



## DELTA WETLANDS PROJECT

December 5, 2006

Secretary Mike Chrisman, Chair  
Delta Vision Committee  
1415 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Secretary Chrisman,

As the largest land owner in the Delta, and a member of the Delta Vision Stakeholders Coordinating Committee, we have considerable experience in the Delta as well as an understanding of the evolution of the Delta Vision and Strategic Plan that are now before the Delta Vision Committee. In general, I would compliment them as being ambitious and optimistic, and the process as being open, inclusive, and transparent. There are, however, four issues we want to comment on that have not been adequately addressed, and that we commend to your attention for correction.

### **Set a clear goal for the physical<sup>1</sup> Delta**

While making it clear that “facts are stubborn things,” and that there are no guarantees, the Strategic Plan sets clear, ambitious and optimistic goals for ecosystem health and water supply reliability. No such goal is set for maintaining the physical Delta. To the contrary, the Strategic Plan adopts strategies for the physical Delta that amount to triage rather than protection, in the face of challenges that are no more daunting than those facing protection of the ecosystem or water supply reliability.

The Blue Ribbon Task Force declined to adopt a modest goal that we suggested. It would establish intent while implicitly recognizing the existence of stubborn facts and without

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<sup>1</sup> We use the term “physical Delta” to include the levees, channels, and land mass that define the Delta as a place.

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seeking guarantees. We recommend that the Delta Vision Committee consider adopting a goal for the physical Delta such as the following:

The Delta is physically defined by its system of islands and channels created by levees. While these levees are threatened by a variety of factors, the goal of this plan is to develop a strategy that will protect the Delta as a place by minimizing long term changes to the Delta land form.

**Reject the Strategic Plan's recommendation to immediately adopt a Do Not Repair policy for some Delta islands.**

The Strategic Plan calls for the development of a "comprehensive long-term levee investment strategy." At the same time, however, the Strategic Plan recommends that:

In the event of a levee failure prior to the finalization of a new Delta-wide management plan, any response should consider not just immediate repair and pump-out, but also potentially *no action* or *breach-repair and rest*, depending on benefit/cost analysis and consideration of the potential impact on the cultural and historical value of the Delta. Major actions and upgrades should await completion of a comprehensive plan.

That recommendation is exactly backwards. By implementing a "Do Not Repair" policy before the development of a plan, there is no incentive for the State to complete and fund such a plan. There is the real possibility that while waiting for a plan, the State could lose opportunities available only for intact islands. Further, this recommendation is a complete reversal of the State's position to date.

We recommend that you reject the recommendation found on page 114 at number 6.

**Add the proposed comprehensive long-term levee investment strategy as a "near term action."**

Any consideration of a "Do Not Repair" policy for Delta islands should be done in the context of a carefully considered plan for levee improvement and maintenance. Including the development of a "comprehensive long-term levee investment strategy" as a near-term action would set the correct sequence of thought before action. Doing so would be consistent with the general goal suggested, above, and would minimize any potential for wasted levee investment.

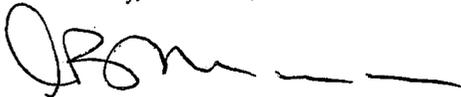
**Deal with the Paterno problem.**

It seems that the Strategic Plan's levee recommendations are driven as much by a perceived legal problem (the Paterno Decision) as anything physical or economic. But, there is no recommendation to address the Paterno decision in the Strategic plan, nor is there any coherent analysis of the implications of that decision. The Delta Vision Committee should demystify this topic.

Most land in the Delta is privately owned, and most levees are improved and maintained by reclamation districts. This would seem to create opportunities to distinguish Delta levees from "project levees" in a way that could limit the State's liability and cast decisions about levee policy in a different light.

Thank you for creating a process that is open, inclusive and transparent, and the opportunity to provide these additional comments for your consideration.

Sincerely,



Anson B. Moran  
General Manager, Delta Wetlands  
Member, Delta Vision Stakeholder Coordinating Group

CC: Members, Delta Vision Committee  
~~John Kirlin~~  
Joe Grindstaff