

American Rivers ♦ American Whitewater ♦ Audubon California  
California Trout ♦ California Waterfowl Association  
Defenders of Wildlife ♦ Friends of the River  
Planning and Conservation League ♦ Sacramento River Preservation Trust  
South Yuba River Citizens League ♦ Trout Unlimited

March 15, 2013

Michael Inamine, Executive Director  
Sutter Butte Flood Control Agency  
1227 Bridge Street, Suite C  
Yuba City, CA 95991

**RE: February 15, 2013 Comment Letter on Feather River West Levee Project**

Dear Mr. Inamine:

On behalf of the organizations that submitted a comment letter on the Draft Environmental Impact Report/Statement (DEIR/DEIS) for the Feather River West Levee Project (FRWLP), we appreciate the time that you and the Sutter Butte Flood Control Agency (SBFCA) staff have taken to meet with representatives from the NGO community and provide more information about the project and responded to our comment letter and to the more detailed comments provided by American Rivers (the comment letter's Attachment A).

Based on the information provided in those meetings and our related discussions, the nature of our concerns (and the concerns expressed by American Rivers in its more detailed comment letter) about the project has changed, and this letter is intended to clarify those changes.

1. Growth

We have no additional comments on this topic. We look forward to further discussion and response to this comment.

2. Risks to Downstream Communities

Our February 15 letter expressed concern that the project may increase flood risk to local and downstream communities. First, this comment was based on the assumption that the project extends to the south as far as the Sutter Bypass. Through our conversations it is now clear that the FRWLP does not involve 200-year protection south of Yuba City. Finally, we understand that the FRWLP is not a levee improvement project; the project partially rehabilitates the levee in order to restore protection from flooding for residents of Butte and Sutter Counties. It does not improve the levee to a standard above that which was assumed to exist before the development of new criteria for levee seepage. Before SBFCA implements any future project which may propose improvements downstream of Laurel Avenue, we request a briefing from SBFCA on the hydraulic impacts (if any) of such an improvement to better understand the issue.

3. Adequacy of Hydraulic Information

Our February 15 comment letter stated that the DEIR/DEIS lacked sufficient hydraulic information to support the document's alternatives analysis. SBFCA staff has provided a copy of the Sutter Basin Area Plan as well as clarification on flood inundation maps. The FRWLP's purpose is now more clear (i.e., to partially rehabilitate the Feather River levee to protect residents from flooding). The alternatives were developed based on varying measures that could resolve deficiencies in the Feather River levee, rather than on the hydraulic analysis underlying the Engineer's Report that supports SBFCA's assessment district. There is no need for reissuance of the DEIR/DEIS based on this issue.

4. Executive Order 11988

We have no additional comments on this topic. We look forward to further discussion and response to this comment.

5. Range of Alternatives

Our February 15 comment letter expressed concerns about whether the DEIR considered a reasonable range of alternatives for protection of public safety. Our letter proposed that SBFCA consider alternatives such as house elevation, ring levees, etc. Based on our meetings, and a further review of screened-out alternatives not discussed in the EIR/EIS, it is now clear that the purpose of the project is reducing flood risk for the SBFCA area by addressing known deficiencies along the Feather River along its existing alignment and does not preclude additional measures to reduce flood risk or advance the objectives of the CVFPP. With this understanding, and after further review of the DEIR/DEIS, we now conclude that the range of alternatives analyzed in the document is adequate.

6. Multi-Benefit Approach

We have no additional comments on this topic. We look forward to further discussion and response to this comment.

7. Public Access

We have no additional comments on this topic. We look forward to further discussion and response to this comment.

8. Climate Change

We have no additional comments on this topic. We look forward to further discussion and response to this comment.

9. Project Performance with Other Foreseeable Projects

Our February 15 comment letter expressed concerns that the DEIR/DEIS did not evaluate the performance of alternatives in combination with existing and foreseeable expanded bypass projects. This comment was based on the assumption that the FRWLP extended south to the Sutter Bypass and that the proposed measures were highly sensitive to water surface elevation. Because the FRWLP will not preclude potential expanded bypasses along the lower Feather River and the Sutter Bypass, and with the knowledge that the geotechnical deficiencies are not highly sensitive to water surface elevation, this comment is no longer applicable.

10. Cumulative Effects on Fish and Wildlife Resources

From our meetings, we now understand SBFCA's commitment to multi-benefit projects, including ecosystem restoration for fish and wildlife habitat, and the habitat that will be created as a direct result of the FRWLP at the Star Bend site. We further understand the importance of the FRWLP in providing the foundation for other restoration along the Feather River corridor. The SBFCA has agreed to enter into an MOU and work with the NGO community to advance a number of multi-benefit flood management projects, which when completed, will partially mitigate for the cumulative effects on fish and wildlife resources from construction and operation of facilities of the State Plan of Flood Control. Our organizations look forward to collaborating with SBFCA, its regional partners, state agencies, and the fish and wildlife agencies on these activities. We specifically offer technical assistance through our floodplain enhancement tool and implementation assistance in finding funding partners and programs.

Conclusion

Our organizations appreciate both the additional information and clarifications SBFCA staff have offered as well as the commitments SBFCA has made as described in the MOU with American Rivers and SBFCA. We are therefore pleased to support SBFCA's Feather River West Levee Project as well as SBFCA's related efforts to enhance fish and wildlife habitat in the Feather River corridor. Our concerns as expressed in our February 15 letter have been addressed by SBFCA staff and the commitments provided by SBFCA in the MOU with American Rivers. As a result we agree that the DEIR/DEIS fulfills SBFCA's obligation under CEQA and NEPA to disclose and mitigate the project's anticipated impacts on the environment. Although some of our organizations never intended to legally challenge the DEIR/DEIS, we understand your need to clarify our intentions and therefore we hereby agree not to bring legal challenge based on CEQA or NEPA to the FRWLP as described in the December 2012 DEIR/DEIS subject to the

provisions of the MOU. We applaud SBFCA's leadership role in garnering the resources necessary to advance flood management in the Sutter Basin and reiterate our desire to work constructively with SBFCA to expedite sustainable flood protection for the project area.

Sincerely,



John Cain  
American Rivers



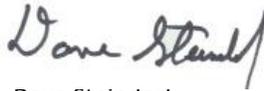
Curtis Knight  
California Trout



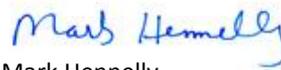
Diana Jacobs  
Sacramento River Preservation Trust



Chandra Ferrari  
Trout Unlimited



Dave Steindorf  
American Whitewater



Mark Hennelly  
California Waterfowl Association



Kim Delfino  
Defenders of Wildlife



Ron Stork  
Friends of the River



Jonas Minton  
Planning and Conservation League



Caleb Dardick  
South Yuba River Citizens League



Meghan Hertel  
Audubon California



March 14, 2013

Michael Inamine, Executive Director  
Sutter Butte Flood Control Agency  
1227 Bridge Street, Suite C  
Yuba City, CA 95991

RE: February 15, 2013 Comment Letter on Feather River West Levee Project

Dear Mr. Inamine:

On behalf of the Natural Resources Defense Council (NRDC), I appreciate the time that you and the Sutter Butte Flood Control Agency (SBFCA) staff have taken to meet with representatives from American Rivers and provide information to them about the Feather River West Levee Project, for which NRDC jointly filed comments on the public draft environmental impact statement/environmental impact report (EIS/EIR). Based on the information provided in those meetings, this letter is intended to clarify NRDC's position on the project.

We are pleased to support the project as well as SBFCA's related efforts to enhance fish and wildlife habitat in the Feather River corridor. Our concerns as expressed in the February 15 letter have been addressed by SBFCA staff and the commitments provided by SBFCA in the Memorandum of Understanding which it is executing with American Rivers. As a result, we agree that we will not bring a legal challenge based on CEQA or NEPA to the FRWLP as described in the December 2012 DEIR/DEIS.

Sincerely,

Monty Schmitt  
Senior Scientist  
Natural Resources Defense Council

Gary Bobker  
The Bay Institute