

TERRA LAND GROUP, LLC

December 3, 2018

VIA EMAIL

San Joaquin County Board of Supervisors
44 North San Joaquin Street
Stockton, CA 95202
ATTN: Mimi Duzenski, Clerk of the Board
(mduzenski@sjgov.org)

**Re: December 4, 2018 San Joaquin County Board of Supervisors (“SJCBO”) Meeting
Agenda Item Discussion - General Government Item #1: CAO - Approval of the San Joaquin
County 2019 and 2020 State and Federal Legislative Platforms and Accept and File 2018
State and Federal Advocacy Reports.**

Dear SJCBO Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC (“TLG”). TLG owns several properties located in Manteca and Lathrop. As an organization, TLG devotes many of its efforts to ensuring the safety of our community by urging local and state authorities to pursue flood mitigation efforts when moving forward with new development projects.

Although this letter follows a similar format to previous letters, this letter contains new enclosures as well as other new information beginning on page 12 that TLG believes is important to consider.

As recent flooding in Ellicott City, Maryland and Houston, Texas have demonstrated, unrestrained development without consideration for flood impacts can have serious consequences. In particular, as more and more development projects continue to move forward, TLG has put forth a regular effort to ensure that local authorities are aware of the need for cumulative environmental review and analysis of all hydrology-related impacts associated with all past, present, and reasonably foreseeable development projects affecting drainage in and along the Lower San Joaquin River Basin and especially the areas affecting the urban and rural areas of Manteca and Lathrop.

With that in mind, TLG once again calls your attention to information previously presented in the form of TLG’s public review and comments submitted in response to the recently-released January 2018 San Joaquin River Basin Lower San Joaquin River, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (“LSJRFS”). (**See Enclosure 1**)

For some time now, TLG has sent various copies of our letters to the SJCBO and other authorities expressing public concerns related to development in the floodplain and the need to examine any potential impacts related to San Joaquin River (and tributary) flow deficiencies and the potential for

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upstream and downstream channel flow stage increases due to drainage patterns affected by grade, levee location, and other environmental considerations.

(**See Enclosure 1** which contains a list of letters and related items in its own Enclosure 1. This list contains information that TLG believes is important to consider as part of any SJCBO board member commission discussion or approval action affecting drainage in and along the South Delta/Lower San Joaquin River Basin. TLG would also like to call the commissioners' attention to Pages 8 through 14 of Enclosure 1, which TLG believes that if not properly allowed for, could lead to very significant storm water drainage impacts affecting current SSJID/City of Manteca drainage facilities discharging into the French Camp Outlet Canal ("FCOC"). Also **See Enclosures 2 & 3**. In addition, **See Enclosures 4 through 21** which detail public concerns related to current efforts to approve large-scale state water projects as well as local public works and other private development projects affecting drainage in and along the South Delta/Lower San Joaquin River and its tributaries.)

In brief, the enclosures attached describe recently discovered information as detailed in letters from TLG to various agencies that may affect flood control in the Reclamation District No. 17 ("RD 17") and Manteca/Lathrop region. These letters provide supporting evidence while building an overall context and framework for TLG's and other members of the public's concerns regarding any current and/or future development projects that continue to be approved with the potential to affect hydrology in the urban and rural areas of Lathrop and Manteca. The significant details contained in the enclosed letters offer a framework which leads TLG to believe that the complex nature of the potential flood issues involved may be too difficult for the public to adequately understand without the benefit of a comprehensive and cumulative CEQA and NEPA Environmental Review and Analysis.

Further, TLG believes that it is important to mention that the LSJRFS may not fully consider the potential for any and all flood and other hydrology related impacts involved due to RD 17's plan to pursue a phased strategy of levee improvements and other Federally assisted improvements in order to meet California Senate Bill No. 5 ("SB5") requirements. (See page 3-40 of the LSJRFS).

This is especially important when you consider that Page 3-42 of the LSJRFS states:

The identification of Alternative 7a as the NED Plan serves to set the level of Federal participation in the project. Alternative 7a may not fully meet the NFS objective of SB 5 compliance, but in order to expedite authorization, the NFS elected not to pursue a Locally Preferred Plan (LPP) at this time.

QUESTION: What non-federal sponsor elected not to pursue a Locally Preferred Plan at this time? Is it in the public's best interest to allow a non-federal sponsor to pursue any flood risk management plan that places emphasis on expediting the process over taking the time to consider and mitigate against the potential for very significant drainage impacts affecting the developing and non-developing urban and rural areas of Manteca and Lathrop?

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Why is this important? For some time now, the City of Manteca has continued to approve a high volume of development projects without key storm water, disinfected and undischarged wastewater effluent spray field and San Joaquin River discharge, potable water well, and traffic circulation and other public utilities services infrastructure being properly identified, analyzed, and presented for public review in support of protecting the needs of our growing community.

Accordingly, TLG believes that total potential for development-related drainage impacts to the Lathrop and Manteca areas appear to be significant and a cause for public concern when you consider the following items as outlined below.

1. Representations made by Dante Nomellini of RD 17 to the San Joaquin County Board of Supervisors (“SJCBS”) on November 7, 2017 indicate that “The flow in the San Joaquin River is difficult to measure because the gauging station at Vernalis, which is upstream from RD 17, it gets flooded out. In ’97 it was inoperable. The estimate was, there was about 110,000 cubic feet per second [unconfirmed] at that point, which is 100-year event. The 200-year event is expected to be much higher than that. (Within **Enclosure 1**: 02/26/2018 Letter to the San Joaquin Area Flood Control Agency (“SJAFCA”), **see its own Enclosure 3**: 04/20/2017 Letter to SJCBS; also **see its own Enclosure 4**: 11/07/2017 SJCBS Meeting Transcript)
2. Dennis Wyatt of the Manteca Bulletin wrote this quote in his March 22, 2016 article titled “Paradise Cut Work Nears:” “Engineers determined expanding the Paradise Cut would reduce flood stages significantly at Mossdale Crossing – 1.8 feet under a 50-year event as well as under a 100-year event such as the 1997 flood that inundated 70 square miles between Manteca and Tracy. (Within **Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 5**: 03/22/2016 Manteca Bulletin News Article “Paradise Cut work nears”; also **see its own Enclosure 6**: Map of Paradise Cut with Questions.)
3. **QUESTION**: Doesn’t the formation of a seventy square mile flood water basin pond describe a watershed region without a means to effectively drain?
4. **QUESTION**: If the channel flow capacity of the San Joaquin River at the Vernalis monitoring station is limited to approximately 40,000 cubic feet per second (“cfs”), as measured in the channel at the time of the February 20, 2017 levee breach, what flood impacts may be created if flows totaling 110,000 cfs are experienced as forecasted by Dante Nomellini to the SJCBS on November 7, 2017? (Within **Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 4**: 11/07/2017 SJCBS Meeting Transcript)
5. **QUESTION**: If channel flow capacity is limited to 37,000 cfs at Mossdale and 15,000 cfs at Paradise Cut (totaling 52,000 cfs), where will San Joaquin River flows of 110,000 cfs (as forecasted by Dante Nomellini to the SJCBS on November 7, 2017) be drained at the time of a future flood event of magnitude and size forewarned by Mr. Nomellini (110,000 cfs)? Is it time to consider a southern bypass? (**Within Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 7**: Conceptual Vernalis Bypass Design)
6. The LSJRFs states in Appendix F: “Hydraulics,” Page 88, that: “*The Delta Front raises are unlikely to impact*

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flood frequency.” However, improvements to the RD 17 tieback levee would impact stages for events more rare than 1% ACE.

7. **QUESTION:** If adequate flood drainage channel flows are not allowed for on the San Joaquin River, Old River, and Paradise Cut, both upstream and downstream of the Clifton Court Forebay, where will the next 70-square-mile flood water basin form and at what depth will flood waters reach?

8. **QUESTION:** Based on past flood history in our area and potential new impacts due to global warming, it appears that both Old River and Paradise Cut flows both upstream and downstream of Clifton Court Forebay may be insufficient in total capacity to handle the drainage flows expected at the time of future flooding. (Within **Enclosure 1:** 02/26/2018 Letter to SJAFCA, **see its own Enclosure 6:** Map of Paradise Cut with Questions)

9. This becomes more concerning when considering Paradise Cut improvements as compared to certain information provided in the LSJRFS which calls attention to an *“observed decrease in efficiency as the project size increases is consistent with the hydraulic limitations presented by the downstream stage boundary being within the tidal region of the Delta.”* (For the original text, see the LSJRFS Page 3-6; also see Page 88 of Appendix F: “Hydraulics,” as quoted above in Item #6.)

10. Most notable, and of particular concern, is that the staff report for the June 11, 2018 Lathrop City Council meeting Agenda Item 4.9 indicates that future improvements to control any potential for erosion and scour failure have not been identified but will be considered. (See May 18, 2018 RD 2062 River Islands at Lathrop Phase 1 Area – Report of Adequate Progress Towards Urban Level of Flood Protection – Annual Report)

11. **QUESTION:** What effect will any future scour and/or erosion plan have on San Joaquin River (and associated tributary) drainage patterns affecting channel flow velocity and potential for increased sedimentation?

12. **QUESTION:** Have our local authorities fully assessed the short term and long range operations and maintenance challenges that sedimentation may create affecting our area?

13. **QUESTION:** Other areas of the California Central Valley are facing similar sedimentation challenges. What can our local community leaders learn from flood prevention efforts being conducted upstream? (These efforts were shared by Reggie Hill, General Manager for the Lower San Joaquin Levee District, in a webinar hosted by the California Silver Jackets/CA Department of Water Resources on April 24, 2018.)

14. Page 5-237, Section 5.16: Utilities and Public Services, Existing Conditions of the LSJRFS states:

storm water in Manteca is handled by the city and by the South San Joaquin Irrigation District (City of Manteca, 2003). Drainage flows west into French Camp Canal, which flows into French Camp

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Slough and ultimately drains into the Delta. Manteca has a target level of service of 10-year storm drainage protection for all development and a 100-year storm drainage protection for all structures (City of Manteca, 2003).

15. **QUESTION:** Shouldn't proposed City of Manteca Zone 39 (River Drain) storm water facilities be included in a timely and proper past, present, and foreseeable cumulative impact analysis? (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:** 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo)

16. Page 5-239 of the LSJRFs states:

Basis of Significances

A project alternative would have a significant impact related to utilities and public services if it would:

- *Result in substantial adverse physical impacts associated with the need for of new or physically altered public service or facilities, including police service, fire protection, school, library, drinking water, wastewater and storm water collection facilities; [Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:* 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo]
- *Substantially increase need for new or physically altered public service or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objective; [...]* **[Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:** 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo]
- *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; [Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:* 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo]
- *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; [...]* **[Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:** 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter

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to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo]

Effects and Mitigation Measures

The project would not involve any changes in land use that would increase short term or long term demand for public services, including fire and police protection, schools, parks and other public facilities, thus necessitating the construction of new or altered government service facilities. Similarly, the project would not result in demand for increased natural gas facilities, electrical transmission lines, communication systems, water infrastructure, sewer lines or solid waste facilities beyond their current capacity. These issues do not apply to this analysis and are not addressed further.

17. **QUESTION:** Shouldn't proposed City of Manteca Zone 39 (River Drain) storm water and Zone 25 waste water facilities also be included in a timely and proper past, present, and foreseeable cumulative impact analysis? (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12:** 01/27/2018 Letter to RD2075, **Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo, and **Enclosure 19:** 10/11/2017 Letter to DSA)

18. Page 5-239 of the LSJRFS states:

5.16.3 ALTERNATIVE 1 - NO ACTION

[...] Flooding that occurs under the No Action Alternative would result in backflow of storm water facilities, including a 72-inch storm line which drains into Old Mormon Slough and storm drains for the subdivisions located south of Highway 120 in RD 17.

19. **COMMENT:** This "No Action Alternative" should consider the City of Manteca's intent and/or need to improve and/or expand current storm water collection, retention, and drainage infrastructure in conjunction with flood and other hydrology-related drainage impacts involved. (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 13:** 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 20:** 09/18/2017 Letter to MCC)

20. **QUESTION:** What if City of Manteca storm water drainage infrastructure is removed and not restored as forewarned in Section 5.16.4, page 5-240 of the LSJRFS? Wouldn't storm water drainage for City of Manteca subdivisions located south of Highway 120 in RD 17 (as well as possibly others in storm drainage zones 34 & 36) be very significantly impacted when considered as part of the 7a Alternative impact analysis? See excerpt as included on Page 7-7 of the March 2017 BWFS State Recommended Plan, which states:

Mormon Channel Bypass: *This element includes a control structure and channel improvements to divert up to 1,200 cfs from the upstream end of the Stockton Diverting Canal to the Mormon*

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Channel to add resiliency against projected climate change by reducing flows in the Stockton Diverting Canal and Old Calaveras River. This element is included in the State Recommended Plan because it provides stage reduction benefits along the urbanized reaches of the Calaveras River and Stockton Diverting Canal and provides significant recreational benefits at modest cost.

21. **QUESTION:** Will currently existing FCOC backwater effects continue to impede and/or block City of Manteca storm water drainage during periods of high water flows and/or flooding?

22. **QUESTION:** Is the FCOC still a viable option and reasonable means of conveying what appears to be a growing amount of storm water to be generated as a result of the continuing high volume of development projects recently being approved and located within City of Manteca storm water drainage zones 34 and 36?

23. **QUESTION:** Since the burden of compliance and enforcement of the SB5 requirements for our area appears to fall on the City of Manteca, isn't it especially important that the City of Manteca, as the lead agency, carefully consider any and all flood and other hydrology related impacts associated with the continued and expanded use of the FCOC as our developing community prepares for the next 100-year and 200-year flood/storm event?

24. **QUESTION:** If for any reason, any portion of storm water from zones 34 and 36 can not be drained into the FCOC, what additional facilities including storm water drainage outfalls will need to be constructed or expanded to handle those portions of storm water volumes generated in zones 34 and 36? Will any additional storm water facilities that may be considered be sized to accommodate:

- (i) a 10-year storm event?
- (ii) two 10-year storm events?
- (iii) a 100-year storm event?
- (iv) a 200-year storm event?

Is the council aware that in April 2018, land use authorities in and around Houston, Texas changed the conditions of approval for new development to require meeting a 500-year flood protection standard?

25. **QUESTION:** Have storm water flows and detention basins in storm water zones 34 and 36 been properly and adequately sized to guard against and prevent system overflows and any down gradient storm water drainage impacts that may affect drainage in zone 39 or the rural areas south of the existing RD17 dry land levee?

26. **QUESTION:** What consideration was given for storm water (and flood water) drainage flows traveling through SSJID drain #10 which travels through and extends from zone 36 turning south to and along the southern boundary of zone 39?

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27. **QUESTION:** Page 7 of the Oakwood Landing Water District - City of Manteca Joint Drainage/Wastewater Feasibility Study Final Report (“JDWFS”) notes that SSJID drain #11 exists near the southern boundary of zone 39, but no mention of SSJID drain #10 appears to be mentioned in the JDWFS. Why? (See the City of Manteca 2013 Storm Drain Master Plan, Figure 5-1, which depicts the exact location of SSJID drain #10.)
28. **QUESTION:** Since SSJID drain #10 originates upgradient in zone 36 before continuing and running downgradient along and through the eastern and southern perimeter of zone 39, shouldn’t any SSJID drain #10 drainage flows be considered as part of any meaningful drainage analysis?
29. **QUESTION:** If Oakwood Shores untreated sewage wastewater is sent to the Manteca Wastewater Quality Control facility for treatment and eventual discharge, won’t those treated wastewater discharges and/or spray field applications only add to the potential for greater flood impacts that may be created?
30. **QUESTION:** Given that the JDWFS includes Hydrologic Input Parameters as presented in Appendix “D” (Drainage Hydrologic and Hydraulic Calculations), do the flow volumes presented represent total flows generated to determine the retention pond capacity necessary to handle one or two 10-year storm/flood events? Has any consideration or hydraulic modeling been created to evaluate flow volumes and drainage pathways to be expected in the event that a 200-year storm or flood occurrence?
31. **QUESTION:** When you consider that page 37 of the JDWFS describes a “downstream boundary condition: free outfall” that appears to be limited by controlled pumping upstream and within zone 39 that totals 28.8 cubic feet per second, what increased flood impacts may be created due to additional storm water drainage flows generated in zones 34 and/or 36 that may potentially overload the zone 34 and/or zone 36 systems before spilling over and draining into zone 39?
32. **QUESTION:** Should drainage flows through the zone 39 outfall be metered and measured to prevent discharging more storm water than the San Joaquin River channel can safely handle during periods of high flows or flooding?
33. **QUESTION:** Drainage flows from Dutra Estates do not appear to be included in the Appendix D: Drainage Hydrologic and Hydraulic Calculations as included in the JDWFS. Why?
34. **QUESTION:** When you consider that page 10 of the JDWFS lists project assumptions that state “the bottom elevation of the detention basin will be a minimum of 2 feet above the groundwater elevation”, TLG can’t help but question where will groundwater (that is currently being pumped for the purpose of lowering the high groundwater elevations currently existing in zone 39) be conveyed and drained during periods of high San Joaquin River channel flows and/or flooding?
35. **QUESTION:** When you consider widely recognized and accepted channel flow deficiencies affecting drainage capacity in and along the South Delta/Lower San Joaquin River System, wouldn’t it make sense

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for our local authorities to work together to clearly identify, define and present to the public plans for storm water collection, retention, and discharge in conjunction with an upstream drainage plan that fully aligns with and mitigates impacts for any storm and flood protection plan to be considered?

36. **QUESTION:** Will the potential for increased drainage impacts associated with the current high level of urban expansion along the South Delta/Lower San Joaquin River Basin outpace our community's ability to generate the development fee funding necessary to construct and maintain the flood protection/drainage facilities needed to safeguard both our local urban and rural areas from the increased danger of flooding?

37. **QUESTION:** What safeguards and protections related to public safety are being lost by expediting the flood protection infrastructure improvement process in a way that appears to indicate that one or more project sponsors are prioritizing efforts to utilize a phased approach to more effectively enhance local development efforts to meet SB5 time-sensitive deadlines? What impacts may be created to any and all developing and non-developing areas affected by potential storm water drainage and retention pond system failures emanating from zones 34 and/or 36??

38. **QUESTION:** With this in mind, can more be done with hydraulic modeling to ensure that any flood mitigation and/or drainage project being considered (including the expansion of Paradise Cut and those included in the JDWFS) carefully evaluates existing South Delta/Lower San Joaquin River Basin drainage conditions for a full range of potential flood events that may be expected to occur? (ie. 50-year, 100-year, 200-year, a 1997 type event, etc.)

39. **QUESTION:** What additional hydraulic modeling analysis should be conducted to consider the magnitude of potential impacts for any and all past, present, and reasonably foreseeable flood mitigation (and other projects) affecting drainage in and along the South Delta/Lower San Joaquin River Basin?

40. On July 27, 2018, the Central Valley Flood Protection Board approved a City of Lathrop application to construct a storm water drainage outfall structure through the east bank of the San Joaquin River, but only under what appears to be the following conditions:

- i) At any time that the San Joaquin River channel flows (as measured at the Mossdale monitoring station) reach 25.38 feet in elevation, storm water discharges through the outfall shall be limited to 200 cubic feet per second; and
- ii) Once San Joaquin River channel flows reach flood stage (28.5 feet in elevation) at the Mossdale monitoring station, **no** storm water will be allowed to be pumped into the San Joaquin River through the outfall structure.

41. **QUESTION:** Will any future consideration by the City of Manteca to construct or modify one or more storm water drainage outfalls through the right bank of the San Joaquin River be met with the same limited and/or no discharge requirement for any and all times that the San Joaquin River channel is subjected to high river flow conditions? Even so, how many storm water drainage outfalls pumping into the San Joaquin River can the river system effectively handle?

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42. **QUESTION:** During times that the South Delta/Lower San Joaquin River Basin is simultaneously impacted by both heavy rainfall and high San Joaquin River channel flows affecting drainage in our area, where will storm water be stored and/or conveyed to?
43. **QUESTION:** What storm backwater and/or impeded drainage flow impacts are likely to occur if we experience a 200-year flood event or even a very significant smaller event like what we experienced in the 1997 flood?
44. **QUESTION:** How will our local community handle the total storm water drainage flows that potentially may be generated?
45. **QUESTION:** Isn't it likely that these same types of questions caused our local and state legislatures to promote smarter and more sustainable growth by means of the flood protection safeguards offered in SB5?
46. **QUESTION:** Should South Delta/Lower San Joaquin River Basin hydraulic models consider reducing the total amount of development acreage currently planned or zoned as urbanizing in support of allowing other urban area land uses that may offer increased flood protection while more effectively minimizing impacts to the upstream and downstream areas affected?
47. **QUESTION:** Wouldn't it make sense for additional consideration to be given that fully analyzes any and all drainage impacts created based on what appears to be the State Water Resources Control Board's anticipated August 2018 adoption of proposed amendments to the water control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary which are expected to include new and revised flow objectives for the Lower San Joaquin River and its tributaries? (See Enclosure 5) For more information, visit the State Water Board's website at:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/
48. **QUESTION:** Will any hydraulic modeling analysis performed consider any and all impacts associated with what appears to be the State of California's plans to move forward with one or two twin tunnels, as called for in the "Bay Delta Conservation Plan - California WaterFix Final EIR/EIS" dated December 2016?
49. **QUESTION:** What effect will a proposed new reservoir at the south end of the Delta (near the town of Byron) have on flood water drainage along the South Delta/Lower San Joaquin River and associated tributaries? (See Enclosure 6)
50. **QUESTION:** What consideration will be given to allow for potential upstream and downstream San Joaquin River stage increases due to global warming and/or San Francisco Bay tidal action?

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51. **QUESTION:** Will any hydraulic modeling analysis performed recognize and allow for impacts resulting from known channel flow deficiencies along the South Delta/Lower San Joaquin River (and associated tributaries) that are becoming more problematic over time due to sedimentation and vegetative overgrowth? (Within **Enclosure 1** (02/26/2018 Letter to SJAFCA), see its own Enclosure 1 which contains a list of letters and related items. This list contains information that TLG believes is important to consider as part of any hydraulic modeling or environmental review analysis that is or will be conducted. Within this list, please note Item 24: 05/31/2017 Letter to John Maguire, Item 26: 05/12/2017 Letter to John Maguire, and Item 28: 04/20/2017 Letter to the SJCBS.)

52. **QUESTION:** Wouldn't it make sense to delay any expansion or other improvements to or along the San Joaquin River, Old River, and Paradise Cut until adequate environmental review and hydraulic modeling has been conducted?

Most important, TLG believes drainage flows through and along Paradise Cut and Old River with what appears to be the potential to drain to and into a proposed new reservoir (near the town of Byron) may prove inadequate to handle the total drainage flows that may be created from all sources. (**See Enclosure 6**)

To support this, page ES-2 of the LSJRFS states:

Analysis of the study area is challenged by the presence of three sources of flooding, the Delta Front, Calaveras River and San Joaquin River. This results in commingled floodplains for the North and Central Stockton areas. The distributary nature of the Delta also affects Delta water levels, because high flows from the Sacramento River may "fill" the Delta prior to a peak inflow on the San Joaquin River as occurred in 1997, raising water levels on the Delta front levees.

53. **QUESTION:** Isn't it likely that high flows from the Sacramento River and other sources to the north of Manteca may "fill" any new South Delta reservoir being considered prior to peak inflows arriving from the San Joaquin River, as occurred in 1997?

54. **QUESTION:** Wouldn't that diminish and/or impede the drainage flow benefits to be expected and depended upon for those residents, business, and property owners located in the rural areas south of the existing RD 17 dryland cross levee?

55. **QUESTION:** What backwater effects and increased flood elevations may be created?

With this in mind, TLG believes that the current SB5 flood protection approval process is deficient and flawed in its approach. Further, TLG believes that the current flood protection phased approval process does not allow for and mitigate what appears to be very significant upstream and downstream impacts that may be created.

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For this reason, TLG urges the SJCBOS board members to condition any approval action to adopt the San Joaquin County 2019 & 2020 State and Federal Legislative/Regulatory Platforms and Policy Guidelines and/or any other hydrology-related action affecting storm water drainage flood pathways in and along the South Delta/Lower San Joaquin River Basin to require immediate and more extensive environmental impact study and analysis to be conducted that fully evaluates and mitigates flood and other hydrology related impacts that may be created in association with any past, present, and reasonably foreseeable SPFC and non-SPFC flood protection levee and other improvements previously approved or being considered that may affect drainage in and along RD Nos. 17, 2062, 2094, 2075, 2085, 2096, and 2064, as well as any other affected reclamation districts downstream. (See federal government guidelines and mitigation measures and other requirements as called for and included in the board packet on pages 1409, 1431-36, 1519-1521 & 1527)

TLG believes that this is important when you consider that in the LSJRFS, Page 5-286, Section 5.23: Cumulative Effects states:

NEPA and CEQA require the consideration of cumulative effects of the proposed action combined with those of other projects. NEPA defines a cumulative effect as an environmental effect that results from the incremental effect of an action when combined with other past, present and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7). The CEQA Guidelines require an assessment of the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable." CEQA requires cumulative impacts of a project be assessed with respect to past, current and probable future projects within the region. ... This cumulative analysis uses the list approach. Section 5.23.3 includes a description of the past, present and future projects.

(Within **Enclosure 1**: 02/26/2018 letter to SJAFCA, **see its own Enclosure 10**: Three Petitions **and its own Enclosure 21**: Table 5-46: Development Projects within RD 17.)

This becomes especially important when considering what appears to be a flawed approach to the environmental public hearing development process related to the non-consideration of past, present, and reasonably foreseeable changes in conditions to the environment. Also, consideration should be made to anticipated changes to the City of Manteca and the City of Lathrop General Plans as compared to known channel flow deficiencies and other environmental conditions currently existing along the San Joaquin River, Calaveras River, Little John Creek, French Camp Slough, Paradise Cut, and Old River. These conditions may be affected by anticipated changes in state water flow objectives as well as the following factors: the size, placement, and potential capital improvement costs associated with storm water drainage, conveyance and retention, disinfected and un-disinfected waste water effluent spray field and San Joaquin River discharge, potable water delivery, and traffic circulation and rail transit infrastructure, as well as any SB5 flood protection and other drainage improvements serving our local urban and rural communities. These factors, as affected by the anticipated changes in state water flow objectives, may lead to significant flood and other hydrology-related mitigation measures becoming necessary to offset what

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appears to be very significant flood and other hydrology-related impacts associated with the unbridled, rapid pace of development affecting both the urban and rural developing and non-developing areas along the South Delta/Lower San Joaquin River Basin. (See Enclosures 1 to 34)

TLG would also like to call the board's attention to page 1460 of the board packet, Public Works - Flood Protection Item #85, which states:

"...Aggressively oppose legislative efforts to shift state and federal liabilities and obligations to local land use and levee maintenance agencies. While it is necessary for local agencies to act responsibly when approving development in and near existing flood plains, it is inappropriate to subject local agencies, which approve development in a manner consistent with existing law, to liability for flood damages due to conditions over which the agencies have no control."

In relation to the quote from the board packet, TLG has a question: have local agencies really acted in the public's best interests while continuing to approve projects in the floodplain without adequate stormwater, wastewater, and other key water conservation and recharge infrastructure identified and put in place?

Also, if local authorities are not to be held responsible for any and all flood and other hydrology-related impacts created, who will bear the burden and liability for total flood damages incurred?

As a result of acting in this manner, the SJCBOs can serve the best interests of the public by promoting a higher level of flood protection for the entire RD 17 and RD 2062 drainage system areas (ie. this includes RD Nos. 2064, 2075, 2094, & 2096). Most important, this effort shall offer the necessary protections and allow appropriate mitigation measures to be identified and put in place to ensure the reduction of any impacts associated with any and all flood protection alternatives and other forms of development infrastructure being considered for all developing and non-developing urban and rural properties that may be affected. (See Enclosures 1 to 34)

Thank you for your attention to this matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

TERRA LAND GROUP, LLC

Please Note: To conserve file size, copies of these Enclosures (except Enclosures 3, 5, 6, 22 & 23, which are attached) can be downloaded individually through their corresponding Dropbox hyperlinks.

1. February 26, 2018 letter from TLG to San Joaquin Area Flood Control Agency. Please access this Enclosure by downloading the file from Dropbox at this link:
(<https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26 LTR SJAFCA LSJR%20EIR PublicComm wEncl.pdf?dl=0>)
2. March 5, 2018 letter from TLG to the San Joaquin County Local Agency Formation Commission. Please access this Enclosure by downloading the file from Dropbox at this link:
(<https://www.dropbox.com/s/tl0ir7sookd6ze/2018-03-05 LTR SJAFCA Letter2.pdf?dl=0>)
3. San Joaquin County Local Agency Formation Commission Reclamation District Municipal Service Review Administrative Draft, Page 26-9
4. July 17, 2018 letter from TLG to the State Water Resources Control Board
(<https://www.dropbox.com/s/aqyqw9by8za11/2018-07-17 LTR SWRCB BayDeltaPlan.pdf?dl=0>)
5. CA State Water Resources Control Board Notice of Public Meeting and Consideration of Adoption of Proposed Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document.
6. July 17, 2018 news article from the *Sacramento Bee*: "Delta tunnels get 'real' as backers seek \$1.6B loan from Trump administration."
7. June 19, 2018 letter from TLG to the California Department of Water Resources, Division of Flood Management
(<https://www.dropbox.com/s/zOu2f4e5h9nucgl/2018-06-19 LTR DWR CVTributariesProg.pdf?dl=0>)
8. May 14, 2018 letter from TLG to Greg Showerman, Manteca Community Development Director for the City of Manteca
(<https://www.dropbox.com/s/8oao37q42u7u4e5/2018-05-14 LTR GShowerman TM2.2.pdf?dl=0>)
9. June 11, 2018 Letter from TLG to the Lathrop City Council
(<https://www.dropbox.com/s/zjp4aoq4iljpty/2018-06-11 LTR LCC Aglt4.9.pdf?dl=0>)
10. June 18, 2018 Letter from TLG to the Central Valley Flood Protection Board
(<https://www.dropbox.com/s/azn194g6ld2vhqp/2018-06-18 LTR CVFPB Aglts5A11.pdf?dl=0>)
11. July 16, 2018 Letter #1 from TLG to the Manteca City Council
(<https://www.dropbox.com/s/5fle1kpwvzqhcc9/2018-07-16 LTR MCC LTR1AgltC2.pdf?dl=0>)
12. July 16, 2018 letter from TLG to the San Joaquin County Resource Conservation District and American Rivers
(<https://www.dropbox.com/s/guf6va8txy61p6g/2018-07-16 LTR SJCRCD-AmRivers FollowUp.pdf?dl=0>)
13. July 16, 2018 letter from TLG to the San Joaquin Area Flood Control Agency
(<https://www.dropbox.com/s/hzv4kzfrqz9dpv3/2018-07-16 LTR SJAFCA PubComm.pdf?dl=0>)
14. July 23, 2018 letter from TLG to the Central Valley Flood Protection Board
(<https://www.dropbox.com/s/o4n530zgc10tlk/2018-07-23 LTR CVFPB Aglts5C7B7C.pdf?dl=0>)
15. July 30, 2018 letter from TLG to the San Joaquin Regional Rail Commission
(<https://www.dropbox.com/s/4ccyoh0a78sw7td/2018-07-30 LTR SJRRC Aglt5.pdf?dl=0>)

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16. August 7, 2018 letter from TLG to the Central Valley Flood Protection Board
(https://www.dropbox.com/s/345gd6v8vhatcrq/2018-08-07_LTR_CVFPB_AgIts4%265.pdf?dl=0)
17. August 9, 2018 letter from TLG to the Manteca City Council
(https://www.dropbox.com/s/u1bdy2gnf6u9tdy/2018-08-09_LTR2_MCC_AgItB1_GreatWolf.pdf?dl=0)
18. August 13, 2018 letter from TLG to the Manteca Planning Commission
(https://www.dropbox.com/s/e1umdzixy14ktzz/2018-08-13_LTR_MPC_AgIt6.1_LuxuryApts.pdf?dl=0)
19. August 20, 2018 letter from TLG to the Central Valley Flood Protection Board
(https://www.dropbox.com/s/9sn15q9s9ahwyzx/2018-08-20_LTR_CVFPB_AgIts8B9C.pdf?dl=0)
20. September 4, 2018 letter from TLG to the Manteca City Council Re: Agenda Item E.1
(https://www.dropbox.com/s/3y7wqq145kamksn/2018-09-04_LTR_MCC_AgItE1.pdf?dl=0)
21. September 10, 2018 letter from TLG to the Lathrop City Council Re: Agenda Items 4.11 & 5.1
(https://www.dropbox.com/s/kmlm7ojyva9y6e9/2018-09-10_LTR_LCC_AgIts4.11%265.1.pdf?dl=0)
22. June 5, 2018 Speech by Kerry Harris as presented at the June 5, 2018 Manteca City Council Meeting, with attachment.
23. February 16, 2017 Email from Fleener Richards to the Manteca City Council
24. September 10, 2018 letter from TLG to SJC Local Agency Formation Commission
(https://www.dropbox.com/s/p43d2hsn9kbiow7/2018-09-10_LTR_LAFCo_AgIt4.pdf?dl=0)
25. September 18, 2018 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/a9ivw8xeucgsa6t/2018-09-18_LTR_SJAFCA_AgIts3.2%263.3.pdf?dl=0)
26. September 25, 2018 letter from TLG to the San Joaquin Council of Governments
(https://www.dropbox.com/s/vyiymsf6p0no7aq/2018-09-25_LTR_SJCOG_AgIt3.pdf?dl=0)
27. October 16, 2018 letter from TLG to the Lathrop Planning Commission
(https://www.dropbox.com/s/u3hlgqixbmjxcww/2018-10-16_LTR_LPC_AgIt9.1.pdf?dl=0)
28. October 22, 2018 letter from TLG to the Central Valley Flood Protection Board
(https://www.dropbox.com/s/mog9q2fjxyjtrvr/2018-10-22_LTR_CVFPB_AgIt5.C.pdf?dl=0)
29. October 22, 2018 letter from TLG to the San Joaquin County Board of Supervisors
(https://www.dropbox.com/s/bve2x34a1h7ocq0/2018-10-22_LTR_SJCBOS_AgIt8.pdf?dl=0)
30. November 6, 2018 letter from TLG to Greg Showerman
(https://www.dropbox.com/s/aio6vkohqzjf417/2018-11-06_LTR_Showerman_Drainage.pdf?dl=0)
31. November 12, 2018 letter from TLG to the Central Valley Flood Protection Board
(https://www.dropbox.com/s/vs4siy8l6h6tihq/2018-11-12_LTR_CVFPB_AgIt7B7C8B.pdf?dl=0)
32. November 19, 2018 letter from TLG to the Manteca City Council
(https://www.dropbox.com/s/r89s77c782pdq2o/2018-11-19_LTR_MCC_AgItsC1C2C5E3F1.pdf?dl=0)
33. November 26, 2018 letter from TLG to the Manteca Planning Commission
(https://www.dropbox.com/s/3e1ny3fyh0pwcxy/2018-11-26_LTR_MPC_AgIt6.1.pdf?dl=0)
34. November 28, 2018 letter from TLG to Greg Showerman
(https://www.dropbox.com/s/hftxivtlnfupdw/2018-11-28_LTR_Showerman_Drainage.pdf?dl=0)

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cc:

City of Manteca General Plan Advisory Committee, % De Novo Planning Group, Attn: Beth Thompson & Lisa Schimmelfennig, Administrative Assistant III, Manteca Community Development Office Via Email: bthompson@denovoplanning.com; lschimmelfennig@ci.manteca.ca.us
Manteca Unified School District, Board of Trustees, % Evelyn Moore, Clerk (emoore@musd.net)
San Joaquin Council of Governments, % Diane Nguyen (nguyen@sjcog.org)
San Joaquin County Planning Commission, % Raymond Hoo, Deputy Director-Programs and Administration (rhoo@sjgov.org)
Central Valley Flood Protection Board, % Leslie Gallagher, Executive Officer (leslie.gallagher@cvflood.ca.gov)
Dr. Clarke Burke, District Superintendent, Manteca Unified School District (cburke@musd.net)
Erika Durrer, Facilities Planning Supervisor, Manteca Unified School District (edurrer@musd.net)
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Greg Showerman, City of Manteca Community Development Director (gshowerman@ci.manteca.ca.us)
Mark Meissner, City of Lathrop, Director of Community Development (mmeissner@ci.lathrop.ca.us)
Reclamation District No. 17, % Chris Neudeck (cneudeck@ksninc.com)
Reclamation District No. 2075, % Pam Forbus (pamforbus@sbcglobal.net)
Lathrop-Manteca Fire District, Attn: Gene Neely, Fire Chief (gneely@lmfire.org)
San Joaquin Area Flood Control Agency, % Marlo Duncan, Project Manager (marlo.duncan@stocktongov.com)
San Joaquin Council of Governments, Attn: Christine Corrales, Regional Transportation Plan and Sustainable Communities Strategy County Outreach Spokesperson (corrales@sjcog.org)
James Mousalimas, San Joaquin County Superintendent of Schools (jmousalimas@sjcoe.net)
Linda Chan, California Teachers Association School Safety Committee Chair (linda.chan42@gmail.com)
Amanda Bohl, Delta Stewardship Council (amanda.bohl@deltacouncil.ca.gov)
California Department of Water Resources, Attn: Mary Jimenez (mary.jimenez@water.ca.gov)
De Novo Planning Group, Attn: Ben Ritchie (britchie@denovoplanning.com)
CA Senator Cathleen Galgiani (Senator.Galgiani@senate.ca.gov)
Tanis Toland, U.S. Army Corps of Engineers, Sacramento District (Tanis.J.Toland@usace.army.mil)
Matthew Hertel, Community Engagement Lead, ACEforward/AECOM (matt.hertel@aecom.com)
Michael Mierzwa, Lead Flood Management Planner, California Department of Water Resources (michael.mierzwa@water.ca.gov)

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Jon Ericson, Hydrology and Flood Operations Officer, California Department of Water Resources (jon.ericson@water.ca.gov)
South San Joaquin Irrigation District Board of Directors, % Betty Garcia, Executive Secretary/Clerk of the Board (bgarcia@ssjid.com)
Reclamation District No. 2094 Board Members, % Albert Boyce (albertboyce@gmail.com)
Lathrop City Council, % Teresa Vargas, City Clerk (website_cco@ci.lathrop.ca.us)
San Joaquin Flood Control and Water Conservation District, % Fritz Buchman (fbuchman@sjgov.org)
Eric Thorburn, Oakdale Irrigation District, Water Operations Manager / District Engineer, (ethorburn@oakdaleirrigation.com)
Manteca City Council, % Lisa Blackmon, City Clerk (lblackmon@ci.manteca.ca.us)
California Department of Transportation, District 10, Attn: Jes Padda, Acting Deputy District Director (jes.padda@dot.ca.gov)
Tri-Valley - San Joaquin Valley Regional Rail Authority, Attn: Michael Tree, Executive Director (mtree@acetobart.org)
State Water Board, Attn: George Kostyrko (george.kostyrko@waterboards.ca.gov)
Manteca Planning Commission, VIA US MAIL, 1001 W. Center Street Manteca, CA 95337
Federal Emergency Management Agency ("FEMA"), Region IX, Attn: Robert Fenton Jr., Regional Administrator, VIA US MAIL, 1111 Broadway Suite 1200, Oakland, CA 94607-4052
Dan Levernier, Regional Manager, Division of the State Architect - Sacramento, VIA US MAIL 1102 Q Street, Suite 5200, Sacramento, CA 95811
Drew Lessard, Bureau of Reclamation, Area Manager, Central California Area Office, VIA US MAIL, 7794 Folsom Dam Road, Folsom, CA 95360-1799
San Joaquin Regional Rail Commission Board of Directors, VIA US MAIL, 949 E. Channel Street, Stockton, CA 95202
Union Pacific Railroad, Attn: Francisco J. Castillo, Jr., Director, Public Affairs, Western Region, Northern California, VIA US MAIL: 915 L St, Suite 1180, Sacramento, CA 95814
John Davids, Modesto Irrigation District, Assistant General Manager, Water Operations, VIA US MAIL, P.O. Box 4060, Modesto, CA 95352-4060
Ed Franciosa, Modesto Irrigation District, Assistant General Manager, Transmission and Distribution, VIA US MAIL, P.O. Box 4060, Modesto, CA 95352-4060
Tou Her, Turlock Irrigation District, Assistant General Manager, Water Resources, VIA US MAIL, 333 East Canal Drive, P.O. Box 949, Turlock, CA 95381-0949

Senate Bill 5 (SB 5)

Future development and growth of the Delta is substantially affected by Senate Bill (SB) 5 that applies to all areas within the FEMA 500-year and 100-year floodplains. It requires cities and counties to establish substantial evidence that certain development and projects are protected from a 200-year flood event before approval can be granted. The requirements for substantial evidence are provided in the Urban Levee Design Criteria (ULDC) and the Urban Level of Protection (ULOP) documents developed by DWR. This also applies to in-fill development.

The burden of enforcement of the SB 5 requirement is on the land use authorities (cities and counties) not the reclamation districts. Table 26-4 shows the land use authority that has jurisdiction within each of the reviewed districts. Some of the districts, such as RD 17, encompass land within multiple municipalities.

Table 26-4: Reclamation District Associated Land Use Authority

DISTRICT	NAME	LAND USE AUTHORITY				
		STOCKTON	LATHROP	MANTECA	TRACY	COUNTY
RD 17	Mossdale	✓	✓	✓		✓
RD 348	New Hope					✓
RD 404	Boggs Tract	✓				✓
RD 828	Weber Tract	✓				
RD 1007	Pico & Nagle				✓	✓
RD 1608	Smith Tract	✓				✓
RD 1614	Smith Tract	✓				✓
RD 2042	Bishop Tract	✓				
RD 2058	Pescadero				✓	✓
RD 2062	Stewart Tract		✓			
RD 2064	River Junction			✓		✓
RD 2074	Sargent-Barnhart	✓				
RD 2075	Mc Mullin					✓
RD 2085	Kasson			✓		✓
RD 2094	Wathal			✓		✓
RD 2095	Paradise					✓
RD 2096	Wetherbee			✓		✓
RD 2107	Mossdale		✓			✓
RD 2115	Shima Tract	✓				
RD 2119	Wright-Elmwood	✓				✓
RD 2126	Atlas Tract	✓				

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO–SAN JOAQUIN DELTA ESTUARY AND FINAL SUBSTITUTE ENVIRONMENTAL DOCUMENT

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (“State Water Board”) will hold a public meeting to consider adoption of proposed amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan”) and the supporting proposed final Substitute Environmental Document (“Final SED”). An opportunity to submit written comments on modifications to the proposed amendments is being provided, as described below.

The proposed amendments include new and revised flow objectives for the Lower San Joaquin River (“LSJR”) and its tributaries, the Stanislaus, Tuolumne, and Merced Rivers, for the reasonable protection of fish and wildlife beneficial uses and revised salinity water quality objectives for the reasonable protection of southern Delta agricultural beneficial uses, as well as a program of implementation for these objectives (“Proposed Final Amendments”). The proposed Final SED evaluates the potential environmental impacts, benefits, and economic impacts of the proposed amendments and includes written responses to comments received during the extensive comment period that ended March 17, 2017.

In response to the comments received, the text of the proposed amendments was modified. Those changes are identified in double strikeout and double underline in the Proposed Final Amendments, which are included as an appendix to the Final SED (Appendix K, *Revised Water Quality Control Plan*). The public may submit written comments on the changes that are identified in double strikeout and double underline in Appendix K, *Revised Water Quality Control Plan*, in accordance with the procedures of this notice. The comment period on the adequacy of the SED concluded in March 2017, and the State Water Board will not accept written comments on this matter.

The date, time, and location of the meeting to receive oral public comments and for consideration of adoption is:

Tuesday, August 21, 2018, 9:30 a.m.
and
Wednesday, August 22, 2018, 9:30 a.m.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

The meeting may be continued if necessary.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

BACKGROUND

The San Francisco Bay/Sacramento-San Joaquin River Delta Estuary (“Bay-Delta”) is important to the natural environment and economy of California. The Bay-Delta Plan protects water quality in the Bay-Delta watershed by identifying the beneficial uses of the waters, water quality objectives to protect those uses, and a program of implementation to achieve the water quality objectives. The Porter-Cologne Water Quality Control Act and the federal Clean Water Act require the State Water Board to regularly review and update the Bay-Delta Plan, which was last updated in 2006.

Since adoption of the 2006 Bay-Delta Plan, concerns related to adequate flows for protection of fish and wildlife have escalated and new information on crop salinity tolerances in the southern Delta has emerged. In 2009, the State Water Board initiated review of the Bay-Delta Plan LSJR flow and southern Delta water quality objectives and the program of implementation for those objectives. In December 2012, the State Water Board released draft amendments to the Bay-Delta Plan (“2012 Draft Amendments”) and a draft substitute environmental document (“2012 SED”) and provided opportunity for written public comment and oral comment at a hearing that concluded in March 2013. In consideration of the large number of public comments received on the 2012 Draft Amendments and 2012 SED, and new additional information, the State Water Board released revised amendments to the Bay-Delta Plan on September 15, 2016 (“2016 Draft Amendments”) and recirculated a substantially revised draft substitute environmental document (“Recirculated SED”) in its entirety for public review and comment. The review and comment period on the 2016 Draft Amendments and Recirculated SED lasted for six months and included a five-day public hearing in four cities that concluded on January 3, 2017. The public comment period closed at 12 noon on March 17, 2017.

The 2016 Draft Amendments included the following elements: (1) new and revised narrative and numeric flow objectives for the LSJR, the Stanislaus, Tuolumne, and Merced Rivers for the reasonable protection of fish and wildlife beneficial uses, (2) revised salinity water quality objectives for the reasonable protection of agricultural beneficial uses in the southern Delta, (3) a program of implementation to achieve those objectives, and (4) monitoring and special studies necessary to fill information needs and determine the effectiveness of, and compliance with, the new objectives. The new and revised flow objectives would require increased flows in February through June that can be adaptively implemented under the program of implementation to reasonably protect fish and wildlife beneficial uses. The revised salinity water quality objective would increase the existing objectives, which are lower than necessary to reasonable protect agricultural beneficial uses in the southern Delta.

The State Water Board has considered all oral testimony and timely written public comments on the 2016 Draft Amendments and Recirculated SED. The State Water Board has prepared responses to those comments and made modifications to the 2016 Draft Amendments and the Recirculated SED that are reflected in the Proposed Final Amendments and the Final SED based on the comments received. At the public meeting, the State Water Board will consider adoption of the Proposed Final Amendments and the Final SED.

DOCUMENT AVAILABILITY

The Final SED includes the Proposed Final Amendments (located in Appendix K, *Revised Water Quality Control Plan*), responses to comments, and modifications to the Recirculated SED. The Final SED is available on the State Water Board’s web site at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/.

For a reasonable cost for copying, you may obtain an electronic copy of the documents on disk by contacting the Division of Water Rights Records Unit at (916) 341-5421 or at dwr@waterboards.ca.gov.

SUBMISSION OF WRITTEN COMMENTS ON REVISED APPENDIX K

The text of the Proposed Final Amendments is found in Appendix K of the Final SED. Extensive public participation, including review and comment, was already provided on the prior draft documents. The public comment period on the Recirculated SED closed on March 17, 2017 and, except for Appendix K as specified below, no additional written comments on the Final SED will be accepted, consistent with the State Water Board's regulations. (Cal. Code Regs., tit. 23, § 3779, subd. (e).)

The State Water Board will only accept written comments on the revisions to the 2016 Draft Amendments that are reflected in the Proposed Final Amendments in double underline and double strikeout, located in Appendix K, *Revised Water Quality Control Plan*, of the Final SED. Written comment letters must be **received by 12:00 p.m. (noon) on Friday, July 27, 2018.**

The State Water Board requests that comment letters on the changes to Appendix K be submitted via email to Jeanine Townsend, Clerk to the Board, by email at LSJR-SD-Comments@waterboards.ca.gov (please note that the email capacity is less than 50 megabytes total). Please title the subject line: "Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments." Electronic submission by email in pdf text format is preferred.

If submitting a hard copy of a comment letter, please address the letter to the attention of Jeanine Townsend, Clerk to the Board, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814. Couriers delivering comment letters in person to CalEPA Headquarters Building must check in with lobby security personnel.

PROCEDURAL MATTERS

At the public meeting at which the State Water Board will consider adopting the Proposed Final Amendments and Final SED, interested persons will have an opportunity to comment orally on the proposed action. The State Water Board may consider and adopt changes to the Proposed Final Amendments consistent with the general purpose of the amendments.

There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. In order to ensure a productive, efficient, and fair meeting in which participants have an opportunity to be heard, oral comments will be limited to **three minutes** per speaker or as otherwise directed by the State Water Board Chair depending upon the number of commenters waiting to be heard on a given day.

FUTURE NOTIFICATIONS

The State Water Board will hold the public meeting at the time and location noted above. Any change in the date, time, and location will be provided by notices sent via the Lyrus e-mail list. Any person desiring to receive future notices on this matter must sign up for the Lyrus e-mail list. To sign up, access the E-mail List Subscription form, click on the "Water Rights" title bar, select the box for "Bay-Delta Notices" and provide the required information. The form is located at: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

WEBCAST INFORMATION

Video and audio broadcasts of the public meeting will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This is to advise that the State Water Board is considering amending the Bay-Delta Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. CalEPA Headquarters Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Headquarters Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. Video and audio broadcasts of the meeting will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

On-site Spanish translation may be provided upon request. For more information, or to request Spanish interpreting services, please contact Chris Carr at (916) 341-5305 or chris.carr@waterboards.ca.gov, no later than August 6, 2018.

Durante la reunión se proveerá servicio de intérprete en español si alguien lo solicita. Para más información o para solicitar servicios de intérprete en español, puede contactar a Chris Carr, (916) 341-5305 o chris.carr@waterboards.ca.gov, a más tardar para el Agosto 6, 2018.

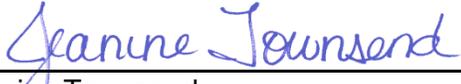
All visitors to the CalEPA Headquarters Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

For more information on this matter, please direct questions to Chris Carr at (916) 341-5305 or chris.carr@waterboards.ca.gov, or Tim Nelson at (916) 445-5987 or timothy.nelson@waterboards.ca.gov.

July 6, 2018

Date



Jeanine Townsend
Clerk to the Board

SHARE 

DELTA NEWS

Delta tunnels get 'real' as backers seek \$1.6B loan from Trump administration

BY RYAN SABALOW AND DALE KASLER
rsabalow@sacbee.com

July 17, 2018 04:17 PM
Updated July 18, 2018 07:46 AM

Critical permits and legal challenges are still pending, and some farming groups still haven't committed to paying for part of Gov. Jerry Brown's controversial \$17 billion Delta tunnels project.

But even with the uncertainty, backers of the project are poised to ask the Trump administration for a \$1.6 billion federal loan that millions of Californians ultimately would have to repay through increases in their water bills.

Privacy - Terms

On Thursday, the just-formed Delta Conveyance Finance Authority, led by the regional water agencies backing the tunnels project, is expected to start the application process for a \$1.6 billion federal water infrastructure loan administered by the U.S. Environmental Protection Agency.

Congress set up the loan program in 2014 to spur upgrades to the nation's aging system of irrigation projects and dams.

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The loan would represent a significant milestone for the project, which has been in the planning phase for nearly a decade, said Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California, which delivers Delta water to 19 million people in the south state.

“We’re going to be issuing contracts in the next few months, and we’re going to be spending some real money,” Kightlinger said. “If we get this loan now, we’re moving from millions into billions (of dollars). That’s real.” Metropolitan and other agencies have spent a combined \$200 million planning the tunnels.

Earlier this year, Metropolitan’s board breathed life into the struggling project by approving a \$10.8 billion investment in California WaterFix, the name Brown’s administration gave the tunnels.

Other hurdles remain before machines can start boring the 30-mile path under the Sacramento-San Joaquin Delta.

Most San Joaquin Valley farmers haven’t agreed to pay into the project. A state board also has yet to issue a key permit required to start construction; dozens of lawsuits against the tunnels are pending.

Brown’s office says WaterFix will shore up deliveries of Northern California river water to the south state while reducing the environmental harm done to the Sacramento-San Joaquin Delta, the hub of the state’s water-delivery network

The project is fiercely opposed by Sacramento area politicians, Delta farmers and fishing and environmental groups.

Tunnels opponent Barbara Barrigan-Parrilla of Restore the Delta said she was troubled that the repayment plan under the loan doesn't start for at least five years after the project is finished.

“Our grandchildren and great-grandchildren will be footing the bill for dry tunnels when investments should have been made in sustainable water projects for their communities,” she said.

Meanwhile, Brown's office on Tuesday said it has tweaked the design of the tunnels to reduce environmental impacts to Delta communities, wetlands and fish.

Under the new design, revealed in an environmental impact report, the state Department of Water Resources said the twin 40-foot-wide tunnels will be realigned to avoid the town of Hood and municipal water wells. The town sits at the north end of the Delta, near the spot where water will be diverted from the Sacramento River and drawn into the tunnels.

At the south end of the Delta, the state said it will create a new reservoir near the town of Byron, eliminating the need to expand the two-mile wide holding pond known as Clifton Court Forebay that sits below the state's massive Delta pumping plant. The state said the change will reduce harms to wetlands and endangered salmon and Delta smelt.

U.S. Rep. John Garamendi, D-Walnut Grove, an opponent of the project, said the state had merely put “lipstick on this pig by making cosmetic modifications.”

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June 5, 2018 Manteca City Council Meeting Speech by Kerry Harris

Good evening, Council Members. My name is Kerry Harris and I reside at 22911 Oleander Road in Manteca.

As many of you are aware by now, Ellicott City, Maryland experienced devastating flooding over the Memorial Day weekend. The 2018 flood killed one person—a National Guardsman—and destroyed dozens of businesses. It was considered a thousand-year flood, and to make matters worse, the same city had just finished rebuilding after a similar flood struck it in 2016, which killed two people. That's two thousand-year floods within two years.

Many news articles have surfaced regarding these floods and the impact that over-development could have had on worsening the conditions. I would like to share part of one with you now. It was published online on May 28, 2018 by Kelly Anderson at Fox45 Baltimore. It's called "A Man-Made Disaster? Did development worsen Ellicott City flooding?"

"Barely a week before Sunday's devastating floods, Ellicott City business owners were expressing concerns over the possibility of a repeat of the 2016 damage. "Right now, I'd say they have to do a lot more," said Sally Fox Tennant, owner of Discoveries. She was referring to the county's prevention efforts. "I'm confident in saying that. Because if they don't, this town may be destroyed."

"What we're having problems with now is the velocity of water its coming at a fast rate," said Barry Gibbons, owner of the Forget-Me-Not Factory. "The runoff is so rapid."

Runoff from new construction has been a long-standing complaint. In 2016, a man named Brian Kelm posted about the same issue on Facebook. He said: "This "top down" flooding has nothing to do with mother nature. This is a man-made disaster caused by greedy and/or uninformed people who decided that building homes above this wonderful city was worth the risk of destroying it." He mentioned his 100-year-old home was suffering from new flooding issues.

As recently as last week, a petition was floating around Main Street businesses, calling on county leadership to correct the runoff issue. The petition says in part: "We the undersigned strongly believe the Howard County flood authorities have not taken or proposed all necessary remedial actions to safeguard the historic Ellicott City community from future flash floods.... and they have not acknowledged the major role recent over-development played in the magnitude of the extensive flood damage." Business owners said they gathered thousands of signatures.

In a phone interview Monday, one day after the flood, Tennant, owner of Discoveries, was asked if she plans to come back a second time. She said without further mitigation efforts on behalf of the county, "you'd be a fool to come back."

I have some questions for the city council: could a flood event like that happen to the areas in and around Manteca and Lathrop?

Also, are storm water and potential flood impacts being properly evaluated as compared to the high volume of projects being approved?

And finally, when the next flood comes, will we be ready? Or will we be like the victims of Ellicott City, would we "be a fool to come back"?

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Brian Kelm

August 3, 2016 ·

ELLICOTT CITY FLOOD: STOP CALLING IT A NATURAL DISASTER

For 200+ years the flooding in Ellicott City came from the rising of the Patapsco River and was mostly limited to lower Main Street. During major rain storms the water was absorbed into the ground in the surrounding woods north and west of town and the Tiber River, which runs east along Fredrick Road, was wide enough to handle the overflow that ran through town. (rivers have the uncanny ability to be just as wide and deep as they need to be) In the past 20+ years developers and Howard County zoning board have banded together to pave over all of those woods with medium and high density housing. The yellow area is mostly new construction built in the last two decades. When you pave over the natural terrain and add sewers and roads that lead directly to Main Street (red area) you get a high speed rollercoaster for the water to ride right through town. This "top down" flooding has nothing to do with Mother Nature. This is a man-made disaster caused by greedy and/or uninformed people who decided that building homes above this wonderful city was worth the risk of destroying it. Our county has an infill problem and the Zoning Board never seems to grasp the big picture. My house is on one of the highest hills in Ellicott City and every year that more houses are built in the backyards of my neighbors, the more ground water I get in my basement. My house was built 100+ years ago and when I bought it in 2001 it didn't even have a sump pump because it didn't need one. In 2011, during Hurricane Lee, and right after two new houses were built in my neighbors back yard, I had to cut a emergency hole in the floor with a pick axe through a foot of water to pump it out with a submersible pump.

The county executive may be right that this is a "once in a thousand year storm" but anyone who has ever been on Main Street in a rain storm knows that flooding is a common occurrence since the construction above town became so out of control. Now, in perfect irony, The state and county will spend more money than they earn on tax from new construction to fix the damage it created. This is a horrible disaster but nature had nothing to do with it. #ECSTRONG



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From: Richards Fa
To: [Manteca Bulletin; dmoorhead@mantecagov.com](mailto:dmoorhead@mantecagov.com); Mmorowit; Sdebrum; Richard Silverman
Subject: Levee Construction:
Date: Thursday, February 16, 2017 12:54:42 PM

Manteca has been searching for ways to finance a Levee Project that could bankrupt us in the future. Assuming the responsibility of this project is subjecting us to serious flood litigation in the future if this levee fails. The state Legislature approved of a 500M payment for a 1997 breach of a delta levee that failed. That was paid out because permission was given to build homes in this flood prone area. There was another state payout of 45M for a levee failure. This was paid in the years 1979-1980. This council not only want's to spend 150M on this project and break the city bank, it also want's to set us up for a future flood damage suit if the levee ruptures and causes serious damage to existing infrastructure. Unlike the state, we don't have that kind of revenue to payout large losses to flood victims. Believe me, all participants who assume ownership of this river and erect this secondary dam, will payout huge sums to home owners and flood insurance firms.

The Army Corps and Bureau of reclamation is responsible for flood control of the Sacramento River and the San Joaquin Rivers. This council is paused and ready to place Manteca in financial disaster to accommodate Developers and adhere to the Governors blackmail scheme to force small cities to pay for a state project obligation. This Governor knows that the Federal Government has an exemption from suits filed on the Government. This safety valve doesn't apply to the State, for one can see that the State Of California had to pay a combined 545 thousand dollars for flood damage caused by two separate breaches in the levee that caused widespread damage. It is apparent that the state is trying to sucker Manteca into constructing a levee and being sued for future flood damage, instead of the state. Why not ask the developers to sign an agreement with the state to cover flood damage and see how fast they take flight from this project. I find it hard to believe that a council could be so unprofessional in failing to see what the state and Special Interest is trying to do to you and Manteca residents. It's apparent that the state and developers prey on your lack of knowledge, or they wouldn't try to get away with this scheme. By the state being assessed for flood damage, their looking for suckers who will commit entire cities to assume the damage they were forced to pay by the Federal Government to settle flood claims in the past.



Fleener Richards.