adding the words "LMA’s with less than 10,000 acre-ft should be more flexible for districts that do not meet this requirement. As relative to the current PSP, Central and North Stockton is listed in Table as a very high priority yet this "Island or Tract" is composed of multiple LMA’s that do not meet the AAS requirement of 10,000 acre-ft. These districts; RD 928, Water’s Tract, RD 1614 Smith Tract and RD 9608 Lincoln Village West all provide protection consistent with the primary purpose of the above water code. In addition, if these islands were to flood water quality would be greatly affected due to the infrastructure that would be damaged and potentially contaminate the Delta and the State and Federal water projects in Tracy. These backwater sloughs have water quality would be greatly affected due to the infrastructure that would be damaged and potentially contaminate the Delta and the State and Federal water projects in Tracy. These backwater sloughs have

See response to Comment 13. None.

14 10/29/2018 Gulli, Dominick GME 2018 PSP
The urban level of protection proposed at this time are the Smith Canal and 14-mile slough gates. These gates are inconsistent with the bond funding requirements as they increase flood risk, degrade the environment, increase state liability for boating accidents, negatively impact recreation and are not consistent with the Delta Plan. They are extremely expensive and not adaptable to climate change. The Delta levee program is better suited for rehabilitating the levees than incorporation of tidal gates into the State Plan of Flood Control.

Noted.
None.

15 10/29/2018 Gulli, Dominick GME Eligible LMA’s, Page 4
The Anthropogenic Accommodation Space (AAS). While the water code Section 12311 initially established the special projects program for the Eight Western Delta Islands which had a volume large enough to negatively affect water quality (if flooded). This strict requirement of a AAS greater than 10,000 acre-ft should be more flexible for districts that do not meet this requirement. As relative to the current PSP, Central and North Stockton is listed in Table as a very high priority yet this "Island or Tract" is composed of multiple LMA’s that do not meet the AAS requirement of 10,000 acre-ft. These districts; RD 928, Water’s Tract, RD 1614 Smith Tract and RD 9608 Lincoln Village West all provide protection consistent with the primary purpose of the above water code. In addition, if these islands were to flood water quality would be greatly affected due to the infrastructure that would be damaged and potentially contaminate the Delta and the State and Federal water projects in Tracy. These backwater sloughs have water quality would be greatly affected due to the infrastructure that would be damaged and potentially contaminate the Delta and the State and Federal water projects in Tracy. These backwater sloughs have

See response to Comment 13. None.

16 10/29/2018 Gulli, Dominick GME Scoring Criteria Table 2, Page 9
The scoring should not be based on the Islandtracts "placement on" the Table in appendix [sic] 1a and 1b.

The scoring should be based on the Districts description of the risk and benefits provided by the levee system. Each project shall be graded based on its individual benefits for State investment.

See response to Comment 10. None.

17 10/29/2018 Gulli, Dominick GME Scoring Criteria Table 2, Page 9
This column should be removed or corrected to be accurate.

See response to Comment 10. None.

18 10/29/2018 Gulli, Dominick GME Appendices 1a and 1b, Pages 18-21
For the Districts that GME represents, the following additional information should be corrected. Enclosed is a highlighted markup, of a corrected Table Appendix 1a.

RD 548 Terminus Tract:
This island should be a high priority as it protects life at the Tower Park Village, protects private Water Supply for the Villages, has a 10-acre ecosystem, has total improvement opportunities, protects a legacy community, and a "Yogi Bear's Jellystone Park Camp Resort at Tower Park, a destination resort. In the Comments column, it should state that Highway 12 is on this island with greater than 2% of probability for flooding. High value crane habitat on the island, Habitat Enhancement opportunities and mitigation banking.

See response to Comment 10. None.

19 10/29/2018 Gulli, Dominick GME Appendices 1a and 1b, Pages 18-21
For the Districts that GME represents, the following additional information should be corrected. Enclosed is a highlighted markup, of a corrected Table Appendix 1a.

RD 2024 Onond Palm Tract:
Protects Transportation (BNRIP Rail), protects water supply and PGE natural Gas Storage pipelines.

See response to Comment 10. None.

20 10/29/2018 Gulli, Dominick GME Appendices 1a and 1b, Pages 18-21
For the Districts that GME represents, the following additional information should be corrected. Enclosed is a highlighted markup, of a corrected Table Appendix 1a.

RD 2038 and 2038 Jones Tract:
Protects Transportation (BNRIP Rail), protects water supply and PGE natural Gas Storage pipelines.

See response to Comment 10. None.
See response to Comment 10. None.

See response to Comment 10. None.

See response to Comment 10. None.

See response to Comment 10. None.

See response to Comment 8. See response to Comment 8.

See response to Comment 4. See response to Comment 4.

None.

None.

None.

None.

None.

None.

None.

None.
<table>
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<tr>
<td>33</td>
<td>11/14/2018</td>
<td>Darsie, Bill</td>
<td>KSN</td>
<td>Page 1</td>
<td>It may be difficult for a District to enter into a Performance Period PFA following the execution of the initial PFA. There is a potential for a project to be nearly completed without knowing the requirements of a follow-on PFA that specifies Performance parameters. What happens if the project is constructed but no agreement can be reached on the Performance PFA. It might also be legally difficult to commit or otherwise agree to enter into a Performance PFA prior to knowing the requirements of that particular performance PFA. Simply, I doubt that a District would initiate a project without knowing the full commitment required for maintaining that project following completion of the construction.</td>
<td>The timing and general content of Performance Period PFA must be understood prior to signing the initial PFA and the initiation of construction so that the parties understand and are informed of the commitment they will be making.</td>
<td>To remain in good standing with the Program the District must commit to long-term maintenance of enhanced habitat in partnership with DWR. Any requirements in a follow-up PFA will be negotiated with the District.</td>
<td>None.</td>
</tr>
<tr>
<td>34</td>
<td>11/14/2018</td>
<td>Labrie, Gilbert</td>
<td>DCC</td>
<td></td>
<td>I definitely concur with Bill D. and Dante’s comments. Bill touches on an important issue regarding habitat accounting that goes way beyond what Bill points out regarding the draft PSP. That is what I like to characterize as habitat baseline creep and, consequently, the lack of credit for levee habitat that has been allowed to naturally develop since the original baseline was supposedly established. This is something the DLHAC should have been addressing a long time ago. In my humble opinion, I recently learned that habitat created in a multi-benefit levee project cannot be considered, or even partially used to offset the habitat impacts of the levee improvement project.</td>
<td>See response to Comment 30.</td>
<td>See response to Comment 30.</td>
<td>See response to Comment 30.</td>
</tr>
</tbody>
</table>