



October 26, 2011

Thomas M. Zuckerman
Post Office Box 1804
Woodbridge, California 95258-1804

Dear Mr. ~~Zuckerman~~: TOM

Thank you for your letter of September 26, 2011 (including a copy of your earlier correspondence with the Delta Stewardship Council about the Delta specific PL84-99 Levee Standard). I understand from your letter that you have concerns with a portion of the Department of Water Resources' (DWR) comments on the Delta Protection Commission's August draft of their Economic Sustainability Plan (ESP). You also requested that the Resources Agency participate with DWR and Department of Fish and Game (DFG) in a November 14 Delta Levees and Habitat Advisory Committee meeting to discuss Delta levee standards and DWR's comments on the Draft ESP.

As I understand your letter, you would like to resolve any potential confusion caused by DWR's comments on the Delta Protection Commission's Draft ESP and on the Delta Stewardship Council's Delta Plan with regard to consistency determinations and levee standards. I can assure you that the comments offered by DWR regarding the HMP and Delta specific PL84-99 are not intended to create any confusion on this matter.

For clarity, DWR prepared the draft document entitled "A Framework for Department of Water Resources Investments in Delta Integrated Flood Management, February 14, 2011" (Framework) to describe how DWR plans to make future decisions about cost sharing in projects in the Delta. The language in the Framework is not intended to change anything about relevant levee standards in the Delta, but rather to clarify how DWR will evaluate potential projects for making investments with limited State funds.

The Framework reflects DWR's position that different levee standards will be appropriate in the Delta, depending on what is at risk related to the particular levees in question. The Framework also expresses DWR's intent to help achieve compliance with the HMP standard throughout the Delta without requiring an economic justification for cost-sharing in projects designed to help achieve HMP. However, the Framework also describes DWR's intent to require analyses to demonstrate that benefits (economic or other) are sufficient to justify the additional State investment in order for DWR to cost share in projects that include improvements beyond the HMP standard. A similar requirement is already routinely done for all levee projects outside of the Delta.

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



I am convinced that the combined efforts of the Delta Protection Commission's current work to establish an Economic Sustainability Plan; DWR's focus on supporting achievable, high-return projects with State funds; and the Delta Stewardship Council's development of a Delta Plan complement each other. These three efforts must work together to clearly show how the citizens of the State benefit from our continuing investment in the Delta, provide a clear path to achieving the co-equal goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem; providing an appropriate level of flood protection; and support the necessary work to preserve the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

Regarding your request for Natural Resources Agency participation in upcoming discussions of the Delta Levees and Habitat Advisory Committee (DLHAC), Agency has been well served by the regular meetings and discussions of the DLHAC.

This committee has evolved into a forum for discussion of problems, opportunities, goals, and objectives of the Delta Levees Program where local interested parties can speak directly with State administrators. In my view, this committee has successfully advised the DWR, DFG, and Agency of relevant matters of mutual concern for many years and I review the summaries resulting from your meetings to keep current with the issues. Based on these reviews, I remain confident in the abilities of representatives of DFG and DWR to receive advice from this committee and to factor it into their discussions and decisions regarding policy development.

I appreciate your continued participation in these important processes. If you have remaining concerns; please contact DWR representatives, Jim Starr, DFG Environmental Program Manager at (209) 941-1944 or David Mraz, DWR's Chief of Delta Levee and Environmental Engineering Branch at (916) 651-7017.

Sincerely,



Jerry Meral
Deputy Secretary for Natural Resources

cc. John Laird, Secretary