

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

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July 5, 2013

Mr. Russell Stein  
Department of Water Resources  
3500 Industrial Blvd.  
West Sacramento, California 95691

Subject: Bay Delta Conservation Plan Administrative Draft Environmental Impact Report / Environmental Impact Statement

Dear Mr. Stein:

The Central Valley Flood Protection Board (Board) staff appreciates the opportunity to review and comment on the Department of Water Resources' (DWR) Bay Delta Conservation Plan (BDCP) Administrative Draft Environmental Impact Report (ADEIR) / Environmental Impact Statement (ADEIS).

Due to the controversial nature of the proposed BDCP, and ongoing discussions between Board and DWR legal counsel regarding the level of Board regulatory review, action, or assistance with BDCP permitting or approvals, Board staff will withhold comments at this time on any regulatory activities pursuant to the following:

- Title 23, Division 1 of the California Code of Regulations
- Actions as a California Environmental Quality Act (CEQA) responsible agency
- Review by the U.S. Army Corps of Engineers pursuant to United States Code, Title 33 Section 408

Our comments provided herein below address selected initial concerns regarding reasonably foreseeable impacts and potential mitigation measures associated with BDCP project alternatives and their consistency with DWR's Central Valley Flood Protection Plan (CVFPP), as well as concerns about potential transportation impacts.

### **Consistency with the Central Valley Flood Protection Plan**

**Reduced Maintenance and Repairs:** One of the goals of the CVFPP is to “*reduce systemwide maintenance and repair requirements*” (page 1-26, CVFPP, 2012). To be consistent with the CVFPP proposed BDCP project alternatives should avoid increasing flood control project maintenance activities and costs resulting from sediment accumulation and unmanaged woody vegetation, both of which can adversely impact channel conveyance capacities and flood potentials.

According to the ADEIR proposed project alternatives shown on page 6-51 “*Alternative 1A would include installation of operable gates in the Fremont Weir at the head of the Yolo Bypass to increase the frequency and duration of flood inundation of the Bypass. The alternative also proposes modification of islands and channels in the Delta and Suisun Marsh to establish tidal*

*marsh, channel margin, and riparian corridor habitat.*” Annual maintenance of the Fremont Weir and Yolo Bypass includes vegetation management and sediment removal to maintain the ability to convey design flood flows.

Recommendation: If Alternative 1A results in increased operations and maintenance costs to the DWR Division of Flood Management, or local agencies charged to operate and maintain these facilities, the Department should mitigate for the additional work or provide supplemental funding to offset increased costs.

Long Term Vegetation Management: Sediment accumulation has resulted in the establishment of woody vegetation within the channels. If not properly managed woody vegetation growth can decrease channel capacity, increase water surface elevations, and increase potentials for levee overtopping. When channel vegetation becomes habitat for listed species, the maintenance needed to restore the vegetation to its intended full-growth conditions may become problematic due to regulatory constraints of environmental resource agencies. In these cases it is important to develop maintenance practices that allow controlled growth of desirable habitat without these adverse hydraulic impacts.

The application of herbicides needed to control in-channel vegetation can contaminate surface waters. Agencies responsible for vegetation management could be subject to significant increases in their maintenance costs when implementing manual vegetation control measures and sediment removal.

Recommendation: Any proposed project alternatives that include modifying facilities of the State Plan of Flood Control by establishing tidal marsh, channel margin, and / or riparian corridor habitat should include Safe Harbor or similar agreements with the California Department of Fish & Wildlife (DFW) and the U.S. Fish & Wildlife Service (USFWS) to allow incidental take coverage when it is necessary to remove overgrown vegetation to return properties and mitigation sites to their designed mature growth conditions so that they are able to convey design flood flows at design water surface elevations. Planning strategies and their resulting projects which interfere with the successful execution, function, operation or maintenance of adopted plans of flood control could result in increased costs to State and local maintaining agencies to remove vegetation, and to the Board agencies when having to carry out necessary enforcement actions.

State Basinwide Feasibility Studies: The CVFPP states that “*as part of State Systemwide Investment Approach (SSIA) implementation, the State will initiate two basin-wide feasibility studies (BWFS)*” (page 4-23, CVFPP, 2012). The purposes of the BWFS are (a) to improve flood management system flexibility and resiliency through expansion and extension of the flood bypass system and other system improvements; and (b) to integrate ecosystem enhancements and other multi-objective projects with systemwide flood management improvements. Any modifications to weirs or bypasses should be in the framework of BWFS.

Recommendation: Impacts on maintenance, including erosion, vegetation management, and sediment removal, should be addressed under the cumulative effects analysis for the project. Mitigation measures and project design alternatives should be consistent with the CVFPP BWFS and should avoid adverse impacts to the facilities of the State Plan of Flood Control (SPFC).

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Measures to avoid increased maintenance costs of the maintaining agencies should include long term funding for maintenance of habitat restoration projects which impact facilities of the SPFC.

### **Transportation Impacts**


The determination of potential transportation impacts resulting from the proposed project alternatives includes effects on the deterioration of roadways due to construction activities. The proposed project alternatives include truck haul routes using levee crown roadways for extended periods. Impacts to levees including deformation and crest depression due to non-uniform settlement, or damage to the roadway or levee slopes due to truck and trailer accidents, could result in loss of levee integrity leading to levee failures.

Recommendation: The project should implement mitigation measures including pre-project inspections and levee geometry surveys including the elevations of levee crests and waterside and landside hinge points, and continuous monitoring during construction for evidence of levee deformation. Traffic control measures should include reducing truck speed limits and limiting the number of trucks on the levee during flood seasons. Levee deformation (either vertical or lateral) should be mitigated and be restored in accordance with project levee designs pursuant to Board and U.S. Army Corps of Engineers standards.

If you have any questions please contact Ali Porbaha, Senior Engineer at (916) 574-2378 or [Mohammad.Porbaha@water.ca.gov](mailto:Mohammad.Porbaha@water.ca.gov), or James Herota, Staff Environmental Scientist at (916) 574-0651 or [James.Herota@water.ca.gov](mailto:James.Herota@water.ca.gov).

Sincerely,



 Jay S. Punia  
Executive Officer