



Correspondence to Board of Directors

May 15 - Jun 29, 2020

#	Date Rec'd	Sender
1	05-15	Terra Land Group
2	05-19	Roland Lebrun
3	05-26	Terra Land Group *
4	06-01	Terra Land Group *
5	06-29	Terra Land Group *

** Indicates TVSJVRRRA was copied a letter addressed to another entity.*

TERRA LAND GROUP, LLC

May 11, 2020

VIA EMAIL

Tri-Valley - San Joaquin Valley Regional Rail Authority
Board of Directors
1362 Rutan Court, Suite 100
Livermore, CA 94551
% Jennifer Suda, Executive Assistant
(jsuda@lavta.org)

Re: May 13, 2020 Tri-Valley - San Joaquin Valley Regional Rail Authority ("SJVRRR") Board of Directors Meeting Agenda Item 7: Track Design Plans to Optimize Performance of Valley Link Trains; and Item 8: Allocation Request to MTC.

Dear Board Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG operates in the Manteca and Lathrop areas of San Joaquin County. Over the past few years, TLG representative Martin Harris has:

- (i) Attended many public and private meetings; and
- (ii) Reviewed thousands of pages of environmental documents; and
- (iii) Written over seven hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area.

In addition, as more and more people move into California and as more land is being developed or farmed, there needs to be more water storage and reuse opportunities to accommodate those increased needs. This is especially important as local city, county, state, and federal authorities take various actions to divert or hold back an increasing amount of water (from all sources) to make more water available to the public they serve. However, there also needs to be safe ways of storing, delivering, conveying, draining, and discharging that water to avoid flood and other hydrology-related impacts for the people who live in the areas that may be affected.

TLG is writing this letter to make the Tri-Valley SJVRRR board members aware of what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 ("SB 5") requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, reusing, and draining water. **(See Enclosure 1)**

TLG believes that storing, delivering, reusing, and draining water in and along the South Delta becomes complicated when it is considered that the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/EIR/EIS: (LSJRFS") includes the following:

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1. Page ES-1 of the LSJRFS states: *The study area also includes the distributary channels of the San Joaquin River in the southernmost reaches of the Delta; Paradise Cut and Old River as far north as Tracy Boulevard, and Middle River as far north as Victoria Canal.*
2. Page 3-31 of the LSJRFS states: *Currently, the levee safety program has defined the levee system that incorporates RD 17 as bounded on the north by Walker Slough, west by the San Joaquin River and south by the Stanislaus River. This includes RD 17, RD 2096, RD 2094, RD 2075 and RD 2064.*
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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.
5. Page 5-27 of the LSJRFS states: **2.1.1 FLOODING Problem: There is significant risk to public health, safety and property in the study area associated with flooding.** *The study area is located in the Central Valley of California which has very little topographic relief, resulting in potential flooding of areas far from water courses... (See Enclosure 1)*

Potential Impacts to Consider:

TLG believes that all Mossdale Tract Flood modeling and Adequate Progress reports that have been publicly released to date have failed to fully consider and provide mitigation measures for:

- (i) Unresolved and continuing sedimentation issues that continue to reduce channel flow capacity in and along the South Delta Lower San Joaquin River System.
- (ii) Climate change and continued uncertainty relating to its effect on increasing the total potential volumes of channel flows to be expected in and along the South Delta Lower San Joaquin River System.

COMMENT: Martin Harris and several other South Manteca rural neighbors attended a Central Valley Flood Protection Board Workshop on February 14, 2020. Although a number of climate change presentations were made by staff, flood models and associated drainage flow volumes related to climate change do not appear to have been fully determined.

QUESTION: What effect will this have on determining the total amount of reservoir storage water that can be safely stored in higher elevations throughout the Sacramento and San Joaquin River Reservoir System(s)?

COMMENT: The Paradise Cut Expansion project, in the form presented in the “Conceptual Design Technical Memo/Paradise Cut Expansion Project/April 9, 2019,” may or may not prove adequate in offsetting the full range of development and other hydrology-related impacts that may be created. Also, TLG believes that the Paradise Cut Expansion Stage reductions called for between the Paradise Weir and the Airport Way (Vernalis Bridge)

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may not fully address the potential for additional drainage impacts to be created. (See Enclosures 1-8)

This is especially concerning when considering pages 4 and 5 of the Mossdale Tract Program: 2019 Annual Adequate Progress Report Update for Urban Level of Protection-Final Report (included as Attachment 2 to the 8/20/2019 MCC Meeting Agenda Item B.3), which states that, *“the Urban Flood Risk Reduction Study remains incomplete and the Climate Adoption Policy is underway. As such, a new determination that the project meets the appropriate Standard of Protection will need to be made in conjunction with the 2020 Annual Report.”*

QUESTION: How will what appears to be a very real potential for unresolved and continuing sedimentation and climate change issues in and along the South Delta be considered and allowed for in the final Mossdale Tract Drainage Plan? (See Enclosures 1-8)

(iii) A Stanislaus River right bank levee breach in the areas west of the City of Ripon.

(iv) Limited topographic relief to ground surface areas in and along the South Delta.

QUESTION: Will mitigation measures be included to prevent any potential for reverse channel flows and associated backwater effects that may impede the natural flow of Old River as identified on pages 3A-28 and 3A-29 of the Bay Delta Conservation Plan California WaterFix Final EIR/EIS (December 2016)?

QUESTION: Will limited topographic relief to ground surface areas in and along the South Delta slow down San Joaquin River (and Paradise Cut) channel flows and promote continuing sedimentation?

(v) Various federal and state-funded Manteca and Lathrop area highway construction and other state, federal, and/or county transportation improvement projects as presented in (a) the 2014 San Joaquin Council of Governments Sustainable Communities Strategy, Draft EIR and 2015 FTIP Conformity Document.

QUESTION: Have all roadway-related floodwater and other hydrology-related drainage impacts to the areas south of Manteca been properly considered (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064, and the South San Joaquin Irrigation District (“SSJID”))?

(vi) Unresolved plans as to how the cities of Manteca and Lathrop can reasonably drain what appears to be ever-increasing amounts of stormwater and effluent wastewater from the residential, commercial, and industrial-zoned developing areas into non-developing areas that flooded in 1997.

COMMENT: TLG believes that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta have not been adequately determined and may be different than what the narrow scope of existing flood models may indicate. (See Enclosures 1-8)

QUESTION: What potential increased flood water, stormwater, and effluent wastewater, irrigation water, potable water delivery, traffic circulation, emergency vehicle services response and private property road access impacts and changes to drainage patterns may

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be created due to the construction (and/or expansion) of 100-year flood protection infrastructure as appears to be called for due to a recent May 21, 2019 San Joaquin County Board of Supervisors approval of Morning Hearing item #1: Development Title Text Amendment No. PA 1900067 allowing revisions to the Definition of Structure?

QUESTION: What increased flood and back-water impacts may occur when that same 100-year infrastructure (as referenced in the previous question) is subjected to a 200-year flood event?

(vii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with the ACE train and Valley Link rail expansions.

COMMENT: TLG believes that decisions related to rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modifications in and along the areas crossing the South Delta (Mossdale) may affect both 100-year and 200-year California Senate Bill No. 5 ("SB5") flood water drainage and other hydrology-related impacts in the areas around the Manteca and Lathrop communities.

(viii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with RD 17 planned improvements associated with any and all Phase II, Phase III, and California Senate Bill No. 5 200-year projects to be considered.

(ix) Flood and other hydrology-related impacts that may occur in conjunction with anticipated changes to the Tri-Dam Project, the South San Joaquin Irrigation District, South San Joaquin Groundwater Sustainability Agency ("SSJGSA"), South Delta Water Agency ("SDWA"), and the Eastern San Joaquin Groundwater Authority water master plans.

COMMENT: TLG believes that any Tri-Dam Project, SSJID, SSJGSA, SDWA, or Eastern San Joaquin Groundwater Authority water master plan needs to consider flood and other hydrology-related impacts associated with SSJID drain #11 (and SSJID drain #10) for all areas extending to their origin.

(x) Short-term and long-range flood and other hydrology-related impacts that may occur in conjunction with the anticipated approval of the proposed Water Transfer Agreement between the SDWA and SSJID (See SSJID 5/12/2020 meeting agenda items 9 and 10).

QUESTION: When considering the potential water supply needs in the areas of southwest Manteca and Lathrop, isn't it likely that the SSJID/SDWA water transfer agreement will eventually over time result in water supply and conveyance infrastructure being constructed to transfer water to southwest Manteca as well as other SDWA users located downstream?

QUESTION: If so, what drainage and other hydrology-related impacts should be considered? (See Enclosures 1-8)

(xi) Flood and other hydrology-related impacts that may occur in conjunction with the anticipated expansion of River Islands as proposed in the Notice of Preparation for the River Islands Phase 1 or 2 Project/Update for the West Lathrop Specific Plan.

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(xii) Flood and other hydrology-related impacts that may occur in conjunction with the adoption of the City of Lathrop's Integrated Water Resources Master Plan (See LCC 12/9/19 meeting agenda item 5.1 and associated project description figures 2.0-7 and 2.0-8).

(xiii) Flood and other hydrology-related impacts that may occur in conjunction with the SJAFCA's Lower San Joaquin River Project. TLG has been informed that this project has won a coveted "New Start" designation in Fiscal Year 2020 along with \$27.225 million in federal funding for preconstruction, engineering, design, and construction of the project's first increment. SJAFCA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract.

An informational briefing was conducted in association with the April 24, 2020 CVFPB meeting agenda item 8D: San Joaquin Area Flood Control Agency Projects Update.

QUESTION: What mitigation measures will be provided as part of SJAFCA's Lower San Joaquin River Project to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

QUESTION: When considering the anticipated economic downturn that many are expecting to occur due to the COVID-19 health crisis, will sufficient drainage district maintenance assessments and other drainage infrastructure construction funding be made available to construct (in a timely manner) all phases of the SJAFCA Lower San Joaquin River Project? This includes the Paradise Cut Expansion Project and other flood drainage protection project phases deemed necessary to protect the high-risk areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID). What potential impacts may occur if funding is either suspended or exhausted?

With these concerns in mind, TLG urges the Tri-Valley SJVRRRA board members to consider the comments and concerns stated in this letter before taking any action with the potential to affect drainage patterns or total flow volumes in and along the South Delta. **(See Enclosures 1-8)**

Thank you for your attention to this very important matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

TERRA LAND GROUP, LLC

These Enclosures can be downloaded as needed via Dropbox through the provided hyperlinks.

1. 2018-02-26 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26_LTR_SJAFCA_LSJR%20EIR_Public_Comm_wEncl.pdf?dl=0)
2. 2018-03-05 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/tl0ir7sookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0)
3. 2017-04-20 letter from TLG to the San Joaquin County Board of Supervisors
(https://www.dropbox.com/s/7dy40jzfqeotw56/2017-04-20_LTR_SJCBS_Re04-25-17MtgPubComm_MHcm.pdf?dl=0)
4. 2019-03-18 letter from TLG to the City of Lathrop Public Works Department
(https://www.dropbox.com/s/musf61jnz7azjvy/2019-03-18_LTR_LPW_EIRWaterResPlan.pdf?dl=0)
5. 2019-10-07 letter from TLG to the San Joaquin Local Agency Formation Commission
(https://www.dropbox.com/s/snktx3dvn8obbz/2019-10-07_LTR_LAFCo_AgIts4.pdf?dl=0)
6. 2019-08-21 letter from TLG to the Eastern San Joaquin Groundwater Agency
(https://www.dropbox.com/s/srnfonfc2rbj1j1/2019-08-21_LTR_ESJGA_GSP.pdf?dl=0)
7. 2020-04-16 Manteca Bulletin news article “High jobless rate, food shortages, high food prices will be norm under Sacramento plan”
8. South Delta River Basin annotated map

cc:

San Joaquin Regional Rail Commission
San Joaquin Area Flood Control Agency, Attn: Chris Elias
South Delta Water Agency, % John Herrick, Esq.

High jobless rate, food shortages, high food prices will be norm under Sacramento plan

No one wants to see food shortages, long lines, price gouging, high unemployment, or more people in ill health the new norm.

But that's exactly what is on the horizon based on a report that got largely ignored just as the COVID-19 pandemic started slamming the state in early March.

Economists David Sunding and David Roland-Holst examined the ramifications of California's Sustainable Groundwater Act. The edict from Sacramento requires local agencies — cities, irrigation districts, and individual collectively in groundwater basins — not to remove more water from underground sources than is replenished in a given 12-month period. The balancing act, that includes more restrictions on surface water supplies, must be in place by 2040.

The report determined a million acres of San Joaquin Valley farmland will virtually be reclaimed by weeds and turn into a dust bowl given water shortages that will be created in perpetuity.

It will wipe out 14 percent of the state's \$44 billion annual agricultural production. The \$7.2 billion loss is just a start. There would be 85,000 full-time jobs gone forever with a corresponding \$2.1 billion in lost wages for countless families. Tax revenue in the valley would drop by \$535 million a year.

Given California, and more specifically, the San Joaquin Valley produces nearly 60 percent of the nation's fruits, vegetables, and nuts the impact would be horrendous. Less food grown coupled with a growing population means significantly higher prices and a smaller supply per capita. That in turn would undermine efforts to get Americans to eat more veggies, fruits, and nuts to improve their health given higher prices would put consuming the recommended servings needed to combat a wide array of maladies out of the reach of many. Less fresh food means more processed food which virtually every medical professional views as bad for your health. Given we have 330 million people and growing they'd be no way to replace the loss in backyard gardens, window sill planters, and such especially in much of the nation that is not conducive to year round crop production as we are here in California.

To give you an idea on how much the nation as well as the global food chain relies on the San Joaquin Valley, the nine-county region is where the bulk of the state's \$44 billion worth of crops are produced. Iowa — No. 2 on the list of top producing food states — generates \$31 billion in crops a year followed in third place by Nebraska at \$24 billion.

San Joaquin County alone with its annual \$2.6 billion crop production would rank 37th in the nation if it were a state in terms of growing food to feed the nation.

All of that said, the need to save us from ourselves in terms of over drafting underground water supplies is real.

The overdraft of aquifers since the 1930s has caused portions of the mid-valley to sink by more than 20 feet due to subsidence. Once that occurs the compaction of the soil makes it virtually impossible for the natural underground water storage to return.

It is clear once the water source is gone it is just that — gone.

Farmers, like urban users, have made huge strides since the 1975-1977 drought in reducing water consumption. Wasting water on a whole is much more devastating to farmers given its purchase from surface sources controlled by irrigation districts or the fact they need to run pumps to bring water to the surface. If you think your PG& E bill is high, agricultural users needing pumps are cursed with the highest PG& E rate for buying electricity.

The Northern San Joaquin Valley will be getting hit with a double whammy. A state push is underway for increased unrestricted flows on the Tuolumne, Stanislaus, and Merced rivers for the expressed purpose of being

able to add 1,103 more salmon to the three rivers. By the state's own calculations would — in a non-drought year when the impact is minimal — force 240,000 acres in San Joaquin, Stanislaus, and Merced counties to be fallow wiping out \$1.6 billion in farm production and costing 6,756 jobs.

That is on top of the groundwater impacts.

Toss in water flows the courts and state have been trying to commander from the three rivers in a futile bid to prop up the Delta Smelt population as well as the myopic tunnel now being advanced by Gov. Gavin Newsom to deny the Delta use of Sacramento River water to keep salinity at bay and produce crops within the delta and Sacramento will have delivered a death blow to the poorest region in the state while at the same time making food shortages and high food prices the norm.

Groundwater recharging — that must be a top priority harnessing recycled water — by itself will not get the job done.

There are effective solutions that inflict minimal impacts on urban users, farm production, the sports fishing industry that is a lucrative concern built on non-native fish, and the environment.

More off-line storage such as the San Luis Reservoir and the envisioned Sites Reservoir is key as is increasing the capacity of select existing reservoirs.

It is clear California for tens of thousands of years has been in conditions we'd describe as drought or dry years today than "normal years" for snow and rain as defined by modern weather records that only date back to the 1850s. Mother Nature's weather records in the form of carbon dating tree rings that stretch back thousands of years make it clear we live in a land of feast or famine.

Squirreling away water when it is plentiful to assure fish flows, food production, and urban users can be met is the most logical way to move forward. It would also allow the "replacement" of some of the loss of underground water pumping. It is not "the" answer per se as we still need to step up everything from water conservation to cisterns — rain collection systems — in urbanized areas.

Water has always been the key to the California dream as well as what could kill it off.

The last time there was a comprehensive water plan for the state was in the 1960s when there were 16 million people or 24 million less Californians.

We have spent the last 50 plus years quibbling over water policy with little to show for it.

It is ironic than in less than a couple of weeks California and the rest of the nation moved at light year speed to put in place solutions to stop COVID-19 from ravaging civilization. Those solutions likely means it will be a minimal threat 18 months to three years from now.

Yet with water that is even more critical in California than most other states to manage and develop properly to minimize harm to people Sacramento not only can't get its act together but it cuts loose local areas — including the poorest region in the state — to fend for itself while sacrificing it for the wealthy enclaves of coastal urbanization.

This column is the opinion of editor, Dennis Wyatt, and does not necessarily represent the opinions of The Bulletin or Morris Newspaper Corp of CA. He can be contacted at dwyatt@mantecabulletin.com or 209.24.3519.



Almond trees killed in the last drought long before their useful lifetime for productivity was even near are removed from a farm in the western edge of the San Joaquin Valley.



DENNIS WYATT

Editor

From: Roland Lebrun

Sent: Tuesday, May 19, 2020

To: Candice Kendall-VL

Cc: Jennifer Suda

Subject: Re: Phone join option to TVSJVRRA (Valley Link) Meeting 05/13

Good morning Candice,

Yes I did find the correct password (eventually), thank you.

On a related note, could you please pass on the last comment I was unable to share with the Board?

The Board indicated an interest in double-tracking the entire Valley Link alignment and asked staff to return with cost estimates at the June meeting.

Having studied the alignment in some detail, I would recommend providing separate cost estimates for the Tracy to Greenville and Greenville to Dublin/Pleasanton (I-580) sections to inform the Board on their final decision to double-track the entire alignment or sections thereof.

Thanks again.

Roland Lebrun

TERRA LAND GROUP, LLC

May 26, 2020

VIA EMAIL

California High Speed Rail Authority
San Jose to Merced Project Section: Draft EIR/EIS
100 Paseo de San Antonio, Suite 300
San Jose, CA 95113
(san.jose_merced@hsr.ca.gov)

Re: Public Comments on the California High Speed Rail Authority (“HSR”) San Jose to Merced Project Section: Draft Environmental Impact Report/Environmental Impact Statement.

Dear Project Team,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC (“TLG”). TLG owns properties and businesses in Lathrop, Manteca, and Los Banos.

For several years, TLG has advocated for protection from flooding caused by development impacts. TLG is concerned because as more and more land is repurposed for development in our areas of the Central Valley, irreversible impacts may be created to water pathways, conveyance, and drainage systems. These impacts may worsen the effects of flooding on homes and businesses which reside in flood-sensitive zones.

California Senate Bill No. 5 (“SB5”) requires development projects to consider the impacts of both 100-year and 200-year flood events and their impact to the community as may be affected by the project.

Specifically, please consider any and all rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modification impacts that may affect both 100-year and 200-year SB5 flood water drainage and other hydrology-related impacts resulting from the HSR San Jose to Merced Project. To ensure the protection of everyone that may be affected, TLG believes that those impacts should be considered for all related future rail system modifications and grade separations both inside and outside of the HSR San Jose to Merced alignment construction area.

Please also consider this project’s effects on setting grade elevations and the potential for altering drainage flows in the areas affecting the ACEforward Rail and Valley Link Rail projects. (**See Enclosure**)

Thank you for your attention to this very important matter.

TERRA LAND GROUP, LLC

Respectfully,



Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosure:

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1. 2020-05-18 letter from TLG to the California Water Commission
(https://www.dropbox.com/s/z7zuhq62dcokbzt/2020-05-18_LTR_CWC_AgIts9-11.pdf?dl=0)

cc:

San Joaquin Regional Rail Commission Board of Directors, % Jackie Miramontes
Tri-Valley - San Joaquin Valley Regional Rail Authority Board of Directors, % Candice Kendall

May 18, 2020

VIA EMAIL

California Water Commission
P.O. Box 942836
Sacramento, California 94236-0001
(cwc@water.ca.gov)

Re: May 20, 2020 Meeting of the California Water Commission (“CWC”) Agenda Item 9: Action Item: Annual Review of the State Water Project; Item 10: Priorities for California’s Water; and Item 11: State Role in Financing Regional Conveyance Infrastructure.

Dear Commission Members,

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- (i) Attended many public and private meetings; and
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TLG is writing this letter to make the CWC members members aware of what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 (“SB 5”) requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, reusing, and draining water. (**See Enclosure 1**)

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QUESTION: What potential increased flood water, stormwater, and effluent wastewater, irrigation water, potable water delivery, traffic circulation, emergency vehicle services response and private property road access impacts and changes to drainage patterns may

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be created due to the construction (and/or expansion) of 100-year flood protection infrastructure as appears to be called for due to a recent May 21, 2019 San Joaquin County Board of Supervisors approval of Morning Hearing item #1: Development Title Text Amendment No. PA 1900067 allowing revisions to the Definition of Structure?

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COMMENT: TLG believes that decisions related to rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modifications in and along the areas crossing the South Delta (Mossdale) may affect both 100-year and 200-year California Senate Bill No. 5 (“SB5”) flood water drainage and other hydrology-related impacts in the areas around the Manteca and Lathrop communities.

(viii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with RD 17 planned improvements associated with any and all Phase II, Phase III, and California Senate Bill No. 5 200-year projects to be considered.

(ix) Flood and other hydrology-related impacts that may occur in conjunction with anticipated changes to the Tri-Dam Project, the South San Joaquin Irrigation District, South San Joaquin Groundwater Sustainability Agency (“SSJGSA”), South Delta Water Agency (“SDWA”), and the Eastern San Joaquin Groundwater Authority water master plans.

COMMENT: TLG believes that any Tri-Dam Project, SSJID, SSJGSA, SDWA, or Eastern San Joaquin Groundwater Authority water master plan needs to consider flood and other hydrology-related impacts associated with SSJID drain #11 (and SSJID drain #10) for all areas extending to their origin.

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QUESTION: When considering the potential water supply needs in the areas of southwest Manteca and Lathrop, isn’t it likely that a combination of one or more future SSJID/SDWA water transfer agreements will eventually over time result in water supply, conveyance, conservation, and drainage infrastructure being modified or constructed to transfer water to southwest Manteca as well as other SDWA users located downstream?

QUESTION: If so, what drainage and other hydrology-related impacts should be considered? (See Enclosures 1-8)

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An informational briefing was conducted in association with the April 24, 2020 CVFPB meeting agenda item 8D: San Joaquin Area Flood Control Agency Projects Update.

QUESTION: What mitigation measures will be provided as part of SJAFCA's Lower San Joaquin River Project to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

QUESTION: When considering the anticipated economic downturn that many are expecting to occur due to the COVID-19 health crisis, will sufficient drainage district maintenance assessments and other drainage infrastructure construction funding be made available to construct (in a timely manner) all phases of the SJAFCA Lower San Joaquin River Project? This includes the Paradise Cut Expansion Project and other flood drainage protection project phases deemed necessary to protect the high-risk areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID). What potential impacts may occur if funding is either suspended or exhausted? **(See Enclosure 8)**

With these concerns in mind, TLG urges the CWC members to consider the comments and concerns stated in this letter before approving any state water project, conservation project, drainage or conveyance plan, or other agenda item with the potential to affect drainage patterns and total flow volumes in and along the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID). **(See Enclosures 1-8)**

Thank you for your attention to this very important matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

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MH/cm

Enclosures:

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8. 2020-05-16 Manteca Bulletin news article "California Budget Cutbacks Threaten Environmental Spending Plans"

cc:

San Joaquin Area Flood Control Agency, Attn: Chris Elias
Central Valley Flood Protection Board, Attn: Ryan Jones

California budget cutbacks threaten environmental spending plans

SACRAMENTO (AP) — California Gov. Gavin Newsom's proposed budget cuts include canceling billions of dollars in climate change spending, a blow to environmental advocates who look to the state as a stopgap for the Trump administration's weakening of federal protections.

In January, Newsom proposed a \$12 billion "climate budget" that, over the next five years, would offer incentives for companies to convert to electric vehicles, give low-interest loans to businesses to clean up their practices and spend billions on projects preparing for floods, droughts and wildfires.

But Thursday, Newsom proposed eliminating most of the foundation for those programs to balance a budget that will have an estimated \$54.3 billion deficit. The economic downturn has been brought by a statewide stay-at-home order to limit the spread of the coronavirus. The order has closed most businesses for two months, putting more than 4.5 million people out of work and sending state tax collections plummeting.

The proposed cuts come as the state is battling the Trump administration over water quality and auto emissions, among other environmental issues.

"At a time when the Trump administration is mounting an unprecedented assault on environmental and public health protection, it's absolutely devastating and horrifying," said Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity.

The Newsom administration says the cuts represent "unprecedented times" that have forced the state to "make sacrifices that we didn't think six months ago we would have to do." The administration chose to protect programs to clean up the air in disadvantaged communities and to provide safe drinking water.

"All the leaders around the world from Germany to Denmark to Japan are all suffering similar economic fates," said Jared Blumenfeld, secretary of the California Environmental Protection Agency. "What California is doing is prioritizing and making sure, as the governor said, our values come first."

The biggest cut was scrapping a proposal to borrow \$4.75 billion to prepare the state for climate-change disasters like sea level rise that threatens the coastal cities and devastating wildfires that have destroyed

to convince Newsom not to veto it over cost concerns.

Newsom canceled a \$250 million contribution to the "climate catalyst fund," aimed at jump starting investment in technology to help clean up private sector polluters.

But the most ironic impact is on the state's "cap and trade" program, which requires big businesses to purchase credits that allow them to pollute.

Coronavirus-related closures since mid-March have shut down most businesses and kept cars off the road, leading to a dramatic improvement in air quality. But it's also reduced the demand for credits, meaning the state is likely to make less money when it sells them.

That means less money for a host of programs offering incentives for companies to convert their diesel-powered fleets — one of the largest sources of air pollution — to electric vehicles.

"The good news is emissions are decreasing. However, there is a lot of funding that has occurred in the past that may not occur in the future as a result of that," Blumenfeld said.

The Newsom administration canceled a plan to hire 53 more people to regulate the state's oil and gas industry. The cut surprised environmental advocates because the new employees would have been paid for not by state income tax collections, but by fees paid from the oil and gas industry itself.

California Department of Natural Resources Secretary Wade Crowfoot said the new hires were withdrawn because of "COVID-related economic issues impacting that sector."

"Oil and gas won," said Kathryn Phillips, director of Sierra Club California. "But people who breathe and live near ports are losing."

Western States Petroleum Association President Cathy Reheis-Boyd said "there are no 'winners' when the state or businesses have to make tough budget decisions."

"Even without these new positions, California will continue to have the toughest regulatory standards for oil production in the world," she said.

tens of thousands of buildings and killed more than 100 people.



That proposal could be revived in the Legislature, where lawmakers view it as a type of economic stimulus to create jobs during a coronavirus-induced economic downturn. But they would first have

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June 1, 2020

VIA EMAIL

Manteca City Council
1001 West Center Street
Manteca, CA 95337
% Cassandra Tilton, Acting City Clerk
(ccandini@ci.manteca.ca.us)

Re: June 2, 2020 Manteca City Council (“MCC”) Meeting Agenda Item B.3 (20-234): Adopt resolutions declaring the City’s intention to levy annual assessments and approving the Preliminary Engineer’s Annual Levy Report for the City’s Benefit Assessment Districts and Landscape Maintenance Districts for Fiscal Year 2019-20; and Item C.1 (20-243): Authorize Mayor to sign letters of support for the San Joaquin Area Flood Control Agency’s (SJAFCA) proposed time extension amendment to Senate Bill 5 (SB5) in efforts to achieve 200-year flood protection for the Mossdale Tract Area.

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC (“TLG”). Although this letter follows a similar format to previous letters, this letter includes new information and enclosures that TLG believes are important to consider. Over the past few years, TLG representative Martin Harris has:

- (i) Attended many public and private meetings; and
- (ii) Reviewed thousands of pages of environmental documents; and
- (iii) Written over seven hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area.

TLG asks the MCC to consider our concerns in association with agenda items B.3 and C.1 from the June 2, 2020 MCC meeting. Please note TLG’s public comments in response to each agenda item listed below.

Item B.3 (20-234)

COMMENT: For some time now, TLG has expressed concerns that the developing areas may not be paying their fair share towards the total floodwater, stormwater, and wastewater drainage impacts that may be created to the non-developing rural areas south of Manteca. (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) (See Enclosures 1-10)

Item C.1 (20-243)

COMMENT: TLG believes that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta have not been adequately determined and may be different than what the narrow scope of existing flood models indicate. (See Enclosure 10) In addition, TLG believes that the non-developing rural areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) must be included in any flood protection or drainage plan to be considered.

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In addition, as more and more people move into California and as more land is being developed or farmed, there needs to be more water storage and reuse opportunities to accommodate those increased needs. This is especially important as local city, county, state, and federal authorities take various actions to divert or hold back an increasing amount of water (from all sources) to make more water available to the public they serve. However, there also needs to be safe ways of storing, delivering, conveying, draining, and discharging that water to avoid flood and other hydrology-related impacts for the people who live in the areas that may be affected.

TLG is writing this letter to make the MCC members and other authorities aware of what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 (“SB5”) requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, reusing, and draining water. (See Enclosure 1)

TLG believes that storing, delivering, reusing, and draining water in and along the South Delta becomes complicated when it is considered that the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/EIR/EIS: (“LSJRFS”) includes the following:

1. Page ES-1 of the LSJRFS states: *The study area also includes the distributary channels of the San Joaquin River in the southernmost reaches of the Delta; Paradise Cut and Old River as far north as Tracy Boulevard, and Middle River as far north as Victoria Canal.*
2. Page 3-31 of the LSJRFS states: *Currently, the levee safety program has defined the levee system that incorporates RD 17 as bounded on the north by Walker Slough, west by the San Joaquin River and south by the Stanislaus River. This includes RD 17, RD 2096, RD 2094, RD 2075 and RD 2064.*
3. Page 5-17 of the LSJRFS states: **Stanislaus River to Paradise Cut.** *The confluence of the San Joaquin and Stanislaus Rivers defines the upstream extent of the hydraulic model used for this study.*
4. 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.*
5. Page 5-27 of the LSJRFS states: **2.1.1 FLOODING Problem: There is significant risk to public health, safety and property in the study area associated with flooding.** *The study area is located in the Central Valley of California which has very little topographic relief, resulting in potential flooding of areas far from water courses... (See Enclosure 1)*

Potential Impacts to Consider:

TLG believes that all Mossdale Tract Flood modeling and Adequate Progress reports that have been publicly released to date have failed to fully consider and provide mitigation measures for:

- (i) Unresolved and continuing sedimentation issues that continue to reduce channel flow capacity in and along the South Delta Lower San Joaquin River System.

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(ii) Climate change and continued uncertainty relating to its effect on increasing the total potential volumes of channel flows to be expected in and along the South Delta Lower San Joaquin River System.

COMMENT: Martin Harris and several other South Manteca rural neighbors attended a Central Valley Flood Protection Board Workshop on February 14, 2020. Although a number of climate change presentations were made by staff, flood models and associated drainage flow volumes related to climate change do not appear to have been fully determined.

QUESTION: What effect will this have on determining the total amount of reservoir storage water that can be safely stored in higher elevations throughout the Sacramento and San Joaquin River Reservoir System(s)?

COMMENT: The Paradise Cut Expansion project, in the form presented in the “Conceptual Design Technical Memo/Paradise Cut Expansion Project/April 9, 2019,” may or may not prove adequate in offsetting the full range of development and other hydrology-related impacts that may be created. Also, TLG believes that the Paradise Cut Expansion Stage reductions called for between the Paradise Weir and the Airport Way (Vernalis Bridge) may not fully address the potential for additional drainage impacts to be created. (See Enclosures 1-10)

This is especially concerning when considering pages 4 and 5 of the Mossdale Tract Program: 2019 Annual Adequate Progress Report Update for Urban Level of Protection-Final Report (included as Attachment 2 to the 8/20/2019 MCC Meeting Agenda Item B.3), which states that, “*the Urban Flood Risk Reduction Study remains incomplete and the Climate Adoption Policy is underway. As such, a new determination that the project meets the appropriate Standard of Protection will need to be made in conjunction with the 2020 Annual Report.*”

QUESTION: How will what appears to be a very real potential for unresolved and continuing sedimentation and climate change issues in and along the South Delta be considered and allowed for in the final Mossdale Tract Drainage Plan? (See Enclosures 1-10)

(iii) A Stanislaus River right bank levee breach in the areas west of the City of Ripon.

(iv) Limited topographic relief to ground surface areas in and along the South Delta.

QUESTION: Will mitigation measures be included to prevent any potential for reverse channel flows and associated backwater effects that may impede the natural flow of Old River as identified on pages 3A-28 and 3A-29 of the Bay Delta Conservation Plan California WaterFix Final EIR/EIS (December 2016)?

QUESTION: Will limited topographic relief to ground surface areas in and along the South Delta slow down San Joaquin River (and Paradise Cut) channel flows and promote continuing sedimentation?

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(v) Various federal and state-funded Manteca and Lathrop area highway construction and other state, federal, and/or county transportation improvement projects as presented in (a) the 2014 San Joaquin Council of Governments Sustainable Communities Strategy, Draft EIR and 2015 FTIP Conformity Document.

QUESTION: Have all roadway-related floodwater and other hydrology-related drainage impacts to the areas south of Manteca been properly considered (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064, and the South San Joaquin Irrigation District (“SSJID”))?

(vi) Unresolved plans as to how the cities of Manteca and Lathrop can reasonably drain what appears to be ever-increasing amounts of stormwater and effluent wastewater from the residential, commercial, and industrial-zoned developing areas into non-developing areas that flooded in 1997.

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With these concerns in mind, TLG urges the MCC members to consider the comments and concerns stated in this letter before approving or endorsing any future flood protection project, conservation project, SB5 adequate progress determination (or 2025 timeline extension request) or drainage district assessment rate schedule with the potential to affect drainage patterns and total flow volumes in and along the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID). **(See Enclosures 1-10)**

Thank you for your attention to this very important matter.

Respectfully,



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for Terra Land Group, LLC.

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10. 2020-05-30 Manteca Bulletin news article “SJ River flows may triple in 45 years due to climate shift”

cc:

South Delta Water Agency, % John Herrick, Esq.
South San Joaquin Groundwater Sustainability Agency, % Danielle Barney
San Joaquin Flood Control and Water Conservation District, % Fritz Buchman
San Joaquin County Local Agency Formation Commission, Attn: James Glaser
American Rivers, Attn: Aysha Massell, Associate Director
Central Valley Flood Protection Board, Attn: Ryan Jones
Central Valley Flood Protection Board, Attn: Leslie Gallagher, Executive Officer
San Joaquin Area Flood Control Agency, Attn: Dawn Clement
San Joaquin Council of Governments, % Diane Nguyen
Tri-Dam Project Board of Directors
South San Joaquin Irrigation District Board of Directors, % Danielle Barney
Lathrop City Council, % Teresa Vargas, City Clerk
Michael Mierzwa, Lead Flood Management Planner, California Department of Water Resources
Jon Ericson, Hydrology and Flood Operations Officer, California Department of Water Resources
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Reclamation District No. 2075, Attn: Pam Forbus
Reclamation District No. 2094, Attn: Pam Forbus
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Tanis Toland, U.S. Army Corps of Engineers, Sacramento District
Elizabeth Salyers, Chief, Civil Works Project Management Branch, U.S. Army Corps of Engineers
City of Manteca General Plan Advisory Committee, % De Novo Planning Group, Attn: Beth
Thompson & Lisa Schimmelfennig
San Joaquin Area Flood Control Agency, Attn: Chris Elias, Executive Director
San Joaquin Regional Rail Commission Board of Directors, % Jackie Miramontes
Veronica Tovar, Environmental Justice Program Manager
CA Senator Cathleen Galgiani
Tri-Valley - San Joaquin Valley Regional Rail Authority Board of Directors, % Candice Kendall,
Executive Assistant
The Honorable Susan Eggman, California State Assembly, VIA US MAIL
The Honorable Heath Flora, California State Assembly, VIA US MAIL

California budget cutbacks threaten environmental spending plans

SACRAMENTO (AP) — California Gov. Gavin Newsom's proposed budget cuts include canceling billions of dollars in climate change spending, a blow to environmental advocates who look to the state as a stopgap for the Trump administration's weakening of federal protections.

In January, Newsom proposed a \$12 billion "climate budget" that, over the next five years, would offer incentives for companies to convert to electric vehicles, give low-interest loans to businesses to clean up their practices and spend billions on projects preparing for floods, droughts and wildfires.

But Thursday, Newsom proposed eliminating most of the foundation for those programs to balance a budget that will have an estimated \$54.3 billion deficit. The economic downturn has been brought by a statewide stay-at-home order to limit the spread of the coronavirus. The order has closed most businesses for two months, putting more than 4.5 million people out of work and sending state tax collections plummeting.

The proposed cuts come as the state is battling the Trump administration over water quality and auto emissions, among other environmental issues.

"At a time when the Trump administration is mounting an unprecedented assault on environmental and public health protection, it's absolutely devastating and horrifying," said Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity.

The Newsom administration says the cuts represent "unprecedented times" that have forced the state to "make sacrifices that we didn't think six months ago we would have to do." The administration chose to protect programs to clean up the air in disadvantaged communities and to provide safe drinking water.

"All the leaders around the world from Germany to Denmark to Japan are all suffering similar economic fates," said Jared Blumenfeld, secretary of the California Environmental Protection Agency. "What California is doing is prioritizing and making sure, as the governor said, our values come first."

The biggest cut was scrapping a proposal to borrow \$4.75 billion to prepare the state for climate-change disasters like sea level rise that threatens the coastal cities and devastating wildfires that have destroyed

to convince Newsom not to veto it over cost concerns.

Newsom canceled a \$250 million contribution to the "climate catalyst fund," aimed at jump starting investment in technology to help clean up private sector polluters.

But the most ironic impact is on the state's "cap and trade" program, which requires big businesses to purchase credits that allow them to pollute.

Coronavirus-related closures since mid-March have shut down most businesses and kept cars off the road, leading to a dramatic improvement in air quality. But it's also reduced the demand for credits, meaning the state is likely to make less money when it sells them.

That means less money for a host of programs offering incentives for companies to convert their diesel-powered fleets — one of the largest sources of air pollution — to electric vehicles.

"The good news is emissions are decreasing. However, there is a lot of funding that has occurred in the past that may not occur in the future as a result of that," Blumenfeld said.

The Newsom administration canceled a plan to hire 53 more people to regulate the state's oil and gas industry. The cut surprised environmental advocates because the new employees would have been paid for not by state income tax collections, but by fees paid from the oil and gas industry itself.

California Department of Natural Resources Secretary Wade Crowfoot said the new hires were withdrawn because of "COVID-related economic issues impacting that sector."

"Oil and gas won," said Kathryn Phillips, director of Sierra Club California. "But people who breathe and live near ports are losing."

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That proposal could be revived in the Legislature, where lawmakers view it as a type of economic stimulus to create jobs during a coronavirus-induced economic downturn. But they would first have

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FLOOD PROTECTION

By DENNIS WYATT

The Bulletin

Climate modeling by the Department of Water Resources that assumes that within 45 years water flow may triple in the San Joaquin River.

If that is the case plans and designs for state-mandated protection against a 200-year flood — a reference to a 1 in 200 chance of an event of such a magnitude in a given year and not the frequency — could be woefully inadequate.

It also would mean the envisioned \$180 million project now being pursue to protect all of Lathrop outside of River Islands, southwest Manteca, the

Airport Way corridor north to French Camp, and Weston Ranch may cost significantly more.

In addition to the 200-year flood protection complication the new river flow projections on the San Joaquin River will have on efforts to protect urban areas, it also

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PROTECTION

FLOW

FROM PAGE A1

means flooding frequency could increase significantly in rural South Manteca in the 5,000acre River Junction Reclamation District. The area at the confluence of the Stanislaus and San Joaquin rivers has flooded 11 times in the 93 years since 11 miles of levees were built in 1927 to protect the farm area. A 12th major flood was barely averted two years ago when an alert farmer noticed a boil growing and was able to rally nears to stop a breach before state re-enforcement arrived.

The Manteca City Council when they meet Tuesday at 7 p.m. with the public being able to attend for the first time since the pandemic started in early March is being asked to join the cities of Lathrop and Stockton as well as San Joaquin County to ask the state for an extension for a 2025 mandate that construction start on upgraded flood protection.

Senate Bill 5 that put the mandate in place allows for one justified 5-year extension to 2030.

If work is not started on actual levee improvements as things sit now by 2025, no new construction will be allowed in the identified 200-year floodplain. That runs the gamut from new commercial, residential, and

but also existing homes, businesses, and schools.

What would impacts of 200-year flood be Should a 200-year flood occur with multiple levee failures along the Stanislaus and San Joaquin rivers south of the Interstate 5 bridge before the merger with the 120 Bypass, engineers have indicated it would:

uflood 5,200 existing homes with 3 feet or more of water.

uendanger and force the overall evacuation of 50,000 residents in Lathrop outside of River islands, Weston Ranch in Stockton, southwest Manteca, and rural areas

uforce the evacuation of San Joaquin Hospital — the county’s major trauma center — as well as the county jail.

uforce first responders at five fire stations, the Lathrop Police Department and the county sheriff to abandon their stations and key communication centers in the middle of a major emergency.

uLathrop High and Weston Ranch High would have water flowing through their campuses as would six other Manteca Unified elementary schools.

industrial to improvements that increase square footage such as home additions as well as new outbuildings such as barns.

While the extension could be justified simply based on having to re-adjust the project to take into account by new Department of Water Resources projected river water flows, the San Joaquin Area Flood Control Agency's (SJAFCA) is also arguing the COVID-19 pandemic will create economic impacts making it difficult to raise the needed funds to do the work.

New construction taking place in the 200-year flood plain is already paying fees toward the work. The fear is construction may slow down and reduce the funds flowing to the agency to perform the work. In addition a property assessment of some type on all new and existing development is needed.

The SJAFCA project would also protect a portion of Stockton, French Camp, and the rural area between Weston Ranch and Lathrop.

River Islands at Lathrop — with 300-foot wide super levees — isn't expected to have issues if water flows in the San Joaquin River triple by 2065.

Ironically a project River Islands has been seeking federal and state approval for — widening the Paradise Cut that bypasses the problematic elbows on the San Joaquin River at Mossdale and connects with the Old River between Tracy and Lathrop — has been tied up by federal agencies for more than 15 years. When plans for the project that will take pressure off levees protecting Lathrop and parts of Manteca was first submitted, federal officials said it would be an 18-month approval process.

SJAFCA officials estimate the five-year time extension will enable construction of more than 7,000 housing units, thousands of square feet of commercial and industrial space, and create almost 22,000 jobs. Most importantly, it will ensure residents and properties in the Mossdale Tract area are fully protected from a 200-year flood event.

That construction will not only generate funds to build better flood protection for growth

enforce the closure of portion of Interstate 5 — the major West Coast freeway running from Mexico to Canada — and the 120 Bypass.

Water would swamp the wastewater treatment plant serving 84,500 existing Manteca residents and more than 13,000 of Lathrop's nearly 26,000 residents.

Disrupt Union Pacific Railroad train movements as well as damage tracks that Altamont Corridor Express relies on.

182 commercial and industrial properties from Costco to the Lathrop Target and Tesla Motors to Simplot would be flooded.

And that's just for starters. Modeling shows a number of existing homes would likely suffer water damage in fringe areas that could receive upwards of three feet of flood water.

Manteca, Lathrop, and Stockton aren't the only communities impacted by the Senate Bill 5 mandate. There are 85 cities in 33 Central Valley counties that have to comply.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com



This dry levee south of Woodward Avenue is part of the plan to enhance 200-year-flood protection. The levee is expected to be extended and made more robust.

Bulletin file photo

TERRA LAND GROUP, LLC

June 29, 2020

VIA EMAIL

San Joaquin Regional Rail Commission
Attn: ACE Ceres-Merced Extension Project
949 East Channel Street
Stockton, CA 95202
(MercedExtComments@acerail.com)

Re: Public Comments on the ACE Ceres-Merced Extension Project Environmental Impact Report Notice of Preparation.

Dear Commission Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC (“TLG”). Over the past few years, TLG representative Martin Harris has:

- (i) Attended many public and private meetings; and
- (ii) Reviewed thousands of pages of environmental documents; and
- (iii) Written over seven hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area.

TLG wishes to comment on the upcoming Environmental Impact Report to be prepared for the ACE Ceres-Merced Extension Project which is a component of the Valley Rail Program. According to information provided on the ACE website, the Project would consist of the following:

- A Ceres to Merced Extension Alignment consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced;
- New Turlock, Livingston or Atwater, and Merced Stations along the extension alignment; and
- A new permanent Merced Layover & Maintenance Facility to support extension operations.

TLG is not opposed to development or transportation upgrades in the Central Valley. However, as decisions are being made which may create long-term, permanent changes to the region, TLG wants the authorities involved to consider all the impacts these developments may cause. TLG believes the Valley Link Project could contribute to significant and potentially unforeseen flood impacts due to elevation changes and construction-related backwater effects which may affect existing water drainage patterns. In addition, the new transportation provided by the Project will likely spur new urban development in areas the Project services. These future communities could be vulnerable to the increased flood impacts caused by the Project.

Therefore, TLG asks the San Joaquin Regional Rail Commission (“SJRRRC”) members to ensure that impacts to hydrology, elevation and drainage patterns are included and addressed in the forthcoming EIR for the full extent of the project area. Further details and data on the possibility of increased flooding are included below.

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For some time now, TLG has expressed concerns that the developing areas may not be paying their fair share towards the total floodwater, stormwater, and wastewater drainage impacts that may be created to the non-developing rural areas south of Manteca. (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) (See Enclosures 1-13)

This becomes especially important when it is considered that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta may not have been adequately determined and may be different than what the narrow scope of existing flood models indicate. (See Enclosures 10-12) In addition, TLG believes that the non-developing rural areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) must be included in any flood protection or drainage plan to be considered.

In addition, as more and more people move into California and as more land is being developed or farmed, there needs to be more water storage and reuse opportunities to accommodate those increased needs. This is especially important as local city, county, state, and federal authorities take various actions to divert or hold back an increasing amount of water (from all sources) to make more water available to the public they serve. However, there also needs to be safe ways of storing, delivering, conveying, draining, and discharging that water to avoid flood and other hydrology-related impacts for the people who live in the areas that may be affected.

TLG is writing this letter to make the SJRRC members aware of what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 ("SB5") requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, reusing, and draining water. (See Enclosure 1)

TLG believes that storing, delivering, reusing, and draining water in and along the South Delta becomes complicated when it is considered that the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/EIR/EIS: ("LSJRFS") includes the following:

1. Page ES-1 of the LSJRFS states: *The study area also includes the distributary channels of the San Joaquin River in the southernmost reaches of the Delta; Paradise Cut and Old River as far north as Tracy Boulevard, and Middle River as far north as Victoria Canal.*
2. Page 3-31 of the LSJRFS states: *Currently, the levee safety program has defined the levee system that incorporates RD 17 as bounded on the north by Walker Slough, west by the San Joaquin River and south by the Stanislaus River. This includes RD 17, RD 2096, RD 2094, RD 2075 and RD 2064.*
3. Page 5-17 of the LSJRFS states: **Stanislaus River to Paradise Cut.** *The confluence of the San Joaquin and Stanislaus Rivers defines the upstream extent of the hydraulic model used for this study.*
4. 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.*

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5. Page 5-27 of the LSJRFSS states: 2.1.1 FLOODING Problem: ***There is significant risk to public health, safety and property in the study area associated with flooding. The study area is located in the Central Valley of California which has very little topographic relief, resulting in potential flooding of areas far from water courses... (See Enclosure 1)***

Potential Impacts to Consider:

TLG believes that all Mossdale Tract Flood modeling and Adequate Progress reports that have been publicly released to date have failed to fully consider and provide mitigation measures for:

(i) Unresolved and continuing sedimentation issues that continue to reduce channel flow capacity in and along the South Delta Lower San Joaquin River System.

(ii) Climate change and continued uncertainty relating to its effect on increasing the total potential volumes of channel flows to be expected in and along the South Delta Lower San Joaquin River System.

COMMENT: Martin Harris and several other South Manteca rural neighbors attended a Central Valley Flood Protection Board Workshop on February 14, 2020. Although a number of climate change presentations were made by staff, flood models and associated drainage flow volumes related to climate change do not appear to have been fully determined.

QUESTION: What effect will this have on determining the total amount of reservoir storage water that can be safely stored in higher elevations throughout the Sacramento and San Joaquin River Reservoir System(s)?

COMMENT: The Paradise Cut Expansion project, in the form presented in the "Conceptual Design Technical Memo/Paradise Cut Expansion Project/April 9, 2019," may or may not prove adequate in offsetting the full range of development and other hydrology-related impacts that may be created. Also, TLG believes that the Paradise Cut Expansion Stage reductions called for between the Paradise Weir and the Airport Way (Vernalis Bridge) may not fully address the potential for additional drainage impacts to be created. **(See Enclosures 1-13)**

This is especially concerning when considering pages 4 and 5 of the Mossdale Tract Program: 2019 Annual Adequate Progress Report Update for Urban Level of Protection-Final Report (included as Attachment 2 to the 8/20/2019 MCC Meeting Agenda Item B.3), which states that, "*the Urban Flood Risk Reduction Study remains incomplete and the Climate Adoption Policy is underway. As such, a new determination that the project meets the appropriate Standard of Protection will need to be made in conjunction with the 2020 Annual Report.*"

QUESTION: How will what appears to be a very real potential for unresolved and continuing sedimentation and climate change issues in and along the South Delta be considered and allowed for in the final Mossdale Tract Drainage Plan? **(See Enclosures 1-13)**

(iii) A Stanislaus River right bank levee breach in the areas west of the City of Ripon.

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(iv) Limited topographic relief to ground surface areas in and along the South Delta.

QUESTION: Will mitigation measures be included to prevent any potential for reverse channel flows and associated backwater effects that may impede the natural flow of Old River as identified on pages 3A-28 and 3A-29 of the Bay Delta Conservation Plan California WaterFix Final EIR/EIS (December 2016)?

QUESTION: Will limited topographic relief to ground surface areas in and along the South Delta slow down San Joaquin River (and Paradise Cut) channel flows and promote continuing sedimentation?

(v) Various federal and state-funded Manteca and Lathrop area highway construction and other state, federal, and/or county transportation improvement projects as presented in (a) the 2014 San Joaquin Council of Governments Sustainable Communities Strategy, Draft EIR and 2015 FTIP Conformity Document.

QUESTION: Have all roadway-related floodwater and other hydrology-related drainage impacts to the areas south of Manteca been properly considered (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064, and the South San Joaquin Irrigation District ("SSJID"))?

(vi) Unresolved plans as to how the cities of Manteca and Lathrop can reasonably drain what appears to be ever-increasing amounts of stormwater and effluent wastewater from the residential, commercial, and industrial-zoned developing areas into non-developing areas that flooded in 1997.

COMMENT: TLG believes that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta have not been adequately determined and may be different than what the narrow scope of existing flood models may indicate. (**See Enclosures 1-13**)

QUESTION: What potential increased flood water, stormwater, and effluent wastewater, irrigation water, potable water delivery, traffic circulation, emergency vehicle services response and private property road access impacts and changes to drainage patterns may be created due to the construction (and/or expansion) of 100-year flood protection infrastructure as appears to be called for due to a recent May 21, 2019 San Joaquin County Board of Supervisors approval of Morning Hearing item #1: Development Title Text Amendment No. PA 1900067 allowing revisions to the Definition of Structure?

QUESTION: What increased flood and back-water impacts may occur when that same 100-year infrastructure (as referenced in the previous question) is subjected to a 200-year flood event?

(vii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with the ACE train and Valley Link rail expansions.

COMMENT: TLG believes that decisions related to rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modifications in and along the areas crossing the South Delta (Mossdale) may affect both 100-year and 200-year California Senate Bill No. 5 ("SB5") flood water drainage and other hydrology-related impacts in the areas around the Manteca and Lathrop communities.

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(viii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with RD 17 planned improvements associated with any and all Phase II, Phase III, and California Senate Bill No. 5 200-year projects to be considered.

(ix) Flood and other hydrology-related impacts that may occur in conjunction with anticipated changes to the Tri-Dam Project, the South San Joaquin Irrigation District, South San Joaquin Groundwater Sustainability Agency (“SSJGSA”), South Delta Water Agency (“SDWA”), and the Eastern San Joaquin Groundwater Authority water master plans.

COMMENT: TLG believes that any Tri-Dam Project, SSJID, SSJGSA, SDWA, or Eastern San Joaquin Groundwater Authority water master plan needs to consider flood and other hydrology-related impacts associated with SSJID drain #11 (and SSJID drain #10) for all areas extending to their origin.

(x) Short-term and long-range flood and other hydrology-related impacts that may occur in conjunction with what is anticipated to be a continuing series of approvals of water transfer agreements between the SDWA and SSJID (or SSJGSA). (For an example, see SSJID 5/12/2020 meeting agenda items 9 and 10).

QUESTION: When considering the potential water supply needs in the areas of southwest Manteca and Lathrop, isn't it likely that a combination of one or more future SDWA and SSJID (or SSJGSA) water transfer agreements will eventually over time result in water supply, conveyance, conservation, and drainage infrastructure being modified or constructed to transfer water to southwest Manteca as well as other SDWA users located downstream?

QUESTION: If so, what drainage and other hydrology-related impacts should be considered? (See Enclosures 1-13)

(xi) Flood and other hydrology-related impacts that may occur in conjunction with the anticipated expansion of River Islands as proposed in the Notice of Preparation for the River Islands Phase 1 or 2 Project/Update for the West Lathrop Specific Plan.

(xii) Flood and other hydrology-related impacts that may occur in conjunction with the adoption of the City of Lathrop's Integrated Water Resources Master Plan (See LCC 12/9/19 meeting agenda item 5.1 and associated project description figures 2.0-7 and 2.0-8).

(xiii) Flood and other hydrology-related impacts that may occur in conjunction with the San Joaquin Area Flood Control Agency's (“SJAFCA”) Lower San Joaquin River Project. TLG has been informed that this project has won a coveted “New Start” designation in Fiscal Year 2020 along with \$27.225 million in federal funding for preconstruction, engineering, design, and construction of the project's first increment. SJAFCA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract.

(xiv) Potentially catastrophic flood risks associated with continuing delays as evidenced in SJAFCA's proposed time extension amendment to SB5 in order to achieve 200-year flood protection for the Mossdale Tract and Manteca area Airport Way corridor.

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An informational briefing was conducted in association with the April 24, 2020 Central Valley Flood Protection Board meeting agenda item 8D: San Joaquin Area Flood Control Agency Projects Update.

QUESTION: What mitigation measures will be provided as part of SJAFCA's Lower San Joaquin River Project to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

QUESTION: When considering the anticipated economic downturn that many are expecting to occur due to the COVID-19 health crisis, will sufficient drainage district maintenance assessments and other flood protection and drainage infrastructure construction funding be made available to construct (in a timely manner) all phases of the SJAFCA Lower San Joaquin River Project? This includes the Paradise Cut Expansion Project and other flood drainage protection project phases deemed necessary to protect the high-risk areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID). What potential impacts may occur if funding is either suspended or exhausted? **(See Enclosures 10-12)**

With these concerns in mind, TLG urges the SJRRC members to consider the comments and concerns stated in this letter while considering the scope of the forthcoming EIR. Again, TLG requests that all due consideration is paid to hydrology impacts as may be affected by the development caused by the ACE extension project. **(See Enclosures 1-13)**

Thank you for your attention to this very important matter.

Respectfully,



Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

These Enclosures can be downloaded as needed via Dropbox through the provided hyperlinks.

1. 2018-02-26 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26_LTR_SJAFCA_LSJR%20EIR_Public_Comm_wEncl.pdf?dl=0)
2. 2018-03-05 letter from TLG to the San Joaquin Area Flood Control Agency
(https://www.dropbox.com/s/tl0ir7soookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0)

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3. 2017-04-20 letter from TLG to the San Joaquin County Board of Supervisors
(https://www.dropbox.com/s/7dy40jz1qeotw56/2017-04-20_LTR_SJCBS_Re04-25-17MtgPubComm_MHcm.pdf?dl=0)
4. 2019-03-04 letter from TLG to the Manteca City Council
(https://www.dropbox.com/s/a8ldad6e6or9c6p/2019-03-04_LTR_MCC_Agltd3.pdf?dl=0)
5. 2019-03-18 letter from TLG to the City of Lathrop Public Works Department
(https://www.dropbox.com/s/musf61jnz7azjvy/2019-03-18_LTR_LPW_EIRWaterResPlan.pdf?dl=0)
6. 2019-08-21 letter from TLG to the Eastern San Joaquin Groundwater Agency
(https://www.dropbox.com/s/srnfonfc2rbj1j1/2019-08-21_LTR_ESJGA_GSP.pdf?dl=0)
7. 2019-10-07 letter from TLG to the San Joaquin Local Agency Formation Commission
(https://www.dropbox.com/s/snktx3dvn8obbz/2019-10-07_LTR_LAFCo_Aglts4.pdf?dl=0)
8. 2020-05-11 letter from TLG to the South San Joaquin Irrigation District
(https://www.dropbox.com/s/c7plzfs56gvf1b/2020-05-11_LTR_SSJID_Aglts9.pdf?dl=0)
9. 2020-06-01 letter from TLG to the Manteca City Council
(https://www.dropbox.com/s/dxbuqnlscqp9p2r/2020-06-01_LTR_MCC_AgltsB3.pdf?dl=0)
10. 2020-05-16 Manteca Bulletin news article "California Budget Cutbacks Threaten Environmental Spending Plans"
11. 2020-05-30 Manteca Bulletin news article "SJ River flows may triple in 45 years due to climate shift"
12. 2020-06-02 Manteca Bulletin news article "2065: Sediment builds up in SJ River while state inaction helps cue up major flooding"
13. 2020-05-19 letter from the City of Lathrop to the Honorable Susan Talamantes Eggman, California State Assembly

cc:

San Joaquin Area Flood Control Agency, Attn: Chris Elias, Executive Director
Central Valley Flood Protection Board, Attn: Ryan Jones
Elizabeth Salyers, Chief, Civil Works Project Management Branch, U.S. Army Corps of Engineers
Tri-Valley - San Joaquin Valley Regional Rail Authority Board of Directors, % Candice Kendall,
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In addition to the 200-year flood protection complication the new river flow projections on the San Joaquin River will have on efforts to protect urban areas, it also

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PROTECTION

FLOW

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means flooding frequency could increase significantly in rural South Manteca in the 5,000acre River Junction Reclamation District. The area at the confluence of the Stanislaus and San Joaquin rivers has flooded 11 times in the 93 years since 11 miles of levees were built in 1927 to protect the farm area. A 12th major flood was barely averted two years ago when an alert farmer noticed a boil growing and was able to rally nears to stop a breach before state re-enforcement arrived.

The Manteca City Council when they meet Tuesday at 7 p.m. with the public being able to attend for the first time since the pandemic started in early March is being asked to join the cities of Lathrop and Stockton as well as San Joaquin County to ask the state for an extension for a 2025 mandate that construction start on upgraded flood protection.

Senate Bill 5 that put the mandate in place allows for one justified 5-year extension to 2030.

If work is not started on actual levee improvements as things sit now by 2025, no new construction will be allowed in the identified 200-year floodplain. That runs the gamut from new commercial, residential, and

but also existing homes, businesses, and schools.

What would impacts of 200-year flood be Should a 200-year flood occur with multiple levee failures along the Stanislaus and San Joaquin rivers south of the Interstate 5 bridge before the merger with the 120 Bypass, engineers have indicated it would:

uflood 5,200 existing homes with 3 feet or more of water.

uendanger and force the overall evacuation of 50,000 residents in Lathrop outside of River islands, Weston Ranch in Stockton, southwest Manteca, and rural areas

uforce the evacuation of San Joaquin Hospital — the county’s major trauma center — as well as the county jail.

uforce first responders at five fire stations, the Lathrop Police Department and the county sheriff to abandon their stations and key communication centers in the middle of a major emergency.

uLathrop High and Weston Ranch High would have water flowing through their campuses as would six other Manteca Unified elementary schools.

industrial to improvements that increase square footage such as home additions as well as new outbuildings such as barns.

While the extension could be justified simply based on having to re-adjust the project to take into account by new Department of Water Resources projected river water flows, the San Joaquin Area Flood Control Agency's (SJAFCA) is also arguing the COVID-19 pandemic will create economic impacts making it difficult to raise the needed funds to do the work.

New construction taking place in the 200-year flood plain is already paying fees toward the work. The fear is construction may slow down and reduce the funds flowing to the agency to perform the work. In addition a property assessment of some type on all new and existing development is needed.

The SJAFCA project would also protect a portion of Stockton, French Camp, and the rural area between Weston Ranch and Lathrop.

River Islands at Lathrop — with 300-foot wide super levees — isn't expected to have issues if water flows in the San Joaquin River triple by 2065.

Ironically a project River Islands has been seeking federal and state approval for — widening the Paradise Cut that bypasses the problematic elbows on the San Joaquin River at Mossdale and connects with the Old River between Tracy and Lathrop — has been tied up by federal agencies for more than 15 years. When plans for the project that will take pressure off levees protecting Lathrop and parts of Manteca was first submitted, federal officials said it would be an 18-month approval process.

SJAFCA officials estimate the five-year time extension will enable construction of more than 7,000 housing units, thousands of square feet of commercial and industrial space, and create almost 22,000 jobs. Most importantly, it will ensure residents and properties in the Mossdale Tract area are fully protected from a 200-year flood event.

That construction will not only generate funds to build better flood protection for growth

enforce the closure of portion of Interstate 5 — the major West Coast freeway running from Mexico to Canada — and the 120 Bypass.

Water would swamp the wastewater treatment plant serving 84,500 existing Manteca residents and more than 13,000 of Lathrop's nearly 26,000 residents.

Disrupt Union Pacific Railroad train movements as well as damage tracks that Altamont Corridor Express relies on.

182 commercial and industrial properties from Costco to the Lathrop Target and Tesla Motors to Simplot would be flooded.

And that's just for starters. Modeling shows a number of existing homes would likely suffer water damage in fringe areas that could receive upwards of three feet of flood water.

Manteca, Lathrop, and Stockton aren't the only communities impacted by the Senate Bill 5 mandate. There are 85 cities in 33 Central Valley counties that have to comply.

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This dry levee south of Woodward Avenue is part of the plan to enhance 200-year-flood protection. The levee is expected to be extended and made more robust.

Bulletin file photo

2065: Sediment builds up in SJ River while state inaction helps cue up major flooding

If we can take snippets of science in a rapidly evolving situation at face value during an evolving threat to public health and safety and suspend all sorts of rules that protect fish from single use plastic bags to suspending the right to peaceful assembly as we have during the COVID-19 pandemic why can't we do the same when it comes to climate change?

The science offered up by the state Department of Water Resources contends water flow will triple in the San Joaquin River over the next 45 years due to climate change.

This has led to an upending of plans moving forward to spend \$180 million for 200-year flood protection — a reference to the chances of a certain size of flooding event happening in a given year as opposed to frequency — for most of Lathrop as well as parts of Manteca and Stockton.

The new flow numbers the state wants used will require going back to the drawing board and likely spending closer to a half billion dollars.

Senate Bill 5 that mandates 200-year flood protection was devised in the aftermath of Hurricane Katrina when the Mississippi River laid waste to New Orleans due to insufficient levee flood protection.

If climate change is indeed a major threat to public health and safety then why does the state keep insisting that local jurisdictions pursue mandated solutions after putting cities and counties in proverbial strait jackets?

The modeling of the Department of Water Resources that underscores the fears that have been whipped up by climate change is a challenge on par with COVID-19. As such we need to pull the plug on any behavior that doesn't stem the threat climate change imposes including successful environmental challenges to dredging the San Joaquin River after it passes Vernalis.

You will find Vernalis about 10 miles south of Manteca where the Stanislaus River joins up with the San Joaquin River. Driving across the Airport Way bridge looking south toward Vernalis you can see evidence of a major impediment to the San Joaquin River being able to handle increasing levels of water flow due to climate change or any other reason. It is sediment build up that could easily be dredged to deepen and increase the river's ability to carry larger water flows.

Memorial Day weekend when water flows had kicked up due to late spring releases, dozens of people walked across the submerged part of the sand bar to the sediment island created almost in the center of the channel.

Crossing to the exposed sand bar from the rural Tracy side of the river is suicidal given not just the cold water but the swiftness of the river.

Proposition 13 — the 2000 water bond measure approved by voters — included funding to study sediment build-up much to the objection of some environmentalists as well as cubicle jockeys at the Department of Water Resources.

The provision to fund a dredging study was the result of a hard-fought effort by then State Senator Mike Machado to get it included in the bond measure. The study, and a lot of other work voters were promised that would happen if they passed the bond, never happened.

That's because then Gov. Gray Davis — with the concurrence of the California Legislature — “borrowed” \$1 billion in Prop. 13 bond money to plug a hole in the state budget. The money, of course, was never paid back so projects including the dredging study could be done.

By the way, Gov. Gavin Newsom wants to rip a page from Gray Davis' playbook and once again “borrow” money from special funds such as bonds to plug Titanic-sizes holes he blasted in the state budget over multiple

years with his COVID-19 response. Newsom, just like Davis, promises the state will pay back what it “borrows.”

The issue of silt build up being a potential major contributing factor to flooding on the Lower San Joaquin River Vernalis to a point west of Mossdale — the critical area for the needed 200-year flood protection — has been brought up in the years by various government papers.

Longtime farmers have always said that there has been at least six feet of sediment build up since the 1960s when the Central Valley Water Project re-plumbed the West Side of the San Joaquin Valley.

There is arguably tons of anecdotal evidence the farmers are right that can be seen in drought years measured against the early 1960s. You can see the evidence between Vernalis and Mossdale. The study was either supposed to be able to dispel that anecdotal evidence or confirm its existence.

The reason environmental groups fought its inclusion in the water bond project and shed no tears when Gray Davis essentially killed the study is their working contention that anything in place that is part of a habitat is part of the environment even if it was the result of misdirected decisions by man. In this case “man” is actually the State of California acting in concert with the United States government.

If the Department of Water Resources is so sure of modeling that San Joaquin River flow could triple by 2065 then why doesn't it justify a COVID-19-style approach?

Not only should the Lower San Joaquin River should be dredged but it should happen without a time consuming environmental impact report.

The same holds true for efforts to create a bypass of the problematic Mossdale bend where much of the flooding concerns for Lathrop, Manteca, and Stockton can be found. The application to widen Paradise Cut to create a bypass south of Manteca to connect with the Old River east of Lathrop has languished in the federal environmental review process for 15 years. When it was submitted to the Army Corps of Engineers, it was supposed to be an 18-month process.

Dredging the river would also take pressure off the highly vulnerable levees along the Stanislaus and San Joaquin rivers that have failed 11 times in 93 years. The threat those levees pose to Lathrop and Manteca is why the dry of cross levee south of Woodward Avenue is so critical to the 200-year flood protection plan for 50,000 existing residents, their homes, public infrastructure including the 120 Bypass and Interstate 5, businesses, schools, and more.

Unlike COVID-19 that did not exist as a threat 10 months ago, the state and federal bureaucracy has been acutely aware of the ticking time bomb better known as the San Joaquin River. Yet a definite solution such as dredging that could reduce death and other carnage has been ignored and buried by the state bureaucracy in complicity with the environmental perfection movement.

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DENNIS WYATT

Editor **Department of Water of Resources employees take water depth readings of the San Joaquin River from the Airport Way bridge several years ago.**

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City of Lathrop



From the Desk of Mayor Sonny Dhaliwal

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May 19, 2020

Honorable Susan Talamantes Eggman
California State Assembly
State Capitol, Room 4117
Sacramento, CA 95814

Re: Flood Control Legislation

Dear Assembly Member Eggman,

I am writing to request your support and assistance in helping our San Joaquin County communities achieve a 200-year event flood control standard to protect life and property in Mossdale Tract in San Joaquin County.

The Mossdale Tract is a 22,000-acre area located in central San Joaquin County and bordered on the west by the San Joaquin River. One third of the Mossdale Tract is within the city boundaries of Lathrop, Manteca, and Stockton. The levees along the Mossdale Tract do not currently provide 200-year flood protection. This poses a significant risk to public health, safety, and property.

Pursuant to SB 5 (2007), by 2025, the San Joaquin Area Flood Control Agency (SJAFCFA) must complete construction of a flood control system to achieve an Urban Level of Protection (ULOP), which is a project designed to protect the Mossdale Tract from a 200-year event flood event. SJAFCFA must annually issue an adequate progress report and then communities relying on that report must make annual findings. If SJAFCFA cannot issue the annual report, then housing, commercial, and industrial development planned for Mossdale Tract in the near and far term must cease, and the jobs associated with those developments will not be created.

SJAFCFA's inability to make an adequate progress report will also put an end to implementation of development fees and other local assessments needed to raise the funding necessary to move forward with the ULOP. This will eliminate SJAFCFA's ability to obtain hundreds of millions of dollars of federal funds to complete the needed project.

Prior to 2018, other local agencies in San Joaquin County were responsible for complying with SB 5 and its 2025 deadline. Progress was inconsistent during this period. However, on January 1, 2018, SJAFCFA took over the role of Local Flood Management Agency (LFMA) responsible for complying with SB 5.

Since assuming that responsibility, SJAFCFA has made great progress in bringing the process back on track. Nonetheless, several factors have intervened to make it clear that we are close to the point at which SJAFCFA will not be able to issue the annual report demonstrating adequate progress. Among others, these factors include:

- As a result of climate change, recent studies by the Department of Water Resources predict that by 2065 there may be three times the flow in the San Joaquin River than was originally planned for when designing the ULOP project. This increased flow will require significant changes to the original project alternatives at substantial cost and delay in both design and construction.
- With the arrival of COVID-19 and the resulting economic calamity, it is now highly unlikely that over the next year SJAFCA will be able to raise the local funds needed, and if unsuccessful that will assure that SJAFCA will no longer be able to make the 2025 deadline set forth in SB 5. Again, continued adequate progress is necessary for development to occur at Mossdale Tract. In turn, development is required to raise the local funds to both fund a project as well as to obtain matching Federal funds for an infusion of hundreds of millions of dollars. Moreover, the ravaged economy has undermined confidence and delayed most development plans by a year or two. All this is enough to sidetrack project-financing assessments, the foundation of the plan to raise necessary funds to complete the flood control system.

To address these challenges, SJAFCA must obtain a one-time extension of the 2025 deadline set forth in SB 5 to 2030. Without this extension, it is very likely that SJAFCA and the other local agencies will never have the funding to complete a 200-year ULOP project, thereby assuring eventual physical harm to people living in Mossdale Tract and damage to property in Mossdale Tract.

On the other hand, if the SB 5 deadline is extended by just five years, in a year or two SJAFCA will be able to take advantage of renewed development impact fees as well as implement local assessments to move forward on the 200-year ULOP project, which will also generate the local funds necessary to qualify for hundreds of millions of federal matching funds to complete the project. The extension will also enable construction of more than 7000 housing units and thousands of square feet of commercial space by 2030 and create almost 22,000 jobs in the meantime. Most importantly, it will ensure residents and property alike in Mossdale Tract are fully protected from a 200-year flood event.

All of this can be accomplished without new state spending, as there is no new state spending associated with extending the SB 5 deadline by five years.

For these reasons, I respectfully request your support and assistance to obtain the necessary amendment to SB 5 this year.

Thank you for your consideration. I would be pleased to provide you with any additional information you may require.

Sincerely,



Mayur Dhaliwal

cc: Chris Elias, Executive Director, San Joaquin Area Flood Control Agency