

DELTA PROTECTION COMMISSION

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Solano County Board of Supervisors

Yolo County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Contra Costa County Board of Supervisors

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Cities of San Joaquin County

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

CA State Transportation Agency

CA Department of Food and Agriculture

CA Natural Resources Agency

CA State Lands Commission

Ex Officio Members

California State Assembly

California State Senate

January 9, 2023

Chair Virginia Madueño and Council Members
 Delta Stewardship Council
 715 P Street, Suite 15-300
 Sacramento, CA 95814

RE: Notice of Modification to Text of Proposed Regulations and Addendum To Initial Statement of Reasons and Form 399- Economic and Physical Impact Statement for OAL File No. Z-2022-0816-07

Dear Chair Madueño and Council Members:

The Delta Protection Commission (Commission) appreciates the continued opportunity to provide comment on the proposed rulemaking for implementing Delta Plan policy RRP1 (Delta Levees Investment Strategy).

We are supportive of the modifications to the definition of levee improvements in § 5001(w) of the proposed regulations to remove the phrase “increasing the height of levee”. As you and Council staff heard at the public hearing held on November 17, 2022, increasing the height of levees that have been toppled and restoring levees heights to their design standards are critical to flood management in the Delta. However, this single modification does not address the full spectrum of the concerns raised at the public hearing and in comment letters submitted during the initial comment period.

We believe that proposed regulations will jeopardize the ability of levee maintaining agencies and reclamation districts to receive state and federal funding for critical levee maintenance and rehabilitation activities. Many stakeholders in the Delta have raised concerns about how the Delta Levee Investment Strategy may impact the ability of ‘low priority’ islands to receive funding from the Federal Emergency Management Agency. We believe these concerns should be fully discussed and addressed before the proposed regulations are finalized and adopted.

In addition, the prioritization process in Delta Plan policy RRP1 fails to recognize the Delta as an interconnected system. As stated in our previous comment letters, we believe the priority should be to bring all levees in the Delta to a DWR Bulletin 192-82 standard before any funding prioritization for higher-levels of levee improvement on “very high” priority islands.

We appreciate the time and effort Council staff have put into the Delta Levee Investment Strategy and rulemaking process. However, RRP1 and the proposed regulatory amendments do not reflect the many comments provided by those that maintain the Delta’s levee system. Therefore, we request for the rulemaking process to be terminated or stalled to allow for further dialogue with these stakeholders. We also invite Council members and staff to attend a tour of the Delta levee system to increase understanding of the interconnected nature of the Delta levees.

Please contact Kirsten Pringle, Senior Environmental Planner, at (530) 650-6327 if you have any questions or would like to discuss our comments further.

Sincerely,

A handwritten signature in black ink that reads "Bruce Blodgett". The signature is written in a cursive, slightly slanted style.

Bruce Blodgett
Executive Director

Cc: Chair Burgis, Commission Members