

### **Delta Counties Coalition**

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

*"Working together on water and Delta issues"*

January 27, 2016

Randy Fiorini, Chair  
Delta Stewardship Council  
980 9<sup>th</sup> Street, Suite 1500  
Sacramento, CA 95814

### **SUBJECT: Request for Significant Modifications of the Delta Levee Investment Strategy Principles**

Dear Chairman Fiorini:

The Sacramento-San Joaquin Delta Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, working together as the Delta Counties Coalition (DCC), write to express our concerns regarding the Delta Levee Investment Strategy (DLIS) Principles (Principles) adopted as interim guidance by the Delta Stewardship Council (DSC) at its July 24, 2015 meeting. The DSC discussed revisiting these Principles when the Arcadis team provides more technical data. We offer for your consideration our comments on the Principles and the computer-aided decision tool developed as part of this process.

According to DSC documents, the Principles are intended to "guide future work by the staff and the Arcadis team in developing the Delta Levees Investment Strategy." In reviewing the Principles, it appears that the Principles, rather than the results of the study, are dictating the investment strategy. If the Principles are intended to add value to this process, the DSC must develop and vet them more thoroughly. Good planning and analysis are critical to ensuring that public funds are well spent. However, planning and analysis can only be effective when these processes are unfettered by pre-determined policy directives that dictate the outcome.

We understand that these Principles are intended to be one component of the overall process for developing the DLIS. We are concerned that these Principles declare investment priorities and set policy direction before other components of the process are completed, such as performing scientific analyses, establishing methodologies, and developing planning tools. This is completely incompatible with accepted scientific method. It would be more appropriate to complete the analysis first, and use those results to form the basis for investment priority decisions. More analysis is needed with respect to benefits, costs, and trade-offs associated with levee investments, which would help establish the basis for state funding priorities and any subsequent policy direction.

The determinations that project levees have priority over non-project levees and that urban areas are the “first priority” amount to a de facto prioritization of the Secondary Zone over the Primary Zone. These determinations limit flood protection for the people, homes, and businesses in the legacy communities that we represent and fail to comply with the suite of statutory protections that the state legislature established for the Delta, including the mandate of the Delta Protection Commission (DPC) to protect the Primary Zone. The policies and recommendations in the DPC’s Land Use and Resource Management Plan<sup>1</sup> and Economic Sustainability Plan<sup>2</sup> provide an excellent framework for developing DLIS Principles. We strongly recommend that the DSC incorporate these into any revisions to the DLIS Principles.

Multi-benefit projects that integrate flood protection and habitat creation are desirable so long as they enhance the integrity of the levee system and allow local maintaining agencies to conduct their activities. However, the DLIS must account for the full costs of habitat creation. Altering levees for the purpose of habitat creation can have severe impacts throughout the Delta, including increased erosion, seepage onto adjacent islands, accelerated sediment deposition, and loss of agricultural land and productivity.

The DLIS must recognize the benefits of the existing levee system. Delta channels flanked by levees have a significant role in the hydrodynamics of the Delta by reducing the amount of fresh water required to repel the intrusion of salt water from San Francisco Bay. This is essential for a healthy estuary and helps the State Water Project (SWP) and Central Valley Project (CVP) meet certain water quality and flow requirements. It is critical that the SWP and CVP meet their water right permit obligations to maintain Delta water quality for multiple beneficial uses and to protect endangered and threatened fisheries.

Additionally, a recent report by an independent science panel reviewing the computer-aided decision tool developed by Arcadis highlights many of the inadequacies of the levee ranking methodology, including the failure to properly incorporate the evaluation of the unique values of the Delta. We agree with many of the panel’s findings and believe that further refinement of the DLIS Principles is necessary to ensure that the levee analysis is unbiased, scientifically defensible, and consistent with state and federal laws governing the Delta.

We agree that a future levee investment strategy that protects the state’s interests requires identification of priorities to guide annual allocations. However, we firmly believe that when comparing the levels of risk associated with varying degrees of levee protection, failure to comprehensively analyze the broad spectrum of state interests identified in existing law will result in an outcome that lacks credibility, wastes limited public resources, and further erodes the trust of our Delta constituency.

A levee investment strategy must protect the economic vitality of agriculture, promote public safety, enhance recreation, preserve the communities in the Delta as required by law, and help achieve the co-equal goals of improving water supply reliability and ecosystem restoration. We

---

<sup>1</sup> Adopted in 1995, and updated in 2010.

<sup>2</sup> Adopted and delivered to the DSC in 2012.

Randy Fiorini, Chair

January 27, 2016

Page 3

commit to helping the DSC achieve this objective and to helping you, your staff, and consultants better understand the impacts that the Principles' predetermined outcomes would have on our counties.

We thank you in advance for your positive consideration and for addressing our concerns.

Sincerely,



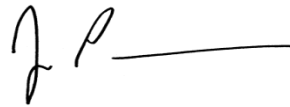
Mary Nejedly Piepho  
Supervisor, Contra Costa County



Skip Thomson  
Supervisor, Solano County



Don Nottoli  
Supervisor, Sacramento County



Jim Provenza  
Supervisor, Yolo County



Bob Elliott  
Supervisor, San Joaquin County

cc: Martha Guzman-Aceves, Deputy Legislative Secretary  
John Laird, Natural Resources Secretary  
Bill Edgar, Chairman of Central Valley Flood Protection Board  
Mark Cowin, Director of Department of Water Resources  
The Honorable John Garamendi, Congressional District 3  
The Honorable Doris Matsui, Congressional District 6  
The Honorable Jerry McNerney, Congressional District 9  
The Honorable Jeff Denham, Congressional District 10  
The Honorable Mark DeSaulnier, Congressional District 11  
The Honorable Lois Wolk, Senate District 3  
The Honorable Cathleen Galgiani, Senate District 5  
The Honorable Richard Pan, Senate District 6  
The Honorable Steven Glazer, Senate District 7  
The Honorable Bill Dodd, Assembly District 4  
The Honorable Kevin McCarty, Assembly District 7  
The Honorable Jim Cooper, Assembly District 9  
The Honorable Jim Frazier, Assembly District 11  
The Honorable Kristen Olsen, Assembly District 12  
The Honorable Susan Eggman, Assembly District 13  
The Honorable Susan Bonilla, Assembly District 14