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July 8, 2009 (Agenda)

July 8, 2009
Agenda Item 9

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Municipal Services Review – Reclamation Services

Dear Members of the Commission:

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that not less than every five years LAFCO prepare municipal service reviews (MSRs) prior to or in conjunction with sphere of influence (SOI) updates.

In accordance with the MSRs, LAFCO must prepare written determinations with regard to six factors: growth and population; present and planned capacity of public facilities and adequacy of public services including infrastructure needs or deficiencies; financial ability of agencies to provide services; status of and opportunities for shared facilities; and accountability for community service needs, including governmental structure and operational efficiencies.

In 2003-04, the Commission initiated the MSR/SOI update program. To date, the Commission has completed baseline reviews for most special districts and a number of cities; baseline reviews are currently underway covering Central and West County cities and a number of other special districts.

A team of consultants and LAFCO staff are preparing the MSRs. The approach involves countywide, sub-regional reviews and agency-specific reviews. The MSRs provide an assessment of the range and adequacy of municipal services provided in the County, and serve as an important tool for LAFCO in fulfilling its legislative mandate to coordinate the efficient and logical development of local government agencies and services.

The Commission has made significant progress in accordance with the MSR workplan. The time required in preparing comprehensive MSRs/SOI updates, and the level of detail and analysis needed is greater than anticipated given the complexity of issues we are discovering. Further, we have used the MSR process as a means for correcting and digitizing agency boundary/SOI maps in GIS format. This work provides a foundation that should make future MSRs/SOI updates easier.

SUMMARY

On May 13, 2009, LAFCO held a workshop, at which time the MSR consultants Alexander Hebert-Brown (Burr Consulting) and Bruce Baracco (Baracco & Associates) presented an overview of the Reclamation Services MSR report and various Governance Structure and SOI options. The report covers the following agencies: Reclamation districts 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137. In addition, the report includes information regarding various state and federal agencies, the County, other local agencies and private service providers for a comprehensive overview of services.

At the May workshop, the consultants provided an overview of the local agencies and their ability to provide services. The preliminary report included the State-required determinations, along with SOI and governance structure options and recommendations. The Commission was asked to provide comment, and directed staff to circulate the Public Review Draft MSR report.

The project team made revisions to the MSR report based on comments received at the May LAFCO meeting. Although State law does not specify a review period for MSRs, the MSR report was posted on the LAFCO website and circulated for a 21-day public review period. LAFCO received comments during the public review period from two agencies (Contra Costa Water District, RD 2065), and the consultant has made revisions to the report based on these comments (see attached comment log). The Final Draft MSR report and SOI recommendations will be presented to the Commission on July 8 for consideration and approval. The report and comment log are available on the LAFCO website at www.contracostalafco.org.

On July 8, the Commission will be asked to receive any final comments; accept the MSR report, adopt determinations, and update agency SOIs as presented in a separate agenda item.

LAFCO may, but is not obligated to, initiate changes of organization or reorganization (i.e., consolidations, mergers, dissolutions, formation of a new district or districts) based on the MSR findings.

DISCUSSION

The Reclamation Services MSR provides a comprehensive review of services provided by agencies under LAFCO's purview, including those special districts listed above. The MSR report focuses primarily on public agencies and their ability to provide a range of municipal services. The MSR report also includes information regarding other local, regional, state, federal and private services providers to establish service relationships, quantify services, and provide a more comprehensive overview of reclamation infrastructure and services in Contra Costa County.

In order to address the six factors, the MSR examines a number of factors and variables as highlighted below.

Service Providers and Service Areas

As indicated above, the report focuses primarily on the 13 special districts under LAFCO's purview. Information regarding other *local* (e.g., Bethel Island Municipal Improvement District, Discovery Bay Community Services District, Knightsen Town Community Services District, Contra Costa County Flood Control and Water Conservation District), *regional* (e.g., Delta Levee Coalition, Delta

Protection Commission), and *state/federal* agencies, as well as the regulatory framework [e.g., Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers, State Department of Water Resources] is included to provide context and a comprehensive overview of reclamation/Delta levee infrastructure and services.

Growth and Population

There are approximately 26,000 residents living on the five-county Delta islands and tracts, of which, approximately 9,000 (35%) are Contra Costa County residents. The population within the Delta-Suisun region is expected to triple by 2030, with an additional 16,000 - 21,000 residents from Contra Costa County alone.

Planned or proposed development is most concentrated in those reclamation districts serving the City of Oakley and the unincorporated community of Discovery Bay – RD 799 (Hotchkiss Tract) and RD 800 (Byron Tract), respectively.

The MSR evaluates the impacts of growth on the Delta and reclamation/levee infrastructure and services.

Service Demand and Adequacy

The MSR provides a discussion of service demand and Delta risks, including land surface subsidence, sea level rise and increased water runoff, and seismic activity. The report also provides an assessment of service adequacy, including levee standards, maintenance and management.

The California Water Code identifies eight western Delta islands as critical to control of salinity in the Delta, protecting water quality to all water users in the State. Of these eight, five are protected by reclamation districts in Contra Costa County (Bradford, Holland, Hotchkiss, Jersey and Webb). The MSR found that three of the five critical islands are only in partial compliance with minimum FEMA levee requirements (Bradford, Hotchkiss, Jersey). The MSR report indicates that two of the agencies exceed the minimum FEMA requirements (RD 799 and RD 800).

The report provides information regarding levee maintenance and management activities. All reclamation districts in Contra Costa County perform levee inspections. There is significant variation in inspection practices, including frequency and documentation. There is also considerable disparity in district staffing levels, management practices and local accountability and governance.

Infrastructure

The MSR report provides information regarding types of levees (e.g., agricultural/non-project, urban, dry land), compliance with various standards and guidelines, and assesses needs, deficiencies and risks.

The report concludes that Contra Costa reclamation districts face significant flood risk, and that many would fail to qualify for FEMA disaster assistance following a levee failure due to non-compliance with standards. None of the reclamation districts provide 100-year flood protection, with the exception of portions of levees maintained by RD 799 and RD 800.

The report notes that long-term capital improvement strategies are necessary to plan for appropriate levee care.

The report also notes that although levee systems and related facilities are distinct entities on each island or tract, proper maintenance provides indirect benefits outside district boundaries. Because inundation of one or more islands would increase the effects of wind and wave erosion on neighboring levees, it is in the interest of all districts to ensure that the integrity of the levees be maintained and that infrastructure needs continue to be addressed.

Financing

The MSR report evaluates the financial ability of agencies to provide services. Routine levee maintenance costs are primarily financed through landowner assessments and State subventions (DWR). Most reclamation districts participate in the Delta Levees Maintenance Subventions program or the Delta Levee Special Flood Control Projects program, which are State programs that provide financial assistance to local agencies for the maintenance and rehabilitation of non-project levees. The districts must apply to the State for funding. Many districts must “save up” their revenues until sufficient funds are available to accomplish a project in a given year.

In recent years, local agencies requested an average of \$50 million in State subvention reimbursements; however, the State had only \$6 million to award. Propositions 1E and 84, passed in November 2006, provided additional funding for levee improvements. It is anticipated that \$450-500 million will be available for levee improvements in the Delta. Since the bond money became available, the State has made \$15-20 million per year available for subvention eligible projects in the Delta. Additional planning at the State level is needed to prioritize and allocate levee maintenance and rehabilitation funds.

The MSR presents comparative analyses relating to operating and maintenance costs and revenues. There are tremendous differences among the agencies in expenditures, funding sources and funding adequacy. For example, in FY 2007-08, the reclamation districts’ maintenance costs ranged from a low of \$2,244 per levee mile (RD 2059) to a high of \$129,400 per levee mile (RD 2090). In FY 2007-08, the median of levee maintenance per mile in Contra Costa County was \$9,900, as compared to the industry standard of \$18,000 per levee mile (urban district) and \$9,000 per levee mile (rural district). The maximum allowable expense under the State subventions program is \$20,000 per levee mile.

The MSR report concludes that due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County could not afford to rehabilitate levees without support from the State.

Local Accountability and Governance

Several of the key factors LAFCO must address in its MSR are accountability for community service needs, including governmental structure and operational efficiencies.

The MSR report evaluated accountability based on the measures of contested elections, constituent outreach efforts, transparency, and disclosure practices.

The MSR report found that each reclamation district demonstrated some level of accountability based on the measure of constituent outreach. The report also concluded that reclamation districts generally have minimal governance and constituent interest as demonstrated by lack of contested elections.

Conclusion

The MSR report provides a number of major findings relating to the overall adequacy of public services as presented in the determinations. Overall, most reclamation districts in Contra Costa County are providing only a minimum service level based on FEMA's Hazard Mitigation Standards to at least portions of the levee system.

A number of governance alternatives for the organization of reclamation services are identified in the report, including consolidation of all or some of the districts and various boundary realignments. These options are summarized in a separate SOI LAFCO staff report and described more fully in the MSR report.

The Commission is responsible for guiding local agencies in the County to overcome challenges by recommending governance alternatives through its determinations on the required MSR factors and through its upcoming decisions relating to spheres of influence. After accepting the MSR report and adopting the determinations as presented in the attached resolution, the Commission will be asked to consider updates to the reclamation district SOIs.

Environmental Analysis

The municipal service review is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County.

The service review and determinations are Categorical Exempt under §15306, Class 6 of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATIONS

1. Determine that the MSR project is Categorical Exempt pursuant to §15306, Class 6 of the California Environmental Quality Act (CEQA) Guidelines,
2. Consider comments presented prior to and during the public hearing and any revisions to the *Reclamation Services MSR* report,
3. Accept the report with any desired changes,
4. Adopt the MSR determinations by resolution attached hereto, and
5. Direct staff to prepare the Final MSR report and make available to all affected agencies and interested parties.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachments: Draft Resolution with MSR Determinations
Comment Log

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**ADOPTING DETERMINATIONS OF THE
2009 RECLAMATION SERVICES MUNICIPAL SERVICE REVIEW**

WHEREAS, Government Code §56430 requires the Commission to conduct municipal service reviews (MSRs) in order to prepare and update spheres of influence (SOIs) pursuant to Government Code §56425;

WHEREAS, the Commission previously authorized the Reclamation Services MSR to be prepared;

WHEREAS, on May 13, 2009, the Commission conducted a workshop to receive an overview of the Preliminary Draft *Reclamation Services MSR*, received comments, and directed staff to circulate the MSR for public review,

WHEREAS, following the workshop the Public Review Draft MSR report was circulated for a 21-day public comment period;

WHEREAS, on July 8, 2009, the Commission conducted a public hearing to receive the Final Draft MSR;

WHEREAS, the Commission considered all comments, written and oral, received prior to and during the hearing on July 8, 2009; and

WHEREAS, the MSR report and determinations are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to §15306 Class 6 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa Local Agency Formation Commission does hereby resolve, determine and order as follows:

The Reclamation Services Municipal Services Review Determinations attached hereto as Exhibit A and incorporated herein by reference are hereby adopted.

* * * * *

PASSED AND ADOPTED THIS 8th day of July 2009, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

GAYLE UILKEMA, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above

Dated: July 8, 2009

Lou Ann Teixeira, Executive Officer

EXHIBIT A

RECLAMATION SERVICES MUNICIPAL SERVICE REVIEW DETERMINATIONS

I. PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND INFRASTRUCTURE NEEDS

- 1) Portions of the levees maintained by RD 799 and RD 800 afford 100-year flood protection. All other levees maintained by Contra Costa County reclamation districts do not provide 100-year flood protection.
- 2) Seven of the 13 reclamation districts have levees below Hazard Mitigation Plan (HMP) standards. Of the nearly 121 miles of levees maintained by the 13 reclamation districts in the County, nearly 18 percent (approximately 22 miles) are at less than the minimum (HMP) standard, and nearly 82 percent (approximately 99 miles) require rehabilitation to meet the long-term goal of achieving the PL 84-99 standard.
- 3) Comprehensive, long-term capital improvement strategies are necessary to adequately plan for proper levee care, and properly balance the tradeoff between the level of protection provided by the levee system with the uses of land and water enabled by the levee system.

II. ADEQUACY OF PUBLIC SERVICES

- 4) Based on levee standards, most reclamation districts in Contra Costa County are providing only a minimum service level (HMP standard) to at least portions of the levee system.
- 5) More than half of all agencies are not in full compliance with Federal Emergency Management Agency (FEMA) requirements that the entire levee system be at or above HMP.
- 6) Every reclamation district in Contra Costa County performs levee inspections; however, only three of the 13 reclamation districts create written inspection reports based on the deficiencies and maintenance needs identified by the levee inspections.
- 7) The majority of reclamation districts in the County does not directly employ staff, and instead relies on part-time contract labor for maintenance activities.
- 8) All reclamation districts that directly employ staff conduct employee evaluations on at least an annual basis.
- 9) Every reclamation district in the County prepares periodic financial audits and maintains current financial records, with the exception of RD 2121.
- 10) All reclamation districts are on target to implement the California Department of Water Resources (DWR) required five-year plan by FY 09-10, with the exception of RD 2121.

III. GROWTH AND POPULATION PROJECTIONS

- 11) Significant population growth within Contra Costa reclamation districts is limited to RD 799 (Hotchkiss Tract) and RD 800 (Byron Tract). Build out of these project areas could potentially increase the population within Contra Costa reclamation districts by as many as 21,600 individuals.

- 12) RD 799 anticipates future growth in conjunction within the City of Oakley's East Cypress Corridor Specific Plan area. The City of Oakley General Plan designates the East Cypress Corridor Specific Plan area for development of up to 5,763 residential dwelling units (including 544 existing residences), in addition to commercial, agricultural, recreation, and public facilities.
- 13) Growth and development within the larger Delta-Suisun area indirectly impacts Contra Costa reclamation districts by increasing the demand for recreation, transportation, utilities, and water supply, as well as creating more urban runoff to the Delta. The 2000 population of the entire Delta-Suisun Bay region was about 470,000, with population growth of between 600,000 to 900,000 by 2050, according to projects by the Department of Finance and DWR.

IV. FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

- 14) The reclamation districts' maintenance costs varied from a low of \$2,244 per levee mile in RD 2059 to a high of \$129,400 per mile in RD 2090 in FY 07-08. The median cost of levee maintenance per mile was \$9,900 in FY 07-08.
- 15) Routine levee maintenance expenditures are primarily financed by landowner assessments and subventions reimbursements from DWR.
- 16) The amount of subventions money made available by DWR has increased dramatically following passage of propositions 1E and 84 in November of 2006, with \$20 million approved for FY 08-09.
- 17) Due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County could not afford to rehabilitate levees without support from DWR. For FY 08-09, DWR will have \$31 million available to fund special projects in the Delta via a competitive application process.

V. STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES

- 18) The reclamation districts share responsibility for maintaining levees along some of the same water bodies; however, the districts do not share levee systems or other facilities, and did not identify any significant reclamation-related facility-sharing opportunities.

VI. ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS

- 19) Accountability is best ensured when contested elections are held for governing body seats, constituent outreach is conducted to promote accountability and ensure that constituents are informed and not disenfranchised, and public agency operations and management are transparent to the public.
- 20) All reclamation districts demonstrated accountability based on the measure of constituent outreach efforts. There is however, a wide variance in constituent outreach activity among the districts.
- 21) Reclamation districts have little governing body and constituent interest as demonstrated by a lack of contested elections.
- 22) Agencies that did not provide information in a timely manner or demonstrate full accountability to LAFCO due to insufficient disclosure of information and participation include RD 2090, RD 2121, RD 2122 and RD 2137.

Log of Comments

Public Review Draft Municipal Service Review: Reclamation Services

Commenter	Page Section	Comment	Response
RD 2065, Dante John Nomellini, Jr. June 18, 2009	Pg. 6, Executive Summary	In the 5th bullet point beginning with "Annexation of properties," the second sentence should be changed since a large portion of the lands to the west of RD 2065 do indeed "directly benefit from the levee program." The entire paragraph could/should be re-written as follows: "Annexation of properties to the west of RD 2065 that benefit from District drainage and/or flood control services. Assessments would be levied on such properties in proportion to the benefits they receive from either or both services."	Concur.
	Pg. 156, RD 2065	The second sentence of the last paragraph should read "two to three" and the second to the last sentence could/should be deleted.	Paragraph has been revised.
	Pg. 158, RD 2065	In the second sentence of the second paragraph, change "whereas" to "were."	Concur.
	Pg. 160, RD 2065	The third sentence of the first paragraph could/should be re-written as follows: "The District receives stormwater runoff from properties west of the District (toward Knightsen), which places an additional burden on the District's pumps, and the District also provides flood protection to a substantial portion of such properties."	Paragraph has been revised.
	Pg. 163, RD 2065	Bullet #6 could/should be re-written as follows: "The District currently has two pump stations, however, it has an agreement with Contra Costa Water District (CCWD) under which it has agreed (with limited exceptions) to exclusively utilize its newly constructed pump station on the south side of the District which discharges into Dead Dog Slough (in lieu of utilizing its pump station on the north side which discharges into Rock Slough, i.e., the slough from which CCWD directly derives portions of its drinking water)."	Concur.
	Pg. 163, RD 2065	Bullet #9 should be deleted. There is no such "reserve fund." The District has one or more "special funds" where it initially deposits any state or federal reimbursements or advancements for levee work, or disaster assistance. However, such funds are immediately transferred to the District's general fund.	Re-written to specify "special funds."

Log of Comments

Public Review Draft Municipal Service Review: Reclamation Services

Commenter	Page Section	Comment	Response
	Pg. 164, RD 2065	I communicated with Bruce Baracco several times over the course of the preparation of this MSR, however, I do not recall stating that RD 2065 expressed a desire to retain its existing coterminous SOI. I recall mentioning, and hopefully did mention, RD 2065's interest in at least considering expanding its boundaries to include areas to the west that benefit from its services. However, as further explained above, it does indeed appear premature to extend the SOI on July 8th or any time soon (as indicated above, at a minimum, more information is needed to determine what areas should be included within any such extended SOI, and RD 2065 and landowners within RD 2065 and within any proposed expansion area should have the opportunity to weigh in on the merits of such an extension, etc.).	Comment noted. A coterminous SOI reflects a "status quo" condition. Any SOI expansion would need to be justified in terms of new, enhanced or extended services, and would need to demonstrate support for such services, including the ability to pay for such services.
	Pg. 164, RD 2065	What strikes me as very odd is the MSR's recommendation at page 164 to "[a]dopt a zero sphere and initiate proceedings to consolidate RD 2065 into RD 2024." I have been the secretary and attorney for RD 2065 since early 2002 and do not recall ever hearing about any interest on the part of either RD 2065 or RD 2024, or any of their respective landowners, to consolidate such districts. And to my knowledge, most if not all reclamation district boundaries, encompass areas that are directly benefitted by either flood control or drainage services, and almost always both. RD 2065 and RD 2024 are separated by a river and, accordingly, their respective services do not directly benefit each other. I do not believe it would be prudent for LAFCO to "adopt a zero sphere for RD 2065," must less, "initiate proceedings to consolidate RD 2065 into RD 2024" without the support of at least one of the districts or at least a sizeable portion of the landowners in either district. If there is such support, I am not aware of it. (I am also at a loss as to why either district, or either landowners within such districts, would indeed desire or support such consolidation?)	SOI recommendation revised to retain the existing coterminous SOI for RD 2065, and require the District to report back to LAFCO within one-year on the feasibility of expanding the SOI to the west, after having consulted with the affected property owners and the Knightsen Town Community Services District.
	General	Based on my experience with RD 2065, the only option that has been at least contemplated is the expansion of the SOI to the west to include areas that are outside RD 2065's currently boundaries which benefit from RD 2065's (1) drainage services, or (2) flood control services, or both. Since my tenure with RD 2065, the district as well as its landowners, have indeed expressed interest in at least "looking into" the pros and cons of such expansion of its boundaries. There has clearly been no indication, however, at least to my knowledge, that such expansion should be ultimately sought, but it is definitely something that is deemed worthwhile to further investigate.	See response # 8, above.

Log of Comments

Public Review Draft Municipal Service Review: Reclamation Services

Commenter	Page Section	Comment	Response
	General	Something that would be very meaningful for LAFCO, or RD 2065, or both to pursue, would be to perform a more detailed investigation of the areas which benefit from RD 2065's drainage and/or flood control services. After such an investigation, RD 2065 and its landowners, and the landowners and other entities within that expanded area, could then be afforded ample opportunity to consider and weigh in on the merits of pursuing any formal SOI change, as well as the merits of any potential expansion of RD 2065's boundaries to encompass such areas, before any such change was actively pursued, much less formalized.	In an effort to encourage this investigation, it is recommended to retain the existing coterminous SOI for RD 2065, and require the District to report back to LAFCO within one-year on the feasibility of expanding the SOI to the west, after having consulted with the affected property owners and the Knightsen Town Community Services District.
RD 2065, Dante John Nomellini, Jr. June 19, 2009	General	Because of the control shifts that would occur if districts were consolidated, I think it is very important that the landowners and the board of trustees (who are controlled by the landowners) have the opportunity to weigh in on the merits of any such consolidation. If RD 2065 and its landowners were to lose control over the district's operations in terms of encroachment policy or otherwise, as a result of consolidation, I think that would be major problem that would likely outweigh any of the other potential benefits from consolidation.	When LAFCO updates an agency's SOI, it is not changing the boundaries of the agency. Any boundary changes (including consolidation) would be initiated after the SOI update, and most boundary changes must be initiated by affected agencies, voters or property owners, not by LAFCO directly. Landowners and the board of trustees will have the opportunity to comment on SOI options in front of LAFCO, and continue to have opportunities to weigh in on governance alternatives in the future.
RD 2065, Dante John Nomellini, Jr. June 24, 2009	Pg. 158, RD 2065	Assessments should be reported on a cost per acre basis to avoid an apples to oranges comparison. The District levies an assessment of \$49.80 per acre on agricultural lands.	Revised.
	General	Other comments provided 6/24/09 were clarification of comments previously submitted.	Revised.
Contra Costa Water District, Fran Garland June 19, 2009	Pg. 52, RD 799	Insert "flood protection" before "standards" in the second sentence under Finance.	Updated.
	Pg. 55, RD 799	In the first paragraph under Infrastructure, replace the last two sentences with the following: "Under a November 2002 License Agreement among the U.S. Bureau of Reclamation (USBR), Contra Costa Water District (CCWD) and Reclamation District 799 (Contract No. 02-LC-20-7939), RD799 may use and maintain the east bank of the unlined portion of the Contra Costa Canal for flood control purposes, secondary to water conveyance purposes. The Canal berms were built in the 1930's for water conveyance; they were not designed for flood protection and do not meet flood control standards."	Revised.
	Pg. 57, RD 799	In the fourth line, replace "by CCWD" with "under the November 2002 License Agreement."	Revised.

Log of Comments

Public Review Draft Municipal Service Review: Reclamation Services

Committer	Page Section	Comment	Response
	Pg. 57, RD 799	<p>Replace the last three sentences of the first paragraph with the following:</p> <p>"CCWD maintains the berms for purposes of water conveyance and routinely repairs significant damage from storms and other causes. However, improvements to raise the flood protection standard would be made at the discretion of RD799, consistent with the November 2002 License Agreement. Long-term, these Canal berms will be eliminated as CCWD implements its Canal Replacement Project which replaces the unlined Canal with a buried pipeline. The timing of the Canal Replacement project along the berms subject to the License Agreement is uncertain, but is estimated to take place within the next 10 years. New development is planned next to the Canal in this area and would be required to provide appropriate flood protection."</p>	Revised.
	Pg. 58, RD 799	Under Infrastructure Needs/Deficiencies: add "to meet flood protection standards," to the end of the first sentence.	Updated.
	Pg. 60, RD 799	<p>Revise Determination #7 to read:</p> <p>"Rehabilitation of the berms along the Contra Costa Canal to HMP or higher standards is a significant infrastructure need; Flood protection deficiencies"</p>	Revised.
	Pg. 61, RD 799	In the second line of Determination #14, insert "flood protection" after "minimum."	Updated.
	Page 227, RD 2137	Under Effects on Other Agencies: add CCWD to the list of agencies potentially affected by the tidal marsh restoration (if breaching the levee and restoring tidal action takes place prior to the Canal being replaced with a pipeline, water quality in the canal would be compromised).	Updated.