



CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

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SUBMITTED VIA EMAIL: info-fssro@water.ca.gov

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SUBJECT: Comments on the Draft Central Valley Flood System Conservation Strategy (January 2015)

Dear Stacy:

The California Central Valley Flood Control Association and its members appreciate the opportunity to provide comments on the much-anticipated January 2015 Draft Central Valley Flood System Conservation Strategy. Overall the draft does a good job of characterizing the importance of the existing flood control system however, the inclusion of an “Objective Amount” of habitat is not appropriate, particularly since the regions were not involved in the development of these objectives.

Following are recommendations for further development and refinement of a final document, some of which were previously made by CCVFCA on the Administrative Draft in 2014. These comments reflect issues associated with the broad perspective of the flood management community represented by the Association. We anticipate our members also submitting additional comments more specific to their regions through their individual agency and CVFPP regional work groups.

Regional Involvement

Primary comments regarding development of habitat goals and the importance of regional participation:

1. ***Feasibility*** - The habitat creation objectives should be a vision for the total habitat that is practicable and locally acceptable in a region.
2. ***Local Consensus*** - There will need to be a land use and flood control agency engagement process to reach consensus on habitat creation goals before establishing in final report.

3. **Coordination** – The objectives should be based on a cumulative understanding of the other large scale efforts to create habitat either through mitigation or restoration. Additional clarification will be required to better understand how various large scale restoration efforts will coordinate regarding the use of limited available real estate to achieve their individual restoration goals in a manner that does not compromise the flood control system or in a way that sets unrealistic expectations for the conversion of agricultural lands to habitat.
4. **Assurances** - State and Federal resource agencies must provide commitments that these habitat creation goals include the mitigation for projects identified in the Basinwide Feasibility Study as well as mitigation for the ongoing operation and maintenance of the flood control system.

Modifying Expectations

There is a tendency where the Strategy is trying to do more than is appropriate or locally acceptable:

1. **Specific to SPFC** - One of the goals specified on page 3-3 is to “improve dynamic and hydrologic (flow) and geomorphic processes in the SPFC.” While restoring flow may be a worthy State objective as part of the Water Plan, this broader water supply goal is outside the purview of the State Plan of Flood Control (SPFC) and therefore this Conservation Strategy.
2. **Footprint Expansion** – While the Association agrees that many channels may not have adequate capacity to safely convey floodflows, we expect that a broad array of alternatives will be considered for the correction of these channel deficiencies. As we have asserted many times, channel conveyance improvements can be achieved within the existing flood project footprint without negatively impacting adjacent landowners. Therefore, we support exploring expansion of the flood project where local agencies and landowners have expressed interest in analyzing such options, but cannot support flood project modifications that foreclose or limit flood system improvements or diminish the current level of flood protection or into the future.
3. **LMA Responsibility** - LMAs are listed as one of the monitoring entities under the Adaptive Management Strategy but have no role in the evaluation or outcome of this large, top-down program. This should be a focus of discussion with the regions to make sure there is an understanding of what is required, how it will be funded, and a willingness on the part of LMAs to undertake this activity. In addition, to avoid unfunded mandate costs being passed onto LMAs, such as the delegation of any reporting requirements for scheduled Conservation Strategy updates, the final draft should provide clarity regarding the who and how progress updates will be produced and funded in the future.

Systemic Approach

While it is essential that facilities be designed and operated properly, if the facilities do not function as a system, effective flood damage reduction cannot be achieved. As noted in the *Paterno* case, the question to be considered by the court in determining liability from flooding is

whether the State operated the system with a reasonable plan. To be successful in achieving its primary goal of improving flood risk management, the Conservation Strategy must assure that habitat objectives do not constrain or impair the interdependent function of the entire SPFC system or its individual flood control components.

Agricultural Benefits

The Draft Strategy represents major conversion of farmland to habitat through proposed levee setbacks, bypass expansions, and floodplain inundation. There are large acreage targets for the various habitat types that in some cases, significantly exceed (by three-fold according to the CA Farm Bureau Federation) the acreages identified in the 2012 CVFPP. The significance of these losses will be compounded by the conversion of many thousands of additional acres throughout the region to habitat in connection with the Bay Delta Conservation Plan (CA WaterFix/EcoRestore) and meeting OCAP Biological Opinion mandates.

These excessive acreage numbers could surely be reduced by the Draft Strategy accounting for the direct and incidental habitat benefits of conventional farming methods when calculating ecosystem needs.

Reduced Assessments

The local cost-share for levee maintenance and improvements is collected via assessments on each parcel of land. Unfortunately, an all too common experience of reclamation districts is that in instances where fee title is transferred for lands that are converted into habitat, many no longer pay property assessments to fund flood control management costs. This loss of local agency revenues results in less funding to support flood risk reduction projects, and over time may reduce the level of flood protection in rural areas where most habitat acres are targeted for creation.

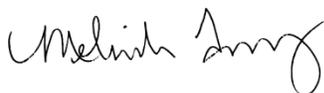
Closing Comments

CCVFCA is generally supportive of a programmatic framework for habitat mitigation permitting that is more predictable and cost-effective and is pleased to see this concept highlighted as a purpose of the project.

The final Conservation Strategy should balance what the preparers consider necessary to contribute to recovery of a variety of listed species with what might be physically and politically possible, the permanent impacts to local agricultural economies, the loss of local agency assessment revenues, and in relation to the location and amount of habitat creation that is also being proposed in a variety of other planning processes.

If you have any questions, please contact me at (916) 446-0197 or the Association's consulting engineer, Ric Reinhardt at (916) 456-4400.

Sincerely,



Melinda Terry,
Executive Director