



March 7, 2012

Michael Machado
Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

Dear Mr. Machado:

Thank you for your recent letter, in which on behalf of the Delta Protection Commission (DPC) you urge the Lead Agencies for the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bay Delta Conservation Plan (BDCP) to include in that document a project alternative consisting primarily of seismic upgrades to lowland Delta levees. Under the alternative your agency has in mind, there could be "a significant reduction in the level of tidal habitat restoration proposed in the BDCP." In particular, you recommend that "variations of the seismic levee alternative might consider 300 miles or 600 miles of seismic levee upgrades, paired with 25,000 acres or 10,000 acres of tidal habitat."

We appreciate your submittal and will make sure it is considered within the alternatives screening process for the EIR/EIS. I should note, however, that a similar alternative was considered by the former BDCP Steering Committee, but has not been pursued further for various reasons, including the negative environmental impacts that would result, as well as the fact that it would not satisfy either the water supply or biological objectives of the BDCP. The staffs of the Lead Agencies are currently in the process of preparing an Alternatives Evaluation Report, which, when finished, will be an appendix to the Draft EIR/EIS.

The Alternatives Evaluation Report will address one of the "conveyance concepts" that came to be known as "Through Delta Conveyance with Armored Corridors." Under this concept, which the Steering Committee considered, approximately 78 miles of setback levees or traditional levees would have been modified or constructed along the Mokelumne and Middle rivers and Victoria Canal in order to convey water from the Sacramento River to existing State Water Project (SWP) and Central Valley Project (CVP) South Delta intakes. This concept would have required an estimated 150 million cubic yards of materials to be transported to the eastern Delta to strengthen the levees along the water supply corridor. Preliminarily, both this amount of imported material and the time needed to complete the work made this proposal appear to be problematic from an environmental standpoint due to substantial adverse impacts to aquatic habitat and air quality, among other issues. The amount of imported material required for the DPC proposal, which would upgrade 300 to 600 rather than just 78 miles of levees, would increase significantly. So, too, presumably, would the level of environmental impact. Another problem with the Through Delta Conveyance with Armored Corridors was the number of years it would take to implement. It could not have been accomplished within the time frame that could be met by other alternatives. The DPC proposal would seem to raise similar concerns.

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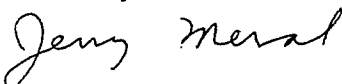


In addition, by leaving in place a system solely reliant on the South Delta intakes for water exports, the DPC's proposal also appears to do nothing to improve the negative ongoing ecological conditions currently facing the covered species that the BDCP is intended to help. In particular, the proposal would not allow diversions from the North Delta at times when the presence of Delta smelt in the South Delta make exports from the South Delta intakes problematic.

In summary, the DPC's proposal appears to raise a number of concerns. Like the Through Delta Conveyance with Armored Corridors concept, the DPC proposal (i) does not appear to address the current ecological problems with the Delta, (ii) would seem to require so much construction activity as to create numerous severe environmental impacts occurring throughout the Delta for a prolonged period, and (iii) probably could not be implemented within the time frame the BDCP is trying to achieve. Even so, we will give your proposal further thought, and have instructed our consultants to do so as well. Thank you for your input. We will continue to engage the DPC going forward.

In closing, I should also note that the goal of achieving improvements for Delta levees is one that could be accomplished through the Delta Plan being developed by the Delta Stewardship Council. Water Code section 85305(a) provides that the Delta Plan "shall attempt to reduce risks to people, property, and state interests in the Delta by promoting . . . strategic levee improvements." This obligation is independent of the BDCP, and could be carried out with funding independent of the BDCP and in a time frame that would avoid concentrated environmental impacts occurring during a relatively abbreviated period.

Sincerely,



Jerry Meral
Deputy Secretary

cc: John Laird, Secretary, California Natural Resources Agency
Phil Isenberg, Chair, Delta Stewardship Council
Karen Ross, Secretary, California Department of Food and Agriculture
Mary Piepho, Chair, Contra Costa County Board of Supervisors
Don Nottoli, Chair, Sacramento County Board of Supervisors
Steve Bestolarides, Chair, San Joaquin County Board of Supervisors
Linda Seifert, Chair, Solano County Board of Supervisors
Jim Provenza, Chair, Yolo County Board of Supervisors
The Honorable Fran Pavley, Chair, Senate Natural Resources and Water Committee
The Honorable Jared Huffman, Chair, Assembly Water Parks and Wildlife Committee