

APPENDIX E

Public Review Comments and Responses

Bethel Island Municipal Improvement District
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April 14, 2006

USACE
Planning Division
1325 J Street
Sacramento, CA 95814

Phone 916-557-5159
FAX 916-557-7856
Email delta@spk.usace.army.mil

ATTN: Lynn O'Leary

RE: **CALFED Levee Stability Program California Sacramento – San Joaquin Delta
Report to Congress
USACE Strategy for Action**

At the time our proposal was submitted, Bethel Island Municipal Improvement District (District) followed the instructions that were given in conversations with Ronald Ganzfried to submit as many projects as possible. There was not discussion of a completeness principle or a limit on the cost of the project. Since the draft report has been issued we have been apprised of these parameters.

As such, we are modifying our proposal by limiting it to project one (1): Horseshoe Bend Upgrade. Regardless of the options selected from this proposal, this project can be completed within the \$7M - \$11M limit. Horseshoe Bend has posed a serious threat to the safety of Bethel Island for decades. The District has completed several limited efforts to improve the safety of this area of the levee, but has not had the financial sufficiency to complete the necessary upgrades. The project we are proposing would resolve the problems at Horseshoe Bend completely and provide a substantial security that a levee failure would not occur in this area.

Risks:

Bethel Island is one of the eight (8) sentinel western islands. Bethel Island is home to a 100+ acre mitigation site of which 2.4 acres is dedicated to the Army Corps of Engineers. Seventeen acres of wetland habitat and palustrine forest plantings have been developed.

The majority of the island is below sea level. A levee break would result in the entire island being flooded and property, infrastructure (including the U. S. Post Office, fire department, District offices and equipment, community drinking water), 100-acre mitigation site, and other natural habitat being destroyed. Additionally the states economy and drinking water quality would be significantly impacted. A break here would be particularly devastating to water quality due to our location in the Delta and the petrochemical, pesticide, and sewage pollution and other debris that would be washed into the Delta.

Bethel Island is one of the most heavily populated islands in the Delta, with nearly 3000 year-round residents. Our population, as of the 2000 census, includes 21% over 65 and 13.1 % under 15.¹ The majority of these very young and elderly residents reside below sea level in the interior of the island. 12.5% of these under the age of 18 and 8.7% of these over 65 are poverty-stricken. 13.9% of those over 65 live alone.² Many are disabled. Many do not have transportation. This population is severely at-risk in the event of a levee failure. A single, two-lane bridge provides the only vehicular or pedestrian escape route from the onslaught of a levee failure.

¹ <http://www.epodunk.com/cgi-bin/popInfo.php?locIndex=9863>

² http://www.aboutsociology.com/sociology/Bethel_Island%2C_California

Multiple Benefit:

It is in the interest of the county, state and federal governments to improve the safety and stability of the Bethel Island levee preventing:

- potentially significant loss of life
- significant property damage, disruption of business and economic devastation for the area and its inhabitants
- disruption to water conveyance
- degradation of water quality
- major economic consequences to FEMA/OES and other state and federal agencies for damage to insured homes and businesses, repair of the levee break, reclamation of 3500 acres, and so forth
- potential damage to surrounding levees as a result of the Bethel Island levee failure
- loss of all island drinking water supply due to small on-island wells being polluted and becoming unusable
- loss of property tax income to the county and the district (due to loss of homes and devaluation of property)

Misinterpretation in the USACE Report:

We believe that the USACE review team made several misinterpretations in the review of our proposal. We feel these significantly negatively impacted the USACE evaluation of our project, resulting in our erroneous elimination from the list of qualified projects. We believe these misinterpretations were as follows:

1. The costs for the projects were improperly totaled. We submitted four (4) potential projects. For two of these we submitted several options that USACE could have chosen. The total for our project, as displayed in Appendix A, List 2 is \$32.6M. This is a gross overstatement of the total for the projects we submitted. If you took the most expensive of the options provided for potential projects one (1) and two (2), combined with projects three (3) and four (4), the total would be around \$20M.

2. The projects were submitted as independent options for USACE to choose from. This was done because it was the direction our office was given on multiple occasions by representatives of USACE. We were told to put together as many projects as we could and allow USACE to choose the one that was best suited as an USACE project. Any one of these projects would add a significantly increased level of safety for the residents of Bethel Island.

As described in our introduction to this letter, we believe that Project 1, excluding the diversion channel, focuses in on the best-proposed project for Horseshoe Bend. The District can deliver a project that will completely repair and secure a section of our levee that has been a threat to this island for decades. We further believe that this project can be completed within the USACE budget guidelines of \$7M - \$11M. In accordance with Section 1 of the Flood Control Act of 1936, our project justifies Federal involvement in that, "the benefits to whomsoever they may accrue (must be) in excess of the estimated costs, and . . . the lives and social security of people (must be) otherwise adversely affected." The cost to life, personal property, business, state and local economy, surrounding districts far exceeds the \$7 - \$11M price tag as proposed here.

While we are withdrawing the other potential projects sited in our original proposal, we submit that many, if not all, of the reclamation districts whose projects were included in the 29 qualifying projects, could submit additional projects for their levees, but limited their proposals to one or a combination of projects that kept them within the cost range. There is always something more that could be done to improve a levee system.

Finally, our project was identified with a negative influence of "potential floodplain development." We submit to you that the Contra Costa General Plan (<http://www.co.contra-costa.ca.us/> see General Plan 2005-2020) very clearly limits development on Bethel Island unless the entire levee is brought up to a standard approved by BIMID and the Army Corps of Engineers; and a financing mechanism is put into place to maintain it. See "Policies for the East County Area/Land Use" sections 3-47 through 3-49 and "Policies for the Bethel Island Area" Sections 3-56-3-57, 3-64, 3-66, and 3-67. Therefore, we believe that the USACE erroneously assumed a "potential for floodplain development" since the projects we have submitted would not bring the entire levee up to PL84-99 standard. The USACE would have to approve any levee improvements made before the county would approve additional development. It is highly unlikely that the entire perimeter of our levee will ever be brought up to an acceptable level for development because the existing structures that line the major portion of the island prohibit Bethel Island from meeting the PL84-99 stability requirements in those areas (the peat depth/levee height to slope ratio is unattainable due to structures prohibiting the required increase to the levee slope). Surveys on file substantiate the existing structures, levee heights and profiles.

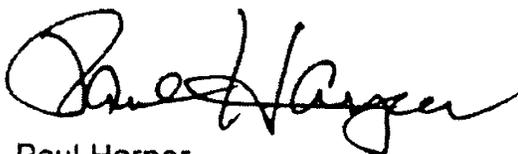
Conclusion:

Therefore, we submit that we should not have been excluded on the basis of cost and development. Our project should have received additional scrutiny and should have been considered as eligible as the 29 projects that were selected. We feel that the risk to life and property, cost to county, state and federal agencies, negative impacts to water conveyance and water quality, and negative impacts to surrounding levees, due to a failure of the Bethel Island levee, potentially, is at least as significant as many of the projects that made it into the list of 29 qualified projects.

Thank you for this opportunity to clarify our proposal and provide additional information that we hope you will find helpful. Your confirmation that you have received this letter would be greatly appreciated.

Green Mountain Engineering has provided revised engineering calculations under separate cover.

Respectfully,



Paul Harper
District Manager
Bethel Island Municipal Improvement District

cc: Congresswoman Ellen Tauscher
Green Mountain Engineering
Kevin Tillis/Hultgren and Tillis



Green Mountain Engineering

Surveying • Civil Engineering • Permitting • Estimating • Construction Consulting
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April 12, 2006

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Phone 916-557-5159
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delta@spk.usace.army.mil

Attn: Lynn O'Leary

Re: Public law 108-361
Water Supply, Reliability and Environmental Improvement Act.
Comments on Draft report

Bethel Island has reviewed the draft report to Congress and would like to make the following comments.

1. Bethel Island was listed on List number 2 for a total amount of 32.6 million dollars for our projects. The total submitted with our notice of intent (see estimate dated 1/30/06) of all projects at a worst case (items 1a, 1c, 1d, 2c, 3 and 4) only totals 24.8 million dollars.
2. The last paragraph of section 6.1.1 states that only one proposal had a separable element. The intent of our application was to provide the Corps with 4 specific projects to be evaluated separately. Correspondence with the Corps prior to submitting our notice our submittal indicated that they wanted as many possible projects as possible. Further there was no mention that higher priorities would be given to projects within an \$11 million dollar threshold. Multiple projects were presented to show that there are many combinations of projects that would fit within the Section 205 Total Cost Limit.

Bethel Island would like you to consider our Number 1 project listed on the Notice of intent, specially The Horseshoe Bend waterside slope stabilization and seepage control excluding 1c, the diversion channel through "Little Franks Tract". As indicated on the estimate submitted this project could cost between \$ 7 and \$ 11 million dollars.

This project would provide a complete upgrade to the Horseshoe bend area of the levee which, as stated in the Notice of Intent, has been a big concern for the district for many years.

3. The Draft report conclusion (page 24, 25) states that the 29 projects listed on table 4 are the prioritized list. Table 4 is equal to List 1 of the report and includes Priority group C1 and C2 which are low priority. Based on item 2 above and 4 below, Bethel Island should be considered on page one as an A1 as it has all of the Positive factors of all 5 of the A-1's listed.
4. Projects that did not submit a Statement of intent to cost share should not be given higher priority than those that do.
5. There was no mention of the benefit of Bethel Islands 100 acre mitigation site. 17.5 acres which includes Corps of Engineers mitigation, meeting the Federal interest criteria used in the Evaluation of Proposal section.

6. The Corps states in Section 6.1 second paragraph that none of the projects submitted were of "clear urgency or imminent danger". As stated in our Notice of Intent during the new years storms, which saw river levels at or above the 100-year flood stage, Bethel Island suffered severe damage in the areas submitted for upgrades. Since that letter was written over 12,000 tons of riprap have been placed in the area submitted under item 3 of the NOI. Long lateral seepage paths were observed at the stations submitted under item 1D. Considerable seepage and near overtopping was experienced during the New Year's Storm, therefore BIMID's proposal should be given higher priority based on the fact that 100 yr flood elevations and 50 mile per hour winds DO pose an eminent threat to life, property, and or water supply as Identified in Step 2 and 3 of section 6.1.1 Request for proposals.
7. Step 4 of section 6.1.1 Request for proposals talks about additional project specific considerations regarding planning, engineering, environmental social and economic and public involvement. BIMID should be given a positive factor due to the simplicity of our projects.
8. Section 6.1.2 E Evaluation of proposals "Beneficial Considerations lists the benefits which are listed on list 1 and 2. BIMID was only listed as " Western Island, Utility Infrastructure, adjacent to developed islands". BIMID also has "existing population and development, county roads, environmental benefits, important habitat, agricultural benefits and is cost effective.
9. Section 6.1.2 E Evaluation of proposals "Adverse Considerations" lists the items that are listed as negative factors on lists 1 and 2. Bethel Island received a negative factor of "potential flood plain development". Bethel Island already is a development within a flood plain. Upgrading this levee's on its own by no means promotes development. BIMID requests that the Corps reweighs the "extent to which a proposal would protect existing developed areas against the potential for near term growth inducing effects" as stated in the last sentence of the 2nd to last paragraph of page 13. Potentially more weight should be given to this on your list of positive factors and the negative removed from the list.

Thank you again for the opportunity to potentially participate in the program and your response to the above issues.

Green Mountain Engineering.

Dominick Gulli PE 50887, PLS 7244

CC: BIMID
Hultgren Tillis Engineers

ELLEN O. TAUSCHER
10TH DISTRICT, CALIFORNIA

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION
SUBCOMMITTEE ON
HIGHWAYS, TRANSPORT AND PIPELINES

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON PROJECTION FORCES
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March 22, 2006

Mr. Ron Ganzfried
Planning Division
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Re. U.S. Army Corps of Engineers RFP for Development of Potential Initial Projects

Dear Mr. Ganzfried:

I am writing in support of the project proposal Bethel Island Improvement District (BIMID) submitted to the Cal-Fed Levee System Integrity Program. As you know, I have worked for several years to support levee improvement projects in the California Delta, including working directly with the US Army Corps Sacramento Division. I am particularly aware of safety concerns for the community of Bethel Island, which is home to one of the largest populations in the Delta and is located among the western Delta Islands—an area that has been identified as one of the most at-risk regions.

I support BIMID's proposal because its proposed infrastructure improvements would address many of the risks which both BIMID and the Army Corps have identified as priority hazards, including loss of lives, property damage to private homes as well as businesses, and disruption of drinking water quality, conveyance and supply. Improvements to the stability of Bethel Island levees also addresses the risk that is posed when any single levee fails and causes additional stress to the surrounding levees. I am also aware that many of the major utility companies providing service throughout Northern California and the Bay Area rely on assets located in the Delta and this proposal would address the overall integrity of these resources as well. The

potential consequence of any one of the risks listed here is dear, let alone the fall-out from multiple risks.

Thank you for your attention to this letter. I look forward to the important safety benefits that BIMID levee improvements would make possible within the region of Bethel Island, this Congressional District, and likely throughout all of the State of California.

Sincerely,

A handwritten signature in black ink that reads "Ellen O. Tauscher". The signature is written in a cursive style with a large, looping initial "E".

ELLEN O. TAUSCHER
Member of Congress
(CA-10)

CC: Paul Harper, District Engineer for the Bethel Island Improvement District

LISA KIRK
PO BOX 435
BETHEL ISLAND, CA. 94511

04-12-2006

925-382-5249

US ARMY CORP OF ENGINEERS SACRAMENTO DISTRICT
PM-C 1325 J ST.
SACRAMENTO, CA. 95814

ATTENTION: LYNN O'LEARY

MY PUBLIC COMMENTS FOR THE DRAFT SACRAMENTO-SAN JOAQUIN DELTA REPORT TO CONGRESS ARE IN REGARDS, TO THE PRIORITIZATION OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT,(BIMID) AND SECONDLY TO THE OVER ALL LACK OF LEADERSHIP AND RESPONSIBILITY OF THE CALIFORNIA LEVEE SYSTEM..

BETHEL ISLAND WAS HIGH ON A DWR PRIORITY LIST IN 1990, DUE TO THE RELATIVELY HIGH POPULATION OF THE ISLAND AND NEED FOR IMPROVED LEVEE STABILITY AND TO PROTECTING THE DELTA'S WATER QUALITY. ALSO, IF THE ISLAND FLOODED IT WOULD IMPACT THE DRINKING WATER FOR 23 MILLIONS PEOPLE, 4.5 MILLIONS OF AGRICULTURAL CROPS AND NUMEROUS SPECIES OF FISH AND WILDLIFE.

AS A RESIDENT I AM CONCERN, THAT INFORMATION RECEIVED FROM BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT MANAGER AND IT'S ENGINEER, RESULTED IN A MEDIUM PRIORITY OF BETHEL'S PLACEMENT. A 1994 STUDY INVENTORIED 281 ENROACHING OR NON-CONFORMING STRUCTURES WHICH HAS KEPT US FROM ACHIEVING THE 1986 FEMA' S AMENDMENT 5, BASIC HMP LEVEE STANDARDS AND PROFILE. I AM CONCERN ABOUT THE STATEMENT MADE BY PAUL HARPER, DISTRICT MANGER THAT THE LEVEES ARE HMP COMPLIANT. THIS STATUS HAS KEPT THE DISTRICT FROM RECEIVING THOUSANDS IN FEMA DISASTER RECOVERY MONIES. TO THIS DATE NEITHER DWR OR THE SUB-GRANTEE OES HAS VERIFIED IN WRITTEN CURRENT HMP STATUS. ATTACHED IS AN CONTRA COSTA GRAND JURY REPORT OUTLINING THE PROBLEMS.

ALSO, THAT BECAUSE THE SUM AMOUNT OF INDIVIDUAL PROJECTS PRESENTED EXCEEDED CORP LIMITS. IT IS VITAL THAT THEIR ERRORS DO NOT IMPACT THE SAFETY THAT THIS MONEY WILL PROVIDE TO THIS COMMUNITY. THIS IS A PREFECT EXAMPLE, THAT SMALL RECLAMATION DISTRICTS LACK THE INTELLECT AND PROFESSIONALS TO PRESENT A CORRECT PROPOSAL. THIS DISTRICT NEEDS THE CORP TO BABY WALK THEM THROUGH THE PROCESS. IN A 1994 STUDY, GEOGRAPHICAL AREAS WITH COMMON PROBLEMS WERE IDENTIFIED 1. CLUSTERED ENROACHING AND NON-CONFORMING HOUSES(TAYLOR RD), 2. FRONTAGE EXPOSED DIRECTLY TO HIGH WAVE ACTION(WILLOW ROAD), 3. LOW GROUND LEVEE WHERE THE TOE OF THE DESIGN LEVEE IS FARTHER THAN THE 50 FOOT SETBACK,(LOWER TAYLOR ROAD), 4. GREATER THAN AVERAGE LEVEE SEEPAGE(NORTH STONE ROAD). ALTHOUGH I KNOW THE CORP DOES NOT WANT TO DEAL LEVEES WITH HOMES, AREAS WITH SEEPAGE AND DRAINAGE AND HIGH WAVE ACTION COULD BE PRESENTED AS PROJECTS., SUCH AS THE AREA KNOWN AS "HORSE SHOE BEND".

I UNDERSTAND THAT THE CORP WILL DO A REVIEW OF THE LEVEE SYSTEM IF THE DISTRICT REQUESTED, WHICH WOULD GIVE ALL A BASE LINE OF THE ISSUES.

THE STATEMENTS MADE BY THE ENGINEER THAT THE DISTRICT WANTS TO REACH PL-84 STANDARDS ARE REGRETTABLE. DID THIS MAN NOT READ THE DISTRICT OWN STUDIES AND REALIZE WITH SO MANY ENCROACHMENTS, I GUESS WE COULD REACH CORP STANDARDS IF GOD GRANTED US A WISH. I HOPE THAT THIS STATEMENT IS NOT TAKEN AS BEING GROWTH INDUCING.

LISA KIRK
PO BOX 435
BETHEL ISLAND, CA. 94511

04-12-2006
925-382-5249

IF DEVELOPMENT IN A FLOOD PLAIN IS A NEGATIVE ISSUE, WHY THEN DID THE CORP PERMIT A 495 HOUSING DEVELOPMENT, BREACHING THE EXISTING NON-ENGINEER/ COMPACTED, 150 YEAR OLD AGRICULTURE LEVEE TO A NEW LEVEE. THE CORP REDUCED THE FLOOD BASIN FOR 2500 PEOPLE, AND CREATED A EXTREMELY DANGEROUS FLOOD WAY FOR MANY RESIDENCES, BY SANDWICHING THEM IN BETWEEN A OLD LEVEE AND A SUPER LEVEE. BECAUSE OF THE CORP'S PERMITTING ACTIONS IT ADDED THOUSANDS OF LIVES TO THIS ISLAND.

WE HAVE NO LOCAL LEADERSHIP THAT PUTS PUBLIC SAFETY FIRST. THAT COMMUNICATES WITH THE RESIDENTS OF THIS ISLAND HOW VITAL IT IS TO SECURE LEVEE STABILITY. CONTRA COSTA COUNTY HAS PROBLEMS APPLYING FLOOD PLAIN POLICIES. DWR WROTE TO ME THAT THEY HAVE NO JURISDICTION OVER NON-PROJECT LEVEES, YET THEY GIVE THIS DISTRICT 75 PERCENT OF THE MONIES TO MAINTAIN AND REHAB THIS LEVEE SYSTEM. DWR'S FIVE YEAR SURVEYS ARE NOW BASED ON DESK AUDITS. THIS DISTRICT REMAINED NON FEMA HMP COMPLIANT FOR OVER 20 YEARS, AND NO COMMENT FROM DWR OR THE BOARD OF RECLAMATION THAT ALLOCATES THE MONIES. FEMA RECENTLY COMMUNICATED TO ME THAT AS A PRIVATE CITIZEN I WOULD HAVE TO SUE CONTRA COSTA COUNTY IN ORDER FOR THEM TO APPLY FLOOD PLAIN MANAGEMENT CORRECTLY.

THERE IS VERY LITTLE OVERSIGHT OF THIS LEVEE SYSTEM. STATE AND FEDERAL AGENCIES WITH RESPONSIBILITIES ARE MAINLY CONCERN WITH LIABILITY AND LEAVES COMPLICATED ISSUES TO SMALL RECLAMATION DISTRICTS, THAT DO NOT POSSESS THE INTELLECT TO SOLVE THEM. RELIEVING AGENCIES FROM LIABILITY, IN MY OPINION HAS PRECEDED PUBLIC SAFETY. THE LEVEE SYSTEM AS A WHOLE IS AN AGING INFRASTRUCTURE WITH COMPLICATED ENGINEERING AND ENVIRONMENTAL CONCERNS. LEAVING IT UP TO THE WEAKEST PLAYER HAS GOTTEN US INTO THIS MESS WE NOW FACE. IT IS NOW TIME FOR THE BIG PLAYERS TO STEP UP TO THE PLATE AND TAKE ON THE RESPONSIBILITY AND LIABILITY. MY LIFE AS US CITIZEN AND ONE WHO LIVES BEHIND AN UNSTABLE LEVEE DEPENDS ON IT. THE DRINKING WATER SUPPLY OF 23 MILLION CALIFORNIANS DEPENDS ON IT. YOU ARE THE CORP OF ENGINEERS AND HAVE BUILT SOME OF THE BEST LEVEES IN CALIFORNIA, BUT THIS WHOLE SYSTEM DEPENDS ON IT'S WHOLE INTEGRITY.

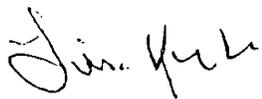
I NOTICED THAT THE PATERNO CASE IN CALIFORNIA IS MENTION IN YOUR DRAFT. BETHEL ISLAND AND IT'S UNSTABLE LEVEE IS THE NEXT PATERNO CASE, UNLESS AGENCIES SUCH AS THE CORP, DWR, FEMA, AND THE BOARD OF RECLAMATION START INTERVENING.

A START WOULD TO PUT BETHEL ISLAND AS A HIGH PRIORITY. I REQUEST THAT MY CONGRESS PERSON INTERVENE IN ASSISTING THE DISTRICT IN THIS PROCESS AND REQUEST THAT A CORP REPRESENTATIVE MEET WITH THE BETHEL ISLAND RECLAMATION DISTRICT BOARD MEMBERS/ STAFF TO REWRITE A CORRECT PROPOSALS AND A CORP SURVEY OF OUR SYSTEM.

I CAN BUY ALL THE FLOOD INSURANCE I CAN, BUT I CAN NOT INSURE FOR THE LOSS OF MY LAND, BECAUSE ALL THE REGULATORY AGENCIES CHOSE TO IGNORE THE INSTABILITY OF THE LEVEE SYSTEM IN MY BACKYARD. I COULD SELL MY HOME AND BUSINESS AND RUN AWAY FROM THE PROBLEM, BUT I HAVE DECIDED TO STAY AND FIGHT FOR WHAT NEEDS TO BE ACCOMPLISHED FOR PUBLIC SAFETY.

SO I AM MAKING A STRONG PLEAD FOR THE CORP AND CONGRESS TO RECONSIDER BETHEL ISLAND AS A HIGH PRIORITY AND TO ASSIST THIS DISTRICT, BEFORE LIVES ARE LOST.

SINCERELY



LISA KIRK
CC: ELLEN TAUSCHER

within the primary zone of the Delta, and thus not susceptible to any significant development pursuant to the Delta Protection Act.

As stated in the proposal, the Stark Tract levee contains a "low spot" which if breached by flood flows, would result in the inundation of not just Stark Tract but likely all of Union Island.

We also note that the project is consistent with all of the categories of the Corps' short and long-term strategies as set forth in pages 9 through 10 of the Report. Specifically, the sixth category being the maximization of use of dredge spoils for levee reconstruction which also provides for channel maintenance.

2. The SDWA proposal was also given a negative rating for being in excess of the funding limitations for section 205 funds (approximately \$11 million when local shares are included). We would like to note that our proposed project could easily be downsized to limit the amount of dredging and levee work to fit within the section 205 limitation. If the eventual funding for the short-term projects allows flexibility in selecting projects, we would like to resubmit our proposal.

3. The SDWA proposal may have been given a negative rating because the Stark Tract levee is a project levee. We now understand that this proposed round of project funding may have been geared towards improving non-project levees. We would like to note that Stark Tract is a very small district with very limited funding opportunities. Notwithstanding any initial preferences, our proposed project includes one of the most urgently needed actions in the South Delta with regard to flood control. As referenced above, many thousands of acres of farm land, habitat, and rural housing are at risk if the Stark Tract levee should fail.

In addition, the South Delta Flood Conveyance Plan, of which our proposal is a constituent part, notes that the Stark Tract levee problems are at least in part due to what we believe is a design error. We believe the original Corps design and construction did not provide a sufficiently wide base for the levee in light of the soil types and neighboring flows. We would appreciate your suggestions if the resolution of this problem could proceed along a different path than section 205 funding.

4. We had hoped that our South Delta Flood Conveyance Plan would be specifically reference and included in your long-term strategy. The South Delta Plan contains a comprehensive summary of recommended levee work and channel maintenance that should be included in any long-term evaluation of Delta protection needs. Development of the Plan included considerable outreach over three years to the numerous reclamation districts and landowners in the effected area. It also included the physical inspection of approximately 136 miles of levees. We hope this work can supplement future Corps efforts.

5. Page 8 of the Report references the lower San Joaquin River Reconnaissance Study from 2005. The study was a necessary first step in acceptance and implementation of the South Delta Flood Conveyance Plan. The next step is a Corps feasibility study. Local funds were identified for the feasibility study, but Corps funds were not. If the Report is a method of securing such federal funds, please insure that request is included in the Report. If not, please let us know how we might assist in getting such funding.

6. A number of places in the Report note that Delta levees were built on poor foundations of mostly organic soils or peats. These references significantly overstate the problem. Although portions of Central Delta levees suffer from these problems, almost all South Delta levees have foundations that are not made of organic soils or peats. In the South Delta, the levees and the islands/tracts they enclose are not generally subject to any measurable subsidence problems, although some structural and design problems do exist. We suggest the Report clarify this issue and more accurately describe the extent of the referenced problem after consulting with representatives of Central and South Delta reclamation districts.

7. Should the eventual funding allow for a reconsideration of our proposed project, we believe we can work closely with the Corps to produce a proposal which will not only satisfy all relevant criteria but will maximize the benefits of the local and federal funds used for the

project.

Please call me if you have any questions or comments.

Very truly yours,

JOHN HERRICK

JH/dd

cc: Mr. Alex Hildebrand
Mr. Darryl Foreman

John Herrick, Esq.
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4/13/2006

SACRAMENTO - SAN JOAQUIN DELTA ISLANDS & LEVEES, CA CALFED LEVEE SYSTEM INTEGRITY PROGRAM

Stark Tract – Levee Improvement Project

Revised Proposal to US Army Corps of Engineers – Sacramento District

There is a serious need to improve the inferior Stark Tract levee to handle the water stage that results from the anticipated combined flow arriving at Stark Tract from the San Joaquin River through Paradise Cut and through Old River in the absence of upstream levee failures. If the Stark Tract levee along Old River fails it will flood the Stark Tract and then inundate Union Island Districts 1 and 2. The Stark Tract levee has a low section and also levee sections that are inadequate to hold the anticipated high stages with any assurance. The Stark Tract is in the Primary Zone of the Delta where urban development is not permitted.

The proposal would raise the Stark Tract levee where needed and widen the levee cross-section. This would be done by using material dredged from the small channels that connect Old River and Grantline Canal. This dredging provides a nearby source of material and also helps reduce the flood stage against the Stark Tract levee. The magnitude of the proposal is intended to offset the increase in stage that will result when upstream levees do not fail as they did in 1997.

The proposal is estimated to require 120,000 cubic yards of dredged and reapplied sediment at a cost of \$60 per yard, including design and testing and for making room to widen the levee and protect fresh fill, etc., or a total of approx. \$7,200,000.

The South Delta Water Agency and local reclamation districts will provide the additional bank protection needed to handle the increased flow velocities on Union 1 and District 2058 that result from ceasing to rely on upstream levee failures.

Project Description – Stark Tract Levee Improvements

The Project objective is to flood protect both the Stark Tract (RD 2089) and Union Island by improving the Stark Tract levees with dredge spoils taken from Doughty Cut and Salmon Slough. In addition, strategic sections of the surrounding levees would be rip rapped to prevent erosion. (See attached map and diagram)

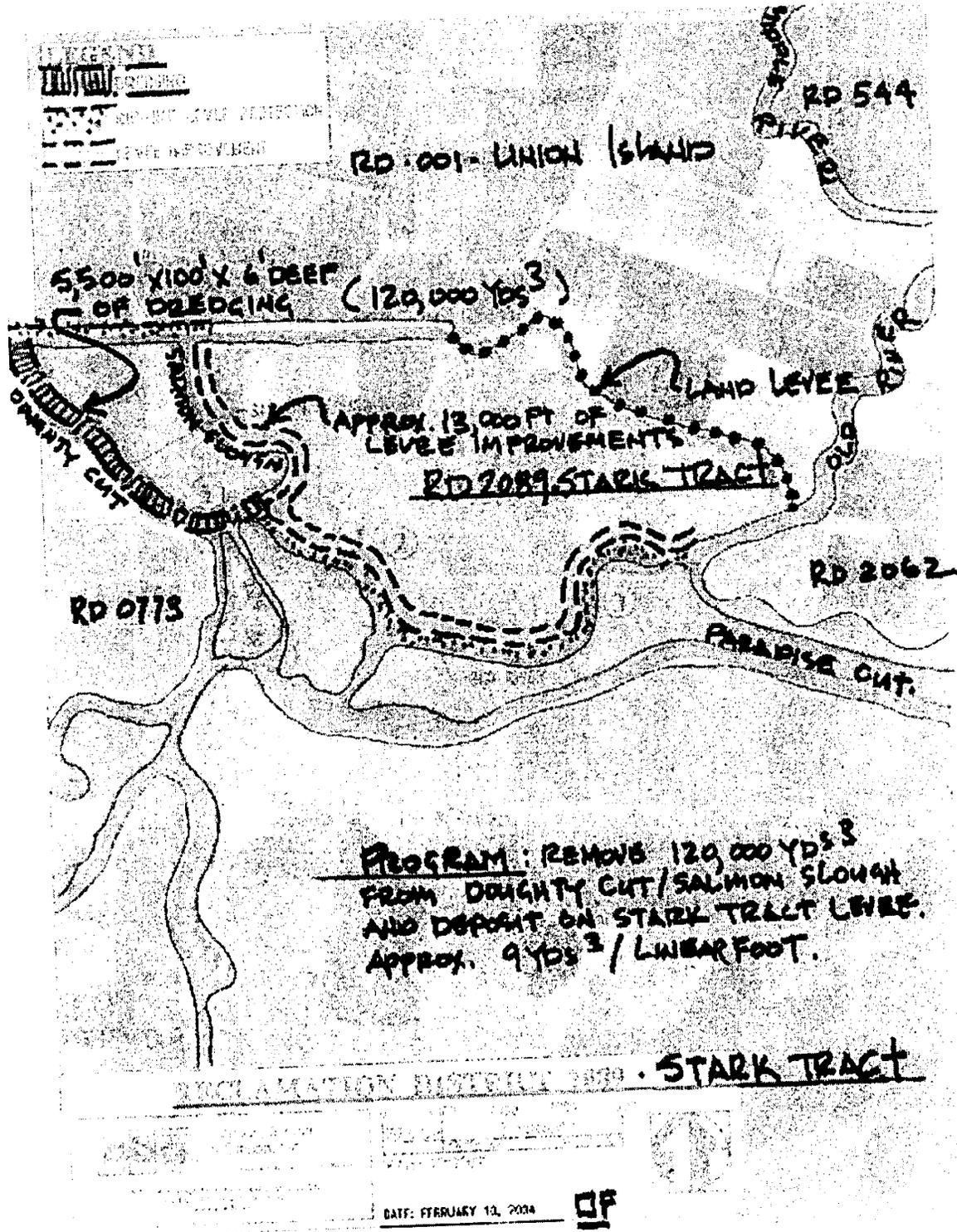


Stark Tract Levee – Low Elevations to be filled

Approximately 120,000 cu. Yards of material would be dredged from adjacent Doughty Cut and Salomon Slough and deposited on the nearby 120 acre Island owned in part by Don Bianci. The material would be decanted, dried and processed and trucked over the land bridge to the nearby Stark Tract levees. Approximately 9 cu. yds of dredge spoils per running Ft. of levee would be deposited on 13,000 lineal feet of levee. The cost should equal approx. \$60/dredged yard or \$7.2 million including rip rapping. Additional rip rapping would be accomplished by the adjacent Reclamation Districts and the South Delta Water Agency, as funds are available.



Doughty Cut to be dredged – Bianci Island in background



Map of Project Area – Stark Tract at junction Paradise Cut, Doughty Slough, Old River, Salmon Slough and Grant Line Canal

Hawk, Jeffrey S SPK

From: Knittweis, Gwen [gwenk@water.ca.gov]
Sent: Monday, April 17, 2006 1:07 AM
To: O'Leary, Lynn M SPK
Cc: Mraz, David; delta@spk.usace.army.mil
Subject: Comments on "Sacramento- San Joaquin Delta Report to Congress"

Thank you for the opportunity to comment on the "Sacramento- San Joaquin Delta Report to Congress." The Department of Water Resources, in coordination with The Nature Conservancy, submitted a Proposed Initial Project for "McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements" that was evaluated in your preliminary Report to Congress. The proposal received a high priority ranking, but was not chosen as one of the 29 Project Proposals prioritized in Table 4 of the report because the proposal did not meet the \$11 million funding cap criteria.

Please note that the submitted cost estimate figures of \$14.5-\$19 million were very preliminary and are being refined. Also please note that these preliminary costs were very conservative because of the uncertainty of some project elements, such as modifying downstream levees to address any potential hydraulic impacts, which was estimated at \$2-4 million. Current studies are indicating that downstream modifications to address hydraulic impacts may be achieved for significantly less. Additionally, staff is determining whether there are components that may non-essential for initial project implementation, while still retaining key projects benefits, that may be deferred to later phases. Because of these reasons, DWR believes that we can tailor the project to conform to meet the \$11 million funding cap criteria, while still retaining key projects. We would like the proposal to be reconsidered and look forward to working with staff to tailor a project to your needs. Thank you. Gwen

O'Leary, Lynn M SPK

From: Knittweis, Gwen [gwenk@water.ca.gov]
Sent: Monday, April 17, 2006 5:44 PM
To: O'Leary, Lynn M SPK
Cc: Reeve, Matthew; Eusuff, Muzaffar "Zaffar"
Subject: FW: Cost Estimate for McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements
Attachments: Comments on "Sacramento- San Joaquin Delta Report to Congress"

Lynn,

As discussed in the attached e-mail comments on the "Sacramento-San Joaquin Delta Report to Congress," DWR staff has adjusted the "McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements" proposal to meet the \$11 million price cap criteria for the proposed Initial Projects. The adjustment was achieved through revising the cost estimate for necessary downstream levee modifications and Dead Horse Island reinforcements, and through deferring Grizzly Slough ecosystem restoration elements to later phases. The cost estimate for downstream levee modifications was revised to reflect new information which indicates that hydraulic mitigation may be achieved by providing minor levee crown raises through placement of stabilized aggregate base course in lieu of major levee raises. The reinforcement of Dead Horse island estimate was refined to reflect a more accurate cost for placement of riprap over $\frac{3}{4}$ of a mile of levee (at \$.5 million).

Estimated Total Project Construction Cost:

\$11 million

Project Elements:

- Degrade McCormack-Williamson Tract East Levee to Function as a Weir- \$5 million.
- Degrade McCormack-Williamson Tract Southwest Levee to Function as a Weir- \$1 million.
- Reinforce Dead Horse Island East Levee- \$.5 million.
- Modify Downstream Levees to Accommodate Increased Flows- \$.5 million
- Construct Transmission Tower Protective Levee and Access Road- \$2 million.
- Enhance Interior Levee Slope Habitat- \$2 million.

(The cost ranges for "Degrade McCormack-Williamson East Levee" and "Enhance Interior Levee Slope Habitat" was also revisited and we found the lower range of each cost estimate to be conservative enough. In addition, please note that we may be able to use on-island borrow if necessary, in lieu of import borrow which was used for the rough estimates, to keep the costs for these elements within the required cost limitations, if need be).

I hope that this information is helpful in your reconsideration of the Proposal. The original cost estimate is shown below for reference. Thank you. Gwen

From: Knittweis, Gwen
Sent: Friday, February 10, 2006 4:32 PM

4/17/2006

To: 'Ganzfried, Ronald S SPK'

Subject: Cost Estimate for McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements

Ron,

The following is the rough cost estimate information for the "McCormack-Williamson Tract Flood Control and Ecosystem Restoration Improvements." Although the cost estimates are rough, we recently issued a consultant scope of work for more detailed cost estimates which should be available this summer (after release of the North Delta Flood Control and Ecosystem Restoration Public Draft EIR). I will be happy to provide updated information as it develops. Thanks. Gwen

Estimated Total Project Construction Cost:

\$14.5 - \$19.5 million

Project Elements:

- Degrade McCormack-Williamson Tract East Levee to Function as a Weir- \$5-7 million.
- Degrade McCormack-Williamson Tract Southwest Levee to Function as a Weir- \$1 million.
- Reinforce Dead Horse Island East Levee- \$1 million
- Modify Downstream Levees to Accommodate Increased Flows- \$2-4 million. (A portion of this work may be funded in part by a related proposal recently submitted for Tyler Island levee improvements).
- Construct Transmission Tower Protective Levee and Access Road- \$2 million.
- Enhance Interior Levee Slope Habitat- \$2-3 million.
- Other Necessary Improvements - \$1.5 million. (A portion of this work may be funded in part by a related proposal recently submitted for improvements on Grizzly Slough, which provides borrow for McCormack-Williamson elements while creating quality habitat).

WEBB TRACT RECLAMATION DISTRICT NO. 2026

Board of Trustees

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District Office:

1660 Olympic Blvd., Suite 350
Walnut Creek, California 94596
(925) 932-0251

April 14, 2006

U.S. Army Corps of Engineers
Sacramento District, PM-C
1325 J Street
Sacramento, CA 95814

Attention: Lynn O'Leary

Regarding: CALFED Levee Stability Program
California Sacramento-San Joaquin Delta
Report to Congress, USACE Strategy for Action, March 2006 Draft

Gentlemen:

This letter is being written to provide the U. S. Army Corps of Engineers (Corps) with Reclamation District No. 2026 (District) comments on the above referenced Report to Congress. Our comments are as follows:

1. The District submitted three proposals to the Corps in response to their request for levee stability projects in the Delta. The projects included a levee rehabilitation project (\$10 million), a bank protection project (\$1 million), and a shallow water habitat project (\$6 million). The Report to Congress consolidated the levee rehabilitation project with the bank protection project which we feel is inappropriate for this analysis. Each project is a separate and distinct project and should be considered on its own merit. In addition, the consolidated project was reported to cost \$17 million, not \$11 million per our submittal, causing a lowering of priority and a shift from List 1 to List 2 in the ranking. The District asks that the two consolidated projects be separated and the cost be corrected.
2. Section 4.0 Related Delta Studies and Reports of the Report to Congress should reference the CALFED In-Delta Storage Feasibility Studies, January 2004. These recent studies include a significant volume of work directly related to the Sacramento-San Joaquin Delta including levee design and construction costs, geologic exploration, hydrology, water quality, flood assessment risk, seismic assessment risk, land use, and environmental issues. This report can be found in its entirety on the CALFED website under Program Elements/Surface Storage.

If you have any additional questions, I can be reached at (510) 693-9977 or you can contact Gilbert Cosio, our District Engineer, at (916) 456-4400.

Yours very truly,

RECLAMATION DISTRICT NO. 2026

By _____
David A. Forkel, Trustee

cc: Board of Trustees
Gilbert Cosio, MBK



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

April 14, 2006

RE: US Army Corps of Engineers ("Corps), Sacramento District's Sacramento-San Joaquin Delta Report to Congress

The San Joaquin Farm Bureau Federation is a local grassroots organization that represents members in all segments of agriculture in San Joaquin County. In San Joaquin County, the agricultural industry totals over \$1.5 billion dollars annually and is dependent on the Delta as a critical component to our local economy. Additionally, one in three jobs in San Joaquin County can be attributed to agriculture.

For over 150 years, our growers have relied on the Delta levees not only to protect these fertile lands, but also for its availability of irrigation waters. Many of these Delta islands are owned and operated by single growers, who also bear the burden of maintaining these local levees that help to provide the state with clean drinking water and the nation with food.

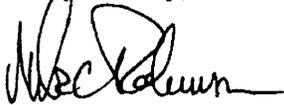
As the U.S. Army Corps of Engineers (USACE) has prepared their report to Congress on their proposed course of action, we must elevate our concerns in the process that has been taken.

- First, we must bring to your attention that the extent of the projects reported was not done in a comprehensive manner. The process the USACE used for public involvement, left many stakeholders out of the process, and allowed for less than 5 business days to submit comments on the report. Also, the manner in which they took public comments was to refer the public to their email address. We feel as the USACE continues to implement their strategy for action, they need to readdress their methods of public outreach especially to those landowners who will be directly impacted by this decision.
- Our second concern is the way in which the projects were ranked. There was an assumption that all agriculture received benefits from levee project work, although it was not clearly reflected in table-4 of the report to Congress. Also, the committee who ranked these projects had representation from State water agencies, USACE, and the Department of Fish and Game. To our understanding, representation from agriculture was not asked to consult or to advise on the prioritization process. We ask that agriculture be brought in to advise decision makers before making critical decisions that will impact the Delta agricultural industry.

- Lastly we are concerned, based on the projects submitted, agriculture appears to be of the lowest priority when paired against the evaluation criteria. Based on USACE policy, those projects that would primarily provide flood damage reduction benefits to a single landowner would not be considered. We ask that this policy is evaluated as levee safety benefits all Californians. In addition, the agricultural production of the Delta leads to more jobs and benefits as these raw farm products are processed for human consumption. It is all of these related industries that will be impacted by this decision.

We support an action from congress that would provide aid to the support the delta levee system. However, we believe the burden of levee maintenance will continue to fall on the shoulders of single growers who are unable to keep up with a weakening levee system under increased federal and state requirements. While we understand that this is an important first step to addressing the Delta levee needs, we also ask you to consider the significant impact to an agricultural industry that provides for the nation.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Robinson", written in a cursive style.

Mike Robinson
President

Hawk, Jeffrey S SPK

From: Tom Williams [williamsisd@sbcglobal.net]
Sent: Friday, April 14, 2006 6:18 PM
To: delta@spk.usace.army.mil
Subject: Draft Report to Congress

Lynn O'Leary,
US Army Corps of Engineers

Dear Ms. O'Leary:

My name is Tom Williams and I am the President of Reclamation District 830, Jersey Island, and General Manager of Ironhouse Sanitary District, owner of Jersey Island. I am writing to comment on the Draft Report to Congress regarding the CalFed Levee Stability Program, California. As you may know, RD-830 applied for a grant from this program and are hopeful to receive some of the funds and work with the Army Corps in completing some very important projects for the Island and the Delta.

Our grant request is currently ranked in the draft report as the number 2, A1-High Priority. We appreciate this ranking and believe it to be appropriate given the location, importance and multiple benefits provided by Jersey Island. Jersey Island, being the second most westerly of the eight western Delta Islands, is of extreme importance to water quality and water supply for 22,000,000 Californians and 7,000,000 acres of California agriculture. For these reasons alone, working with the Army Corps of Engineers on improving the stability and safety of our levees critical. In addition, the opportunity exists to implement other projects on Jersey Island like large scale subsidence reversal in combination with ecosystem restoration and cross-island cutoff levees to reduce island flooding and flood volume in the event of a levee failure, beneficial reuse of San Joaquin River dredge material and improving emergency response access in the event of a levee failure on our island or neighboring island. Jersey Island serves as the sole vehicular access to Bradford and Webb Islands via a ferry service and could also play a critical role in assisting during an emergency on Bethel Island.

While most of the above mentioned opportunities are not in our grant proposal, we keep these projects open in hopes of a second round of grants and/or more long term, sustainable funding. We hope congress continues to hold high the need for significant and sustained funding for the critical areas of the Delta and recognizes the potential win-win scenarios that can be created along the way.

Our current grant request includes projects that are of extreme urgency to the island and are the first steps in helping stabilize and protect the island levee. Without **adequately sized** rock slope protection along our north and west shores, where large areas of fetch exist from the San Joaquin River and Big Break, waves generated by strong, sustained, winds and large shipping traffic continually beat against and threaten our levee. Without widening our levee top width, and therefore our levee base, the levee will be susceptible to the increased stresses of continued subsidence and could fail. Lastly, without developing a plan for and constructing interior cutoff levees, a failure of the levee could inundate the entire island and threaten life, property and one of the State's major drinking water supplies.

So we ask Congress and the Army Corps to keep our ranking A1 and appropriate the grant funds so we may begin the process of implementing our projects in cooperation with the Army Corps. Thank you for your consideration of these comments and of our grant request, we hope to be working together soon.

Should you have any questions, please feel free to contact me at (925) 625-2279.

Sincerely,

Tom Williams

4/17/2006

PORT OF STOCKTON

Phone: (209) 946-0246



Fax: (209) 465-7244

April 14, 2006

Lynn O'Leary
U.S. Army Corps of Engineers
Sacramento District PM-C
1325 J Street
Sacramento, CA 95814

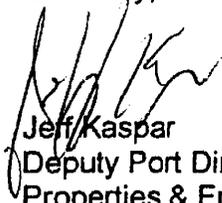
Re: Port of Stockton's comments

Dear Ms. O'Leary,

I have enclosed the Port of Stockton's comments on the CALFED Levee Stability Program Report to Congress on the U.S. Army Corps of Engineers' Strategy for Action.

If you have any questions feel free to contact me at (209) 946-0246.

Sincerely,



Jeff Kaspar
Deputy Port Director
Properties & Environmental

CALFED Levee Stability Program, California
Port of Stockton Comments
Report to Congress
On The
U.S. Army Corps of Engineers' Strategy for Action

April 13, 2006

Major Comments

1. Reference Public Law 89-298, River and Harbors Act of 1965, October 27, 1965, Title III – Rivers and Harbors, page 19. This authorization of the 89th Congress states the following: “San Francisco Bay to Stockton, California: House Document Number 208, Eighty-ninth Congress, at an estimated cost of \$46,853,000. The works for wavewash protection within the limits of the modified San Joaquin River navigation project shall be repaired or restored by the United States as determined to be necessary by the Secretary of the Army over life of the project.”

It is recommend that some of the \$90 million be considered for wavewash protection within the limits of modified San Joaquin River navigation project as provided by the above Congressional authority. Wavewash protection could be constructed along the lower San Joaquin River navigation project within a reasonably short time from the appropriations of funds.

2. The Port of Stockton reaffirms its comments made at the Corps Levee Forum and follow-up letter that took place earlier this year. The Corps Report and flood control efforts in the Delta must acknowledge the benefits of dredged channels for the hydraulic conveyance of floodwaters. The Stockton Ship Channel, in times of high flows, provides the largest floodwater conveyance channel in the lower San Joaquin River. Without the floodwater carrying capacity of the Stockton Ship Channel, many Delta islands would be significantly impacted.

Also, beneficial reuse of dredge material is an important consideration for the strengthening of many existing levees and the restoration of submerged levees in the Delta. Restoration of flooded levees at Frank's Tract, Big Break and other locations can yield tremendous benefits to flood control, water supply, water quality, and environmental habitats. The Corps Report must highlight the beneficial reuse of Delta dredge material. This dredge material is the same material as the Delta levees being protected. The challenge of obtaining regional water quality control clearances for the beneficial reuse of dredge material should also be highlighted.

3. Page 9, Paragraph 5.0, OVERVIEW OF ACTION STRATEGY FOR DELTA, 1st “bullet” – Since a “given” is the reconstruction of Delta levees to a base level of protection (i.e., Public Law 84-99 standard) the paragraph should discuss PL 84-99 levels

of protection in more detail. People's perceptions often leap to at least a 100-year level of protection for flood control levees, when in fact PL 84-99 levels of protection can be quite different.

4. Page 16, Paragraph 7.0, DETAILS OF LONG-TERM STRATEGY – Reference page 10, 5th “bullet”, last sentence, which reads “The Corps’ Delta LTMS study will address concerns system-wide for the beneficial reuse of dredged materials as part of the long term strategy presented here.” Paragraph 7.0 and subsequent paragraphs don’t discuss the Delta LTMS. It is noted that page 22, Paragraph 8.0, SCHEDULE AND BUDGET FOR FY 2006 – FY 2010, Table 2, includes the “Delta Long-Term Study (for reuse of dredged material) activity.

5. Will project priorities be decided by a benefit cost analysis according to the Continuing Authorities Program (CAP)?

6. There needs to be more discussion of the regulatory clearance process. We understand the Corps does not issue regulatory permits for its own projects. However, Corps projects must still comply with section 404(b) (1) guidelines. Will the Corps develop a programmatic regional clearance for the Delta? Can the Corps suspend regulatory requirements under an emergency situation? The report needs to address these issues.

Specific Comments

1. Page 7, Paragraph 3.5, Opportunities for Delta Improvement, - This would be a good place to identify the opportunities with all the ports located in the Delta and the beneficial reuse of dredged material. The importance of Delta ports and their navigation channels should be acknowledged in the Corps Report.

2. Page 11, Paragraph 6.1.1, Request for Proposals, Step 2 – It would be helpful to know how many RFPs were distributed to CALFED members and stakeholders. This information would support the first sentence in Step 3, on page 12, which reads, “The response to the RFP was impressive.”

3. Page 12, Paragraph 6.1.1, Request for Proposals, Step 5 – List the eight categories.

4. Page 12, Paragraph 6.1.2, Evaluation of Proposals, identify the high priority eight Western islands.

5. Page 12, Paragraph 6.1.1, Request for Proposals, Step 4 – Again, to add perspective, the number of people and their disciplines that participated on the team of experts would be helpful.

6. Page 12, Paragraph 6.1.1, Request for Proposals, Step 5 – Recommend the proposals that were screened out from further consideration be listed in an appendix. This would account for all submitted proposals.

7. Page 15, Paragraph 6.2, Implementation of Short-Term Projects – Recommend additional discussion on the Corps’ shortened continuing authority program process in terms of time lines. Page 11, Step 2, last sentence states, “The RFP emphasized that proposals should be for urgent projects – those most vulnerable levees with an imminent threat to life, property, and/or water supply.” The perception is that those projects that rated high in priority will be “addressed” in short order.
8. Page 15, Paragraph 6.2.2, Assumptions, 1st “bullet” - Delete sentence...the Corps has an already established regional and vertical project delivery team process.
9. Page 16, Paragraph 6.2.3, Concerns – Public review of the document should not be viewed as a concern. Public review/comment is a positive part of any public works project.
10. Page 20, Paragraph 7.4.2, Assumptions, 1st “bullet” - Delete sentence...the Corps has an already established regional and vertical project delivery team process.
11. Page 21, Paragraph 7.4.3, Concerns - Public review of the document should not be viewed as a concern. Public review/comment is a positive part of any public works project.
12. Page 23, Paragraph 9.0, VIEWS OF PARTNERS AND STAKEHOLDERS, 1ST paragraph – The referenced Paterno case should be discussed in more detail for the benefit of the lay public.

Hawk, Jeffrey S SPK

From: Eckman, James [jeckman@water.ca.gov]
Sent: Tuesday, March 28, 2006 12:35 PM
To: delta@spk.usace.army.mil
Subject: Comments on Draft Delta Report

Greetings,

Explain what a PL 84-99 levee design is: Agricultural levee with a crown at least 16 feet wide; 3 to 1 to 5 to 1 or flatter landside slope; 2 to 1 or flatter waterside slope; 1.5 feet or more of freeboard above 100-year flood elevation.

Table 2. Proposed USACE Funding for CALFED Levee Stability Program: The middle line adds up to \$100 million, not the \$90 million shown.

Appendix B: Governor's Proposed Budget Plan on the Delta: Are these millions of dollars?

Jim Eckman
DWR Delta Levees Program
Delta-Suisun Marsh Office
916-651-7013
916-761-9416 (CELL)
jeckman@water.ca.gov

Hawk, Jeffrey S SPK

From: Deedee Antypas [dantypas@siegfriedeng.com]
Sent: Tuesday, April 11, 2006 11:23 AM
To: delta@spk.usace.army.mil
Cc: John Stovall ; Genny Herder; cneudeck@ksninc.com
Subject: RD 1608 Comments - Report To Congress

Gentlepersons:

This letter serves as Reclamation District 1608's (RD 1608's) response to the Draft Report to Congress. RD 1608 is an urban district that is located on the western boundary of the City of Stockton. It was first developed for residential use in the mid 1960's and RD 1608 has worked diligently since that time to maintain the flood control levees surrounding the district.

RD 1608's proposed project was a proposal to dredge Fourteen Mile Slough from the Lincoln Village West Marina southeasterly to Grupe Park. A preliminary cost to perform the proposed dredging of Fourteen Mile Slough for maintenance and emergency access has been prepared. The cost to provide the engineering, design, permitting, and construction is estimated at \$1.1M.

A major purpose of this letter, however, is to support the request of RD 2119, Wright-Elmwood. RD 1608 is concerned with the construction and stability of the levees on adjacent islands, specifically RD 2119, Wright-Elmwood.

RD 2119 is an agricultural district that is surrounded by the San Joaquin River on the west and Fourteen Mile Slough on the north and east. It is located immediately to the west of RD 1608 along Fourteen Mile Slough. Fourteen Mile Slough is bounded by RD 2119 on the west and by RD 1608 on the east. RD 2119 provides a buffer for RD 1608, and therefore for the City of Stockton, by maintaining its west boundary levees along the San Joaquin River.

There have been several occasions over the past decade when the San Joaquin has overtopped, or threatened to overtop, the levees within RD 2119. The most recent of these was over the past New Year's Eve weekend when video of the waves topping the crown of the levee was on the evening news. Failure of RD 2119's west boundary levees along the San Joaquin River will erode the interior levee slope of their east boundary levees along Fourteen Mile Slough. Failure of this levee threatens RD 1608, and thereby the City of Stockton. RD 1608 recognizes the potential threat to their levees if a catastrophic failure of RD 2119 levees should occur.

In addition, located in the northeast portion of RD 2119 is a City of Stockton wastewater treatment facility. This facility is critical to the City's overall wastewater treatment infrastructure. Any failure of RD 2119 would shut down the facility and impact the treatment of wastewater from all of north Stockton indefinitely.

RD 1608 asks that you reconsider the low priority assigned to RD 2119's levee improvement project. Levee improvements to RD 2119 are more important than controlling future residential development within its boundaries. Levee improvements to RD 2119 are vital for protecting the lives and property of the residents of the City of Stockton and for protecting the City's critical wastewater infrastructure.

Thank you for your consideration.

4/13/2006

Board of Trustees

Reclamation District 1608

c/o

Deedee Antypas
Siegfried Engineering, Inc.
4045 Coronado Avenue
Stockton, CA 95219
209-943-2021
dantypas@siegfriedeng.com

Hawk, Jeffrey S SPK

From: Deedee Antypas [dantypas@siegfriedeng.com]
Sent: Thursday, April 13, 2006 11:05 AM
To: delta@spk.usace.army.mil
Cc: 'George Hartmann'
Subject: RD 2074 Comments - Report To Congress

Gentlepersons:

This letter serves as Reclamation District No. 2074's (RD 2074's) response to the Draft Report to Congress. The levees within in RD 2074 are Corps certified levees that need additional rock reinforcement to withstand the effects of water velocities, wave action, and wake in the Calaveras and San Joaquin Rivers. Ten Mile levee is also a Corp certified levee, but it is a dry land levee that backs up the San Joaquin River. It is untested and unprotected from erosion.

The initial proposal submitted by RD 2074 did not include a cost estimate to rock the Calaveras River, San Joaquin River, and Ten Mile Slough levees surrounding the district. A preliminary cost to perform the proposed rock reinforcement work has been prepared. The cost to provide the engineering, design, permitting and construction is estimated at \$2.6M.

Thank you for your consideration.

Board of Trustees

Reclamation District No. 2074

c/o

Deedee Antypas
Siegfried Engineering, Inc.
4045 Coronado Avenue
Stockton, CA 95219
209-943-2021
dantypas@siegfriedeng.com

4/13/2006

Hawk, Jeffrey S SPK

From: George Hartmann [gvhlaw@gmail.com]
Sent: Thursday, April 13, 2006 12:33 PM
To: delta@spk.usace.army.mil
Cc: DeeDee Antypas; Nelson Bahler
Subject: Re: RD 2074 Comments - Report To Congress

April 13, 2006
United States Army Corps of Engineers

Gentlepersons:

I am writing to you as counsel for Reclamation District No. 2074 located in Stockton, California. My comments are offered in addition to those of our District Engineer, Ms. Deeedee Antypa. I believe Mrs. Antypas neglected to underscore the role of our District's levees in protecting an highly populated urban area in the San Joaquin River Delta which is now being compared to New Orleans in terms of susceptibility of flooding. Our district is urban in nature with over two thousand homes sited below sea level at elevations averaging minus 6 to minus 8 msl. Our levees are certified by the USACE under its specific San Joaquin Delta levee standards. Should any levee in our district fail, the entire Western half of the City of Stockton would also flood.

While we believe our levees are in excellent condition (as to those that are now water-bearing) we have deep concerns over the ability of Ten Mile Levee to withstand prolonged exposure to water which would happen if the adjoining Reclamation District (2119 - Wright Elmwood Tract) were to flood. That District's levees are not presently compliant with HMP or other 100 year flood standards, but the trustees are working to achieve such standards by restoring and increasing the height and mass of the levees.

In the interim, we believe it vital for the flood protection of a substantial urban area in the City of Stockton to place stone fill protection along the West face of Ten Mile Levee. The project is estimated to cost approximately 2.6 million dollars at this time. There would not be enough time to place stone protection on the West face of Ten Mile Levee if RD 2119 flooded - particularly in unfavorable wind conditions.

We therefore believe that our proposed projects should be given the highest priority in terms of time and allocation of financial resources by the USACE. The Sacramento, California and Stockton, California areas have been recently referred to as the next "New Orleans" type of flooding disaster. We want to do everything in our power to prevent that from happening and respectfully request your assistance in elevating the priority of our submitted project.

Sincerely,

George V. Hartmann

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received the message in error, please

4/13/2006

advise the sender by reply e-mail and delete the message. Thank you very much.

George V. Hartmann, Esq.
THE HARTMANN LAW FIRM
3255 West March Lane, Suite 310
Stockton, CA 95219
209-956-9940
209-956-9929 (fax)

Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough.

Abraham Lincoln
16th president of US (1809 - 1865)

April 12, 2006

U.S. Army Corp of Engineers,
Sacramento District PM-C
Attn: Ms. Lynn O'Leary
1325 J Street,
Sacramento, CA 95814

RE: Comments on the USACE March 2006 Draft Report to Congress

Dear Ms. O'Leary,

The Suisun Resource Conservation District (SRCD) appreciates the opportunity to provide comments to the USACE on the March 2006 CALFED Levee Stability Program Draft Report to Congress. On February 3, 2006, SRCD and the California Department of Water Resources (DWR) provided the USACE a significant package of background information and a list of potential initial projects for Suisun Marsh Levee Improvements.

While preparing this letter the SRCD felt that the best way to clearly convey our comments was to bullet the issues and follow with discussions.

- ***Please define the "Delta" in the context of this report and how the Suisun Marsh is included.*** In the context of this report, is the entire 220 miles of exterior levees in the Suisun Marsh included in the Delta? Currently, the legal boundary of the Delta only includes 3.5 miles of Suisun Marsh levees (a portion of Van Sickle Island) the rest of the Marsh is not eligible to participate in the Delta Levees Maintenance and Subventions Program. Throughout the Draft Report, the Delta levees and programs are referenced without clarification of the role of the Suisun Marsh. The concern is that this may exclude the Suisun Marsh from future program participation.
- **Page 4 of the Report, "Of the 1,100 miles of levees in the Delta, 385 miles are project levees..."** Are the 220 miles of levees in the Suisun Marsh included in the 1,100 miles of levee in the Delta? If not the Suisun Marsh has been excluded from the scope of this report (see comment above).
- **Page 5, "Maintenance and improvements of Delta Levees are the responsibility of local reclamation districts."** In the Suisun Marsh there are only 11 reclamation districts responsible for levee maintenance. This Report makes no reference to the publicly or privately maintained levees in the Suisun Marsh.
- **HR-2828 states "evaluate and, if appropriate, rehabilitate the Suisun Marsh levees".** As currently drafted, this Report has not achieved this objective. Instead it has deferred this evaluation as part of the long-term strategy presented. The long-term strategy identifies the State's DRMS Process and Corps' Delta Island and Levee Feasibility Study as the vehicle to achieve this objective. The SRCD has been excluded from participating in the early stages of the development of the DRMS Process and is concerned that Suisun Marsh stakeholder interests, wetland and wildlife resources, and benefits to protection of delta water quality will be forgotten in the process.

- **Will the Delta LTMS include the Suisun Marsh?** The San Francisco Bay LTMS does not cover the Suisun Marsh, SRCD recommends the Suisun Marsh be included in the Delta LTMS to ensure estuary wide coverage for the beneficial reuse of dredge materials.
- **Page 11 & 12 Short Term Strategy- Evaluation of Proposals** The SRCD is concerned about the initial evaluation and ranking of Suisun Marsh proposals. The SRCD submitted an initial proposal for the entire Suisun Marsh Levee System. For simplicity, this proposal was broken down into 4 phases, which included local reclamation districts, the California Department of Fish and Game, SRCD, and private landowners. Based upon the report evaluation criteria, SRCD believes the proposals were ranked very low. The Suisun Marsh projects have significant opportunities to achieve multiple benefits under the CALFED programs ecosystem restoration, water supply, conveyance, and water quality objectives. Additionally, because the Suisun Marsh is located in the western delta these projects protect significant wetland resources, which is habitat for threatened, endangered, and migratory species. SRCD believes that the initial proposal submitted for the Marsh could be quickly re-packaged in a way to clearly conform with the ranking criteria and funding limitation established in the Report. This would allow a short-term multi-partnered project to be initiated in the Marsh while the long-term evaluation process can proceed.

Thank you for the opportunity to comment on this draft Report. If you have any questions or need additional information, please contact me at (707) 425-9302.

Sincerely,

Steven Chappell,
SRCD Executive Director

Cc. SRCD Board of Directors
Mr. Victor Pacheco, DWR
Ms. Lee Laurence, USBR

Hawk, Jeffrey S SPK

From: Wally Clark [wallyclark@mac.com]
Sent: Thursday, April 13, 2006 8:43 AM
To: delta@spk.usace.army.mil
Subject: Comments - Delta Report

As one whose Delta property is its its 5 generation of ownership i have found it very interesting and very sad that the Delta Levee system has gotten in the shape that it is today. The whole responsibility for that is Government Officials that have over the years neglected their duty. When I was a child they continually dredged the Sacramento River as it was classified a navigable body of water. Also fishing was fine, too. Since the opening of the deep water channel the dredging has stopped and I would guess that the capacity of the river is probably 25% less to the buildup of silt and debris.

Your current procedure of building slurry walls in the levees seems suspect as numerous articles in the Sacramento Bee have stated that many must be redone as they weren't deep enough. All of this I am assuming is at the taxpayers cost as NO ONE is ever held accountable in the government or its consultants (engineers and architects) for their mistakes.

Yes we need to fix the levees and we need to DREDGE the riverbed.

W G Clark

Ms. Lynn O'Leary
US Army Corps of Engineers
Sacramento District PM-C
1325 J Street
Sacramento, CA 95814

April 14, 2006

Dear Ms. O'Leary:

Thank you for the opportunity to comment on the CALFED Levee Stability Program draft Report to Congress.

In the fifth paragraph of the Executive Summary, long term strategies for the Delta are referenced, yet the Delta LTMS Project is not included. As one of the long-term strategies, it may be appropriate if the Delta LTMS were mentioned here.

The Delta LTMS is envisioned to include a Sediment Management Plan for Delta levees, including beneficial reuse as one component of the larger plan. The LTMS effort will also consider specific testing protocols for this work, relevant scientific study and the potential for a streamlined permit effort. Page 8 of the draft report should reference the broader goals of the LTMS as they relate to the Sediment Management Plan, and not simply the reuse component. In addition, while habitat concerns are important, and expected to be integral to any delta work, it is not clear that the Delta LTMS will focus on species of concern and their habitat as an explicit component of this program. Therefore, this reference should be removed.

On page 22, the reference to the LTMS in the box area should reference the Sediment Management Plan, consistent with the above comment.

In terms of the Corps' Authorities, Section 205 seems to be quite limited in terms of the size, scope and, more specifically, costs of projects that can be completed under this program. Other Authorities, including new Authorities, should be examined to enable larger, more costly projects to be considered as part of this program.

Thank you for any consideration you can provide. If you have questions, please contact me at (925) 335-1226.

Sincerely,

Roberta Goulart, Executive Officer
Contra Costa County Water Agency

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

April 14, 2006

Lynn O'Leary
U.S. Army Corps of Engineers
Sacramento District, PM-C
1345 J Street
Sacramento, CA 95814

Re: Comments – Delta Report to Congress March 2006

Dear Ms. O'Leary:

Thank you for this opportunity to comment on the Delta Report to the U.S. Congress. The Association of Bay Area Governments (ABAG) encourages the U.S. Army Corps of Engineers to proceed apace to address critical levee integrity issues in the San Francisco Bay-Delta. We appreciate your review of our proposal to assess and mitigate hazards posed by frail levees to a range of infrastructure affecting the health and well being of residents, businesses and institutions in San Francisco Bay Area counties.

We hope that you will reconsider your ranking of our proposal and elevate the ranking because we believe the proposal is not only consistent with your Strategy for Action, but also offers a unique opportunity for urban and rural areas to form partnerships and to collaborate in order to strengthen critical levee systems in the short-term.

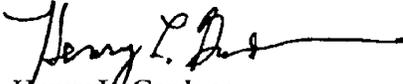
We appreciate your notation that our issues will be part of the Delta Visioning process and DRMS study, and that we will be asked to assist in advising these processes. However, it is our experience that the urban and urbanizing nine counties of the Bay Area require a specialized review at the regional scale that a statewide study is not likely to provide. Our implementation goals must also be tied to specific assessments in order to be effective. Furthermore, we would like to stress that the urban and urbanizing counties in the Bay Area have a strong interest in partnering with the more rural interests in the Delta, as the desire for finding efficient means to rehabilitate levees is shared by all.



Lynn O'Leary
April 14, 2006
2

We most certainly want to avoid any diversion of critically needed funds for those areas that you deem most important for immediate action. We hope that Congress will see the benefit of allocating sufficient funds for both critical planning and critical construction projects.

Sincerely,


Henry I. Gardner
Executive Director

Cc: Congresswoman Ellen Tauscher
Congresswoman Barbara Boxer
Senator Dianne Feinstein
Rainer Hoenicke, San Francisco Estuary Institute

RIVER ISLANDS

A T L A T H R O P

April 13, 2006

U.S. Army Corps of Engineers
Sacramento District
PM-C
Attn: Lynn O'Leary
1325 J. Street
Sacramento, California 95814

RE: Report to Congress – CALFED Levee Stability Program

Dear Ms. O'Leary:

We would like to thank you for the opportunity to review the Report to Congress concerning the Sacramento-San Joaquin Delta. I am the Project Director for River Islands, a 4,000 acre master-planned development located in the South Delta on the Stewart Tract. While we generally support the conclusions in the report, we would like to offer the following comments:

1. **The Delta is not Homogenous** – The report seems to characterize the Delta as one homogeneous system. In reality, the Delta is a compilation of islands that are quite varied in terms of soil types and land elevations. We believe that it is critical for Congress to understand the complexities of the Delta because decisions are going to be made regarding different strategies and the strategies should be appropriate for the physical nature of each site.
 - a. **Organic Soil** - Some islands have peat or organic soils over 40 feet deep (See Attachment 1). And other islands have no peat and consist of clay and sand. This distinction is important because of the issue of subsidence or "sinking". Peat islands are slowly sinking while other islands are stable. The Stewart Tract, on which River Islands is proposed, has no peat soil and consists of clay and sand, a stable building foundation.
 - b. **Land Elevations** – Some islands lie more than 15 feet below sea level (See Attachment 2). Other islands are well above sea level. Almost all of the land in the Secondary Zone of the Delta is above sea level.



THE CAMBAY GROUP, INC.

73 W. Stewart Road, Lathrop CA 95330 Tel 209.879.7900 Fax 209.879.7928 www.riverislands.com

2. **The Delta is divided into two zones, the Primary Zone and the Secondary Zone** – The physical differences described above are generally reflective of the two zones. Generally, the Primary Zone is high in organic soils and is often below sea level. The Secondary Zone is generally low in organic soils and is almost always above sea level. In addition, it is critical for our federal lawmakers to understand that pursuant to the 1992 Delta Protection Act, the Primary Zone is generally “off limits” to development, while development in the Secondary Zone is allowed under local entitlement. (See Attachment 3)
3. **Maps should be included in Final Report** - The maps referenced in the prior two sections are crucial in describing the Delta. The information should be fully explained and the maps should be included in the appendix of the report.
4. **Consider Private Parties as Key Stakeholders** – Private developers and property owners should be considered as key stakeholders to implement the proposed strategy.
 - a. **Funding for Capital Improvements** - As part of the River Islands project, we are proposing to set back nearly 5 miles of levees along a flood bypass known as Paradise Cut which will enlarge the bypass by over 250 acres. The Corps has recommended the widening of Paradise Cut for years, but there have been no federal funds allocated to address the issue. River Islands will privately fund this effort and open up a critical bottleneck in the system. As a private developer, we are willing to fund this effort without any money from the Corps. The Corps should consider situations like this as an opportunity to “partner” with the private sector and take advantage of the economic conditions that private development allows.
 - b. **Funding for On-going Maintenance** – The Corps can take advantage of future development by working with the private entity to ensure that funds are in place for adequate long term maintenance. One of the primary problems with the Delta today, is that there are inadequate funds for long term maintenance. By requiring adequate funding from the private sector, the Corps can ensure that levees protecting future development will be properly funded. The Corps needs to work with the development community during the approval process to ensure that adequate funding will be in place.
5. **The Report should recommend a Streamlined Permitting Process** – There is no mention of the process that will be followed to implement the individual projects. River Islands understands from experience, that innovative suggestions, such as levee setbacks, often get embroiled into a lengthy approval process. The Corps should implement a strategy for cutting red tape and getting projects built.

6. **Specific Comments** – The following address some of the specific comments made throughout the report:

- a. Executive Summary, 2nd paragraph – The statement is made that the Delta is *“an extremely fragile levee system that threatens to fail at any time, even under fair weather conditions. Unlike most levee system that protect against high water events, the Delta’s maze of mostly non-Federal levees must work all day, every day, to keep water from inundating people living below sea level”*.

This is a very misleading statement. As illustrated in Attachment 2, land elevations vary widely throughout the Delta. On the Stewart Tract for example, the land is 6 to 16 feet above sea level. Non-flood river elevations are typically 3 to 4 feet above sea level. As noted in the comments above, the Delta is not homogeneous and it should not be portrayed as homogeneous to our federal lawmakers. In many parts of the Delta, the levees only protect against high water events. The clarification should be made.

- b. Section 3.1, 1st paragraph ~ The statement is made that *“Most Delta Islands are now best described as bowls rather than islands.....”* Again, it is unfair to portray areas in the Secondary Zone as below sea level.
- c. Section 3.2, 2nd paragraph ~ The statement is made that *“Delta levees are tidal and hold water on a daily basis. Levee instability, erosion and seepage problems are constant concerns.”* Again, the distinction must be made for the different areas in the Delta. It is entirely inaccurate to characterize the Stewart Tract for example, as having “unstable” levees or as being subject to continuous seepage. Our lawmakers need to understand the complexity of the system in order to implement good strategies.
- d. Section 3.4, 2nd paragraph – This section also contains a misleading statement and characterizes the Delta as one homogenous system. The inappropriate statement is as follows: *“Further complicating the situation, these levees are unusual in comparison to typical flood control levees in that they are holding water all the time, since they are located on tidal channels and protecting islands that are below sea level.”*
- e. Section 3.47th paragraph – This paragraph addresses urbanization. It is critical to note that urbanization of the Secondary Zone was authorized by the state legislature in 1992 under the Delta Protection Act. Based on the 1992 designation, hundreds of millions of dollars have been spent by private entities to further the development of the area. It is entirely

Ms. Lynn O'Leary

April 13, 2006

Page 4

inappropriate to state that "*it is important to avoid any further development in flood plains or wetlands*". In addition to setting a critical precedent for the taking of property, this policy could also cost the tax payers billions of dollars to address the loss of property rights.

- f. Section 3.5, 2nd bullet point – This paragraph addresses the notion of partnerships. It should include partnerships with the private sector.
- g. Section 3.5, 3rd bullet point – We agree that urban development should be restricted in the Primary Zone of the Delta. Unfortunately, the Report does not fully distinguish between the two different zones and does not make clear that the Secondary Zone is eligible for development.
- h. Section 4.0 – The Army Corps spent years working on the "Comprehensive Study" of the San Joaquin Delta. There is no mention of this critical report.

Thank you again for your opportunity to comment on the subject report. I would like to receive all future correspondence on this matter, or other matters of a similar nature. Information can be emailed to me at sdelloso@CambayGroup.com.

Sincerely,



Susan E. M. Dell'Osso

Project Director

cc: Congressman Richard Pombo
Congressman Dennis Cardoza



CALIFORNIA FARM BUREAU FEDERATION

EXECUTIVE OFFICES

5000 FAIRFAX DRIVE SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5320 • FAX (916) 561-5690

April 14, 2006
Faxed to: (916) 557-7848

U.S. Army Corps of Engineers
Sacramento District, PM-C
Attn: Lynn O'Leary
1325 J Street
Sacramento, CA 95814

Re: U.S. Army Corps of Engineers ("Corps"), Sacramento District's Sacramento-San Joaquin Delta Report to Congress

Dear Ms. O'Leary:

The California Farm Bureau Federation ("Farm Bureau") appreciates this opportunity to provide comments and suggestions pertaining to the above-referenced report to Congress. The Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation based in Sacramento and represents more than 88,000 members throughout California, including more than 34,000 farm families. The Farm Bureau's purpose is to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable food and fiber supply through responsible stewardship of California's resources. Our members are very concerned about the loss of farmland resources, in particular land and water, because farmland resources are finite resources whose loss creates a significant environmental impact which must be avoided, reduced or mitigated to a level of insignificance.

Our primary concerns with the report to Congress as currently drafted are two-fold: First, the priority setting approach outlined in the report has failed to adequately account for both the important private property interests protected by agricultural levees in the Delta, as well as the broad public benefits and unique productive and environmental values Delta farmlands possess and provide in and of themselves. Second, we are concerned, from a policy standpoint, that unless the Corps harmonizes its long-term prioritization for currently proposed and foreseeable near-term urban development with the rationale it currently applies to future home construction, the result will be fiscal neglect of existing agricultural levees. This result will, in turn, further jeopardize both Delta farmlands and the reliability of the state's water supplies.

The current report to Congress must be viewed in its proper context. The stated intent is to address those sites which represent the greatest near-term threat and the widest range of benefits within the funding and time constraints of Section 103(f)(3) of the

California Bay-Delta Authorization of 2004 ("Act").¹ The initiative is a positive one and, as the report notes, a good "first step." It is, nonetheless, only a "first step." As clearly evidenced by the overwhelming response to the Corps' Request for Proposals on relatively short notice—and by the large number of unfunded projects from even this initial round of submissions—there is a great demand and pressing need for levee work in the Sacramento-San Joaquin Delta. Furthermore, both the state of our Delta levees and recent flooding disasters on the national stage and in California indicate there is absolutely no time for delay. Whereas the Act authorizes expenditures of \$90 million between now and 2010, the report notes that necessary improvements in the Delta to achieve even a base level of flood protection will cost at least \$5 billion dollars. Meanwhile, with each passing winter and ensuing spring, the situation in California's Delta area becomes increasingly more critical.

In addition to prioritizing various projects which might be funded from the \$90 million authorized under Section 103(f)(3) of the Act, the Report lays out the Corps' long-term strategy for Delta improvements. Specifically, the Corps will embark this year on a cost-shared Sacramento-San Joaquin Delta Islands and Levees Feasibility Study. In conjunction with the State of California's Delta Risk Management Strategy, expected to be issued in 2008, this Feasibility Study is intended to provide a "comprehensive

¹ Referenced on pages 1 and 2 of the report, the specific terms of Section 103(f)(3) provide as follows:

- (A) IN GENERAL. - For purposes of implementing the CALFED Bay-Delta Program within the Delta (as defined in Cal. Water Code 12220), the Secretary of the Army is authorized to undertake the construction and implementation of levee stability programs or projects for such purposes as flood control, ecosystem restoration, water supply, water conveyance, and water quality objectives.
- (B) REPORT. - Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a report that describes the levee stability reconstruction projects and priorities that will be carried out under this title during each of fiscal years 2005 through 2010.
- (C) SMALL FLOOD CONTROL PROJECTS. - Notwithstanding the project purpose, the authority granted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) shall apply to each project authorized under this paragraph.
- (D) PROJECTS. - Of the amounts authorized to be appropriated under section 109, not more than \$90,000,000 may be expended to -
- (i) reconstruct Delta levees to a base level of protection (also known as the "Public Law 84-99 standard");
 - (ii) enhance the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects Program;
 - (iii) develop best management practices to control and reverse land subsidence on Delta islands;
 - (iv) develop a Delta Levee Emergency Management and Response Plan that will enhance the ability Federal, State, and local agencies to rapidly respond to levee emergencies;
 - (v) develop a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;
 - (vi) reconstruct Delta levees using to the maximum extent practicable, dredged materials from the Sacramento River, the San Joaquin River, and the San Francisco Bay in reconstructing Delta levees;
 - (vii) coordinate Delta levee projects with flood management, ecosystem restoration, and levee protection projects of the lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study; and (viii) evaluate and, if appropriate, rehabilitate the Suisun Marsh levees."

integrated strategy for levee system improvements in the Delta." It is primarily in the context of these longer-term efforts, rather than the Corps' short-term priorities, that we offer the suggestions below:

First, we are concerned that, in prioritizing projects and assessing risks and benefits for the long-term strategy, land in the Delta that is used primarily, or exclusively, for agriculture may be undervalued unless the Corps' priorities reflect a clear understanding that prime agricultural soils in the Delta region and the beneficial use of water resources on that farmland represent irreplaceable environmental as well as economic values and must be prioritized accordingly. These values transcend private interests, yet appear to have been left out of the Corps' short-term screening. Thus projects that would appear primarily to benefit the private interests of farmers and ranchers are given low or, at best, medium-level priorities. Such projects are deserving of a higher priority in terms of the state and national strategic resources they would protect--which is to say, both the world-class soils that lie behind them and the safe, reliable and affordable food and fiber those soils produce. In this regard, we urge the Corps to more fully consider the benefits of farmland uses in the context of its long-term planning for the Delta--and to prioritize projects affecting those lands accordingly.

Second, we note that, appropriately, given the Corps' originally stated objective to address critical risks to "life, property and/or water supply," the ranking system for critical projects assigned a high priority to levees that protect at risk populations and "urban" properties. Equally appropriately, projects that would "potentially result in near-term development with flood plains protected by levees" were assigned a lower priority. As a partial rationale for this approach, the report cites Executive Order 11988, which directs federal agencies "to avoid to the extent possible the long- and short-term adverse effects associated with the occupancy and modification of floodplains, and to avoid direct and indirect support of flood plain development wherever there is a practicable alternative." The report likewise indicates that the long-term planning strategy, including the Corps' efforts in connection with the Delta Islands and Levees Feasibility Study, will include a "comprehensive evaluation" of the possible "economic, environmental, and social effects" of "potentially growth-inducing levee projects." We strongly endorse this approach as a sound and sensible one.

At the same time, however, we are concerned that on-going development of residential housing in the Delta foreseeably will occur within the timeframe of the long-term planning horizon. Where levee maintenance system-wide is made more difficult and expensive as a result of development at specific points in the Delta, fiscally abandoned farmland and statewide water supplies will be placed at greater risk. Where residential development has occurred, increased land values and heightened health and safety concerns foreseeably will command a higher priority than necessary levee improvements for farmland--and at a much greater cost to taxpayers than the cost associated with maintaining historic agricultural levees. Moreover, Delta farmland is doubly harmed by such unsustainable development projects to the extent such projects

Letter to U.S. Army Corps of Engineers

April 14, 2006

Page 4 of 5

consume valuable land and water in the first place and will likely lead to further growth and loss of these resources. To avoid a perverse policy that rewards irresponsible development of historic farmland in the Delta, we encourage the Corps, in its long-term ranking criteria, to de-prioritize funding, not only for levee projects that might promote *future* development, but also those projects that would benefit *recent* development for which adequate levees were not provided.

We would like to express our thanks to the Corps for considering these comments. If we can provide any further information or clarification, please do not hesitate to call Brenda Davis at 916-561-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Moschbar". The signature is stylized and cursive.

Doug Moschbar
President

DM/pkh

cc: Paul Wenger, First Vice President
Kenny Watkins, Second Vice President
George Gomes, Administrator
Hon. Diane Feinstein, United States Senate
Hon. Richard Pombo, United States House of Representatives
Dennis Albani, Deputy Legislative Affairs Secretary, Office of the Governor
Lester A. Snow, Director, California Department of Water Resources
Michael Chrisman, Secretary, California Resources Agency
A.G. Kawamura, Secretary, California Department of Food & Agriculture

Letter to U.S. Army Corps of Engineers

April 14, 2006

Page 5 of 5

Hon. Diane Feinstein
United States Senate
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Ph.: 202-224-3841
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Hon. Richard W. Pombo
United States House of Representatives
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Office of the Governor, Legislative Affairs Office
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California Department of Water Resources
Attn.: Lester A. Snow, Director
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California Resources Agency
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California Department of Food & Agriculture
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DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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April 12, 2006

Ms. Lynn O'Leary
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Subject: Sacramento-San Joaquin Delta Report to Congress, "USACE Strategy for Action"

Dear Ms. O'Leary:

The California Department of Conservation's (Department) Division of Land Resource Protection (Division) staff have reviewed the Delta Report. Our understanding of the strategy to be implemented by USACE is as follows:

Congress directed the USACE to deliver a report that identifies and prioritizes potential levee stability projects in the Delta to be carried out through 2010, using the \$90 million to be appropriated for the Federal share of project costs. The CALFED Bay-Delta Authorization Act directed USACE to prioritize potential projects. To identify critical projects with active non-Federal support, the USACE invited Delta stakeholders to submit project proposals with letters indicating willingness to participate as cost-sharing sponsors. The Delta area reclamation districts and flood management agencies responded by submitting 54 project proposals totaling \$1 Billion in estimated costs.

A long-term strategy will be developed in the cost-shared Sacramento-San Joaquin Delta Islands and Levees Feasibility Study. The study's scope will assess existing and future flood risks in the Delta area, as well as ecosystem restoration, recreation, water supply needs and develop a comprehensive vision and roadmap for future Federal participation in the Delta. The plan, in conjunction with the California Department of Water Resources' (DWR) Delta Risk Management Study, will address remaining levee stability work beyond the \$90 million Federal effort authorized in the CALFED Act.

The categories of projects authorized for funding under the short-term strategy include the following:

- Reconstruction of Delta levees to base level of protection (PL 84-99)

- Enhancement of the stability of levees that have particular importance in the system (statewide importance), through the Delta Levee Special Improvement Projects Program
- Development of best management practices to control and reverse land subsidence on the Delta islands
- Development of a Delta Levee Emergency Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence and earthquakes
- Reconstruction of levees, using dredged materials when possible
- Coordination of Delta levee projects with flood management, ecosystem restoration and levee protection projects of the lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study and
- Evaluation of rehabilitation of the Suisun Marsh levees, if appropriate

We respectfully offer our comments:

The Delta is comprised of over 730,000 acres of some of the most productive agricultural lands in the world, and provides valuable habitat for many plant and animal species. The Delta also supports an ever-increasing population including the cities of Antioch, Brentwood, Oakley, Stockton, Lathrop, Sacramento, West Sacramento, Isleton, Pittsburg and Tracy. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act Program, the California Farmland Conservancy Program, and other agricultural land conservation programs. Much of the land in the Delta is under Williamson Act. As valuable farmland is being converted as a result of urban development or to even less intense uses, it is necessary to consider the ultimate cost of losing agricultural resources. As the project levees are stabilized or enhanced to a level of calculated flood protection, history has shown that urbanization often follows. We recommend that when implementing a levee project, to provide further flood protection, the local land use agencies agree to refrain from development by funding permanent easements that would allow agricultural practices to continue. The Division has extensive experience in establishing agricultural easements and we would be pleased to meet with you to further develop this proposal.

One of the priorities includes the development of a Delta Levee Emergency Management Strategy that includes assessing the consequences of Delta levee failure from floods, seepage, subsidence and earthquakes. As this Emergency Management Strategy develops, the California Geological Survey could be utilized to provide technical assistance regarding earthquakes and subsidence issues.

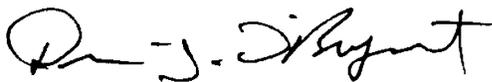
In the event that levee construction or repair necessitates acquisition of land under Williamson Act contract, there are statutory requirements that must be met. Any acquisition of contracted land by a public agency must meet the requirements set forth

in Government Code sections 51290 to 51295. Specific findings would need to be reported to the Department of Conservation in the required notice to the Director (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 13-71, Sacramento, CA 95814-3528.). The requirements for findings may be waived under Government Code section 15993 (h). Termination of a Williamson Act/Farmland Security Zone contract by acquisition can only be accomplished by a public agency, having the power of eminent domain, for a public improvement. The Department must be notified in advance of any proposed public acquisition (Government Code §51290 - 51292), and specific findings must be made. The property must be acquired in accordance with eminent domain law by eminent domain or in lieu of eminent domain in order to void the contract (§51295). The public agency must consider the Department's comments prior to taking action on the acquisition. We recommend discussion in any response to comments of how the acquisition will meet the required findings. Please note that notification must be submitted separately from the NEPA/CEQA process. Also, please include the Department when circulating any future NEPA/CEQA documentation, and send the environmental documentation to the address noted above.

There may be additional levee construction and stabilization projects that involve public acquisition of contracted lands, and there may be projects that must be expedited due to emergency conditions. The Department respectfully requests that we be contacted at the earliest opportunity, so that the Department's statutory requirements are complied with and these projects can proceed smoothly.

Thank you for the opportunity to provide comment. Please do not hesitate to contact Jeannie Blakeslee if you have any questions regarding these comments at (916) 323-4943.

Sincerely,



Dennis J. O'Bryant
Acting Assistant Director



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122

April 13, 2006

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Walter J. Bishop
General Manager

U.S. Army Corps of Engineers
Sacramento District, PM-C
Attn: Lynn O'Leary
1325 J Street
Sacramento, CA 95814

**Subject: CALFED Levee Stability Program: CCWD Comments on
Draft Report to Congress**

Dear Ms. O'Leary:

The Contra Costa Water District (CCWD) has reviewed the draft report entitled "Report to Congress on the U.S. Army Corps of Engineers' Strategy for Action" (Report) dated March 2006 and appreciates the opportunity to comment prior to completion of the final report. CCWD commends the USACE for their prompt and concise reporting of the short-term and long-term strategies needed to address levee stability issues in the Sacramento-San Joaquin Delta (Delta). CCWD understands that the authority granted under Section 205 of the Flood Control Act of 1948 shall apply to projects associated with this report, as directed by the CALFED Bay-Delta Authorization Act of 2004.

CCWD has a critical interest in enhancing the stability of Delta levees because the Delta is CCWD's sole source of water supply. To deliver this supply, CCWD relies on the Contra Costa Canal (Canal) to divert water from Rock Slough, located in the central Delta. The Canal is federally-owned and part of the U.S. Bureau of Reclamation's Central Valley Project.

CCWD realizes that federal funding through the Corps for Delta flood protection is limited and that priorities must be established. However, CCWD has long pursued a project with the Corps under Section 205 in the central Delta and believes the federal ownership of the Canal and the accompanying federal liability warrant an accelerated completion of CCWD's existing project. This is the only Delta levee project that will not simply reduce, but will eliminate flood risks of eight miles of federally owned levees in a vital area of the Delta.

Under the *Strategy for Action* effort by the Corps, CCWD's existing project should receive a "High" priority because the beneficial considerations are applicable.

- The project meets all five objectives in Section 103(f)(3)(A) of the Act: “flood control, ecosystem restoration, water supply, water conveyance, and water quality...” and is in the appropriate geographic area. In addition to the flood control benefits discussed below, the project is a critical water supply conduit for 500,000 people in Contra Costa County. The project improves water quality by reducing seepage into the canal from high-salinity groundwater, and improves the operation of the CVP and State Water Project (SWP) by reducing local water quality degradation near a water quality compliance location that is presently offset with the use of excess SWP and CVP water dedicated to Delta outflow. The project therefore increases water supplies and operational flexibility of the SWP and CVP.
- Second, the project addresses a specific federal interest because the facility is part of the federally-owned CVP.
- Third, the project demonstrates an innovative solution to water resources problems in the Delta by solving many problems with a single project. Replacing the open canal with a buried pipeline: eliminates flood risk; improves water quality; improves operations of the SWP and CVP; and, significantly improves ecosystem habitat by allowing a proposed 1,200-acre tidal restoration project adjacent to the canal to be implemented to a larger extent. As planned, the tidal restoration project would increase seepage into the unlined canal and pose an even greater flood risk.

The project also avoids the adverse considerations that result in lower priority ranking.

- The project is not growth-inducing. Eliminating flood risks associated with the unlined Canal would not create growth or development but would reduce federal liability for damage of existing facilities. Major roads, agricultural areas, major infrastructure facilities such as gas pipelines, power transmission lines, and water/wastewater pipelines rely on the existing canal levees for flood protection. CCWD understands that the Corps cannot invest in levees that would be growth-inducing within a flood plain, nor can the Corps administer funding that subsidizes development or enhances land values. However, development in the area is proceeding independently and includes its own locally-financed levees for new residential areas. These new levee systems do not protect the existing areas, utilities, and facilities that are presently at risk by the canal berms that were not designed for flood protection.
- The project is ready to proceed. CCWD is completing pre-feasibility studies leading to a design concept and plans to certify the CEQA documentation in June 2006. Project permits are also being completed.
- The project has a high cost share. CCWD has compiled over \$27 million in non-federal funding for the project to date.
- The cost share request is \$7 million, within the cost limit for Section 205 projects.
- Flood control damage reductions are not for the benefit of one sole landowner.

Ms. Lynn O'Leary

CALFED Levee Stability Program, Draft Strategy for Action Report to Congress

April 13, 2006

Page 3

- Flood control damage reductions are not for the benefit one sole landowner.

After the project was authorized by Congress in 2000, CCWD began working with the Corps in 2001 on a feasibility study for a project to eliminate the flood risks associated with the unlined Contra Costa Canal. The San Francisco office of the Corps began an economic study managed by Ms. Nicole Ortega. However, due to limited funding, this report has not been completed, despite federal interest in the project.

Meanwhile, the urgent need to complete the report and the project has increased. The unlined canal was never engineered to provide flood protection. During the recent winter storms, several locations on the canal were severely damaged. CCWD and Reclamation District No. 799, which relies on a portion of the canal for flood protection, mobilized and conducted significant emergency repairs in early 2006.

To achieve the aforementioned multiple benefits, including eliminating flood risk, CCWD and the U.S. Bureau of Reclamation are presently pursuing a capital improvement project for the canal, to replace the levees and canal with a buried pipeline. CCWD is relying on a federal cost share corresponding to the significant federal liability and interest in the project.

CCWD requests that the Sacramento and San Francisco offices work together to dedicate funding from existing federal appropriations to help move the on-going Section 205 project for the Contra Costa Canal forward. To this end, CCWD recommends that the Report be amended to include funding for the Contra Costa Canal as a High Priority project under the USACE's *Strategy for Action*. This will ensure the appropriate funding is dedicated to this project.

If you have any questions on this project, please do not hesitate to call CCWD's lead staff person, David Briggs at (925) 688-8073.

Sincerely,



Gregory Gartrell
Assistant General Manager

GG/DAB:ps

Attachment



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, US ARMY CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

REPLY TO
ATTENTION OF

'AUG 10 2005'

Programs and Project Management Division

Mike Brink
Associate Engineer
Contra Costa Water District
Attn: Mike Brink
P.O. Box H20
Concord, CA 94524-2099

Dear Mr. Brink:

The Corps of Engineers completed the Initial Appraisal (IA) for the Contra Costa Canal Section 205 study in July 2005. We believe continuing into a cost shared feasibility has merit. As you are aware, this would require execution of a feasibility cost sharing agreement between the Corps and Contra Costa County. Ms. Nicole Ortega of my staff will be contacting you shortly to discuss the feasibility study and other options to address flooding concerns in the Contra Costa Canal/Rock Slough area.

The IA evaluated a 4-mile section of the Contra Costa Canal near its intake at Rock Slough. It considers the flood risk only from failure or overtopping of the Contra Costa Canal levees. It does not consider potential failure of other levees in the study area. Additional analyses would need to be performed to describe the estimated flood damages from all potential sources of flooding and to ensure that a complete, economically justified solution is developed to reduce flood damages. Therefore, the IA recommended that a cost shared Feasibility Study be initiated. This Feasibility Study would define the problem and evaluate reasonable plans to reduce or eliminate known problems. It also describes the roles and responsibilities of each office. It is important to note that the Corps recommended plan must achieve a benefit to cost ratio greater than 1.0. Other conditions and restrictions may influence the Corps recommended plan.

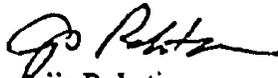
Please be aware that funding for the Section 205 program, as with all Continuing Authorities Program authorities, has been extremely limited in recent years. Because of funding constraints, the Corps is now prioritizing projects according to Congressional intent. Specifically, projects mentioned in House, Senate or Conference reports accompanying appropriations acts, and projects already in the construction phase, are given the highest priorities. We will continue this practice until the funding outlook improves. The Contra Costa Canal project is not mentioned in either the House or Senate reports for pending FY 2006 appropriations. Unless the FY 2006 Conference Report includes the project, funding next fiscal year will be difficult.

The Corps' Environmental Infrastructure program may be another option for you to pursue if the Section 205 program cannot meet your needs. Though these programs are not generally accorded a high budget priority, qualifying projects, if authorized and funded by Congress, offer communities an additional alternative for including the Corps in solving local water resource problems. This program, often referred to as the Section 219 construction assistance program (Section 219 of the Water Resources Development Act, 1992) requires cost sharing as well, but is not subject to traditional Corps requirements. A fact sheet on the Section 219 program is enclosed for your review.

We recommend a meeting to discuss the LA findings, the cost sharing agreement, the funding situation, and other factors that could influence the initiation of the Feasibility Study. We may also want to discuss the Section 219 program.

Please feel free to contact the CAP Manager, Ms. Nicole Ortega for further coordination at (415) 977-8467.

Sincerely,



Arijs Rakstins
Deputy for Project Management

Enclosure



US Army Corps
of Engineers
San Francisco District

Section 219 Environmental Infrastructure Program

Section 219 was authored in 1992 under the Water Resources Development Act. Since that time the Authority has been amended many times to add projects throughout the Nation. Section 219 authorizes the U.S. Army Corps of Engineers (Corps) to provide assistance to non-Federal interests (local communities, water districts, sanitation districts, etc) for carrying out water-related environmental infrastructure and resource protection and development projects. For many already authorized projects, the authority language is usually general in scope and includes large geographical areas. An example is *WRDA 1999, Section 502 - (23) SACRAMENTO AREA, California--\$25,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Water District, California*. Types of projects include wastewater treatment and related facilities and water supply, storage, treatment and distribution facilities.

Basic Section 219 Requirements

- The Secretary of the Army shall enter into a Project Cooperation Agreement (PCA) with a non-Federal interest to provide services including technical planning, design, engineering, and construction of the project.
- Development of any planning, design, and execution of construction projects shall be through Corps contracts with private industry, in consultation with appropriate Federal and State officials, including appropriate engineering plans and specifications.
- Establishment of legal and institutional structures to effect long-term operation of the project by the non-Federal interest on property owned by the non-Federal interest and shall be approved by the Corps.
- The Federal share of project costs under each PCA entered into shall be 75 percent cash with the non-Federal share of 25 percent to be made up of cash or lands, easements, rights of way, relocations and disposal costs.
- There are no reimbursements to sponsors for costs they incur. There is no in-kind credit for work performed by the non-Federal sponsor.
- Federal share of project costs cannot be budgeted. Assistance to the sponsor can only occur on a given year when the project receives appropriations. No appropriation no assistance.
- The non-Federal interest is responsible for 100 % of operation and maintenance costs for projects.
- The Corps' direct involvement in development of the Scopes of Work for all Contracts, Performance of Contract & Construction Management, and Approval of Sponsor Designs for construction.



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

April 18, 2006

Ms. Lynn O'Leary
U.S. Army Corps of Engineers
Sacramento District, PM-C
1325 J Street
Sacramento, CA 95814

Dear Ms. O'Leary:

CALFED Levee Stability Program

The Metropolitan Water District of Southern California appreciates the opportunity to provide comments on the "Report to Congress on the U.S. Army Corps of Engineers' Strategy for Action on the CALFED Levee Stability Program, California." Metropolitan is a public agency consortium of 26 member agencies, including 11 municipal water districts, 14 cities, and one county water authority providing drinking water to nearly 18 million people serving a six-county service area comprising some 5,200 square miles.

We appreciate the attention that the Corps of Engineers (COE) has given to considering the need to prioritize limited funds for Delta levee needs among competing purposes, including flood control, ecosystem restoration, water supply, water conveyance and water quality objectives.

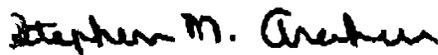
We have the following comments on the report:

- It is essential for strategic Delta levees to be brought to a consistent and high level of protection equal to or exceeding PL 84-99 protection for entire island levee systems that are critical to meeting water supply reliability needs.
- Metropolitan strongly encourages the COE to place a strong emphasis on levee improvement projects that form complete systems of protection. As with any levee system, levees protecting Delta islands are only as strong as their weakest sections.
- Metropolitan concurs with the COE's judgment that the eight western islands are critical for water supply and quality reliability. The priority for these islands will undoubtedly be evaluated during the completion of the state of California's Delta Risk Management Study (DRMS). However, until the DRMS results in possible new priorities, the eight western islands are an obvious area of concern.

Ms. O'Leary
Page 2
April 18, 2006

We were advised by Sacramento District staff that our comments would be accepted through close of business Tuesday, April 18, 2006. Again, Metropolitan appreciates the COE's effort to develop a strategy for improving the Sacramento-San Joaquin Delta levees.

Very truly yours,



Stephen N. Arakawa
Manager, Water Resource Management

DM:adminwrm
O:\slcorres\DM_MWD letter re USACE 180.doc

cc: Mr. Lester Snow
Director
California Department of Water Resources
1416 9th Street, 11th Floor
Sacramento, CA 95814

Mr. Terry Erlewine
General Manager
State Water Contractors
1121 L Street, 10th Floor
Sacramento, CA 95814

APPENDIX E – Public Review and Responses

CALFED Levee Stability Program, California Responses to Public Review Comments

Bethel Island Municipal Improvement District:

Thank you very much for your letter and additional information in support of the Bethel Island proposals. USACE used this information in the prioritization for the final report.

Green Mountain Engineering:

Thank you very much for your letter and additional information in support of the Bethel Island proposals. USACE used this information in the prioritization for the final report.

Congresswoman Ellen O. Tauscher:

Thank you for your letter of support for the Bethel Island proposals. We have already sent a formal response to your letter. USACE received additional information on the Bethel Island proposals from other parties, and used this information in the prioritization for the final report.

Lisa Kirk:

Thank you for your letter of support for the Bethel Island proposals. USACE received additional information on Bethel Island proposals from other parties, and used this information in the prioritization for the final report.

South Delta Water Agency:

Thank you very much for your letter and additional information in support of your Stark Tract proposal. USACE used this information in the prioritization for the final report.

Regarding your South Delta Flood Conveyance Plan, the Corps will work with the SDWA to develop an environmentally acceptable and economically feasible plan for the South Delta when Federal and non-Federal funding is available.

DWR and TNC -- Gwen Knittweis:

Thank you very much for your letter and additional information in support of your McCormack-Williamson Tract proposal. USACE used this information in the prioritization for the final report.

Reclamation District 2026, Webb Tract:

Thank you very much for your letter and additional information in support of your Webb Tract proposal. USACE used this information in the prioritization for the final report.

Section 4.0 in the draft report is now an appendix, and is not a comprehensive list – it is merely intended as a list of USACE Delta-related reports.

San Joaquin Farm Bureau Federation:

Thank you very much for your letter in response to our draft report.

We have compiled an extensive mailing and email list from several sources, including the Delta Protection Commission, the Water Education Foundation, the State of California Directory of Flood Officials, Department of Water Resources, and others. We also have USACE media contact lists. We would welcome adding your mailing lists to ours.

The draft report was released to the public on 24 March 2006, and we accepted comments until 17 April 2006.

In the proposal prioritization process, agricultural benefits were assumed for nearly every proposal, so agricultural benefits were only listed in the tables if there was no other benefit of note. The credentials of the proposal evaluation team are listed in an appendix.

Reclamation District 830, Tom Williams:

Thank you very much for your letter in support of the high priority ranking of your Jersey Island proposal. We will be contacting you for additional information if we receive funding to implement this report.

Port of Stockton:

Thank you very much for your letter in response to our draft report.

As you noted, we have existing authority for wavewash protection on the Stockton navigation project, which is separate from the authorization for this report, the CALFED Act.

The beneficial reuse of dredged material is highlighted as one of the CALFED Act objectives, and will be addressed in our Pinole Shoal Management/Delta LTMS study.

We have added language to the report in several places to emphasize that the Delta PL 84-99 standard is not 100-year protection.

We have added language throughout the report to reference the Pinole Shoal Management/Delta LTMS study.

Project priorities were not decided by a benefit cost analysis. The proposal evaluation process is detailed in an appendix.

Regulatory issues will be determined on a project-specific basis.

Most of your specific comments were incorporated into the final report. Thank you for your review and comments.

DWR – Jim Eckman:

Thank you for your review and specific comments. In response to your comment about the funding table: the \$90 million for the CALFED Levee Stability Program is separate from the other table entries. Your other comments were incorporated into the final report.

Reclamation District 1608 – Deedee Antypas:

Thank you very much for your letter and additional information in support of the proposals from RD 1608 and RD 2199. USACE considered this information in the prioritization for the final report.

Reclamation District 2074 – Deedee Antypas:

Thank you very much for your letter and additional information in support of your proposal for RD 2074. USACE considered this information in the prioritization for the final report.

Reclamation District 2074 – George Hartmann:

Thank you very much for your letter and additional information in support of the proposal for RD 2074. USACE considered this information in the prioritization for the final report.

Suisun Resource Conservation District:

Thank you very much for your letter in support of the Suisun Marsh proposals, with specific comments on our draft report. Most of your specific comments were incorporated into the final report. We appreciate your detailed review.

Wally Clark:

Thank you very much for your letter in response to our draft report. Your reference to slurry walls leads us to believe that you are referring to areas along the Sacramento River north of the Delta. The USACE does perform maintenance dredging for the deep water ship channels, which does not include the Sacramento River north of the Delta.

Contra Costa Water Agency:

Thank you very much for your letter in response to our draft report. We have added language throughout the report to describe and reference the Pinole Shoal Management/Delta LTMS study, which we hope will address most of your comments. Thank you again for your detailed review.

Association of Bay Area Governments:

Thank you very much for your letter in support of your ABAG study proposal. We look forward to your continued interest and involvement in the DRMS and Delta Islands and Levees studies.

River Islands at Lathrop:

Thank you very much for your letter in response to our draft report.

We have added language throughout the report to clarify that the Delta is not homogenous.

The implementation process for the potential projects is detailed in Section 6.2 of this report.

Most of your specific comments were incorporated into the final report.

We believe that the USACE comprehensive study on the Delta that you are referring to is the Delta Special Study, which is indeed noted in the appendix entitled, "Related USACE Delta Studies and Reports."

Thank you very much for your detailed review and comments.

California Farm Bureau Federation:

Thank you very much for your letter in response to our draft report.

We appreciate your support of Corps policy avoiding induced development and requiring economic and environmental evaluations.

We will be evaluating non-traditional ways of quantifying agricultural benefits as part of the Delta Islands and Levees Feasibility Study. Thank you again for your comments.

Department of Conservation:

Thank you very much for your letter in response to our draft report.

We appreciate your suggestions for implementing levee projects protecting agricultural lands, and your directions for NEPA/CEQA document circulation.

Thank you again for your comments.

Metropolitan Water District of Southern California:

Thank you very much for your letter in response to our draft report.

We recognize your support of levee improvement projects that equal or exceed the Delta PL 84-99 standard, and projects that form complete systems of protection.

We also recognize your support of the high priority ranking given for projects involving the eight western Delta islands.

Thank you again for your comments.

Contra Costa Water District:

Thank you very much for your letter in response to our draft report.

We appreciate your support for enhancing the stability of Delta levees.

The Contra Costa Canal project that you mention was not submitted as a proposal, so it has not been considered for this report.