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## **Groups Settle Lawsuit Over River Islands Development**

Conservation and Fishing Groups, Developer and Flood Protection Board Agree to Investigate Bypass Plan to Reduce Flood Threat and Restore Habitat Near Stewart Tract in South Delta

SAN FRANCISCO (April 4, 2008) – A coalition of conservation and fishing groups today announced the settlement of their lawsuit against the Central Valley Flood Protection Board and River Islands at Lathrop, LLC. The settling parties agreed to work jointly on a south delta flood bypass and habitat restoration area in the vicinity of the Stewart Tract and Paradise Cut, the location of the River Islands development. They said the proposed bypass could ease flood pressures in the lower San Joaquin River and south delta that threaten the residential areas of Lathrop, Manteca, and Stockton, as well as downstream delta levees.

“A south delta flood bypass has tremendous potential to protect communities along the lower San Joaquin River from flooding,” said Monty Schmitt with the Natural Resources Defense Council (NRDC). “Not only will it reduce pressure on vulnerable levees, it also will provide a natural buffer against the effects of sea level rise and increased flooding related to climate change.”

Initial modeling suggests the proposed bypass could reduce flood stage along urbanized areas of the lower San Joaquin River by nearly two feet. No other flood control tool offers such large benefits for delta communities, delta farms, habitat, and the important water supplies drawn from the delta.

“A bypass would help restore the delta’s ailing ecosystem,” said John Cain of the Natural Heritage Institute. “It would restore floodplain habitat for imperiled fisheries and provide vital nutrients to boost the delta’s declining productivity.”

Scientific studies show that the Yolo flood bypass between Sacramento and Davis provides rearing habitat for juvenile salmon on their migration to the ocean. Measurements show that salmon in the flooded bypass grow up to three times as fast as salmon in the main channel of the Sacramento River.

Many distinguished scientists, decision-makers and stakeholders have recognized the need for a flood bypass in the south delta similar to the Yolo and Sutter Bypasses that convey more than 80 percent of large flood flows safely through the Sacramento valley. For example, the Public Policy Institute of California’s report on “Envisioning Futures for the Sacramento-San Joaquin Delta” calls for creating a lower San Joaquin River marsh and flood bypass, concluding that such a system “would provide additional habitat for fish and wildlife, water quality improvements for southern delta farmers, and flood bypass capacity for the lower San Joaquin River.”

The governor’s Delta Vision Blue Ribbon Task Force recommends that “Protecting, restoring, and enhancing floodplains that can reduce flood risks and reduce the strain on levees in the delta should be a high priority.” Gov. Schwarzenegger echoed this recommendation in a February 28 letter to three state senators, in which he outlined his water agenda and called for expedited “evaluation and protection of critical floodplains.”

Despite widespread support for a south delta flood bypass, the settling parties agree that prompt action is needed to take advantage of this opportunity. If action is delayed, ongoing urbanization in the delta could permanently foreclose this opportunity to provide effective, affordable, environmentally beneficial flood protection for delta communities. Therefore, under the settlement agreement, River Islands has agreed to fund additional hydraulic modeling to refine the bypass route and to provide funds for potential land acquisition. The parties will work with the U.S. Army Corps of Engineers (Corps), the California Department of Water Resources (DWR) and local agencies to further evaluate and implement a regional solution.

“Many areas in the south delta are currently subject to unintended flooding during storm events” said Susan Dell’Osso, Project Director for River Islands. “Through our settlement, we have agreed to set aside our differences with the conservation groups and to work together to find a solution which will help the urbanized areas in our region and the agricultural areas as well.”

“The state Legislature has wisely required urban areas to secure a minimum of 200-year flood protection in the future,” said Butch Hodgkins, a member of the Central Valley Flood Protection Board. “I think it will be very difficult to achieve that mandate without a south delta bypass. When you have an environmental coalition like this one supporting a flood bypass, it is a real opportunity to make progress. I hope local interests will engage quickly with DWR and Corps planners in determining if this approach is as good as preliminary analysis indicates.”

The Natural Resources Defense Council, Natural Heritage Institute, Baykeeper and California Sportfishing Protection Alliance sued the Central Valley Flood Protection Board (then called the Reclamation Board) in 2006, claiming the board had issued flood protection permits to River Islands without requiring sufficient protections or analysis of the development’s impacts on neighboring levees. River Islands is a proposed 11,000-home development on approximately 5,000 acres of Stewart Tract, located within the City of Lathrop. The parties began settlement discussions shortly after a court hearing and reached a final settlement before the court finalized any ruling, resulting in dismissal of the case. The settlement also removes the groups’ opposition to the development of the River Islands project.

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The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists nationwide, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing. Visit NRDC online at [www.nrdc.org](http://www.nrdc.org).

Central Valley Flood Protection Board’s mission statement is to control flooding along the Sacramento and San Joaquin Rivers and their tributaries in cooperation with the U.S. Army Corps of Engineers; to cooperate with various agencies of the federal, State and local governments in establishing, planning, constructing, operating, and maintaining flood control works; and to maintain the integrity of the existing flood control system and designated floodways through the Board’s regulatory authority by issuing permits for encroachments.

River Islands is a 5,000 acre master planned project located on the Stewart Tract within the City of Lathrop. The project is approved for 11,000 homes and 5 million square feet of commercial space. The project will be protected by a 200 year level of flood protection. A portion of the “super levees”, which are 300 feet wide at the crown, have already been built.