

Central Valley Flood Protection Board Meeting  
October 24, 2014

INFORMATIONAL BRIEFING

**Nonstructural Alternative at the Three Amigos Site**  
*(Julie Rentner, River Partners)*

**BRIEFING SUMMARY**

**Background**

Following the devastating floods of January 1997, the US Fish and Wildlife Service (USFWS), US Army Corps of Engineers (USACE), and then Reclamation Board (Board) entered into agreement to implement a Non Structural Alternative flood repair at Reclamation Districts (RDs) 2099, 2100 and 2102. These lands are located in Stanislaus County, on the west side of the San Joaquin River between the Tuolumne River confluence and Highway 132. The maintenance for these levees is described in the Operations and Maintenance Manual for Unit 12 of the Lower San Joaquin River and Tributaries Project. The levees of these rural RDs had breached, an Inter-Agency Task Force had identified the RDs as a PL84-99 Non Structural Alternative (NSA) opportunity, and the landowners were willing to sell. At that time, the USFWS was managing lands adjacent to these RDs at the San Joaquin River National Wildlife Refuge. The USACE, USFWS, and Board entered into agreement to expand the boundary of the wildlife refuge, purchase the lands within these RDs, manage the lands for wildlife habitat purposes, modify the O&M manual for the levees to eliminate levee maintenance requirements and allow the levees to be breached or otherwise modified, offer flowage easements to lands adjacent to the RDs that may be impacted by levee modification, and terminate or revise the assurance agreements between the Board and the RDs. Upon completion of the NSA, the Board's obligation to the USACE may cease. This Agreement is provided to the Board for reference.

Since 1997, the USFWS has expanded the Refuge boundary, acquired all of the lands within the former RDs, and undertaken substantial habitat restoration activities designed in anticipation of future levee modification (breaching) to provide inundated floodplain habitat along 8 miles of the San Joaquin River. The former RDs now host the largest contiguous riparian habitat restoration in the Central Valley, and boast thriving populations of numerous threatened and endangered species. Over \$50 million has been invested in the protection and restoration of these lands to date. Investment in this project has come from the USDA Natural Resource Conservation Service, US Bureau of Reclamation, USFWS, California Department of Fish and Game, California Wildlife Conservation Board, California River Parkways Program, California Department of Water Resources, California Conservation Corps, and several local agencies.

The lands flooded again in 2005, 2006, and 2011 through an unrepaired breach, and the lack of appropriate drainage caused impoundment of floodwaters on the restored

habitat areas. This floodwater impoundment causes water temperatures on the floodplain at the wildlife refuge to exceed those lethal to fish and damaging to riparian forest plant communities. The levees remain unrepaired, however a new breach is required to correct the drainage problem and provide optimal river-floodplain connectivity for wildlife. The NSA is not complete, and so the USFWS is not able to install the necessary breach.

In 1997, the USACE completed NEPA for the project, and performed a hydraulic analysis to identify those lands adjacent to the Three Amigos that may be impacted by the project. This analysis identified 470 acres of agricultural fields outside of the wildlife refuge that may experience increased flooding associated with modification of the levees. This analysis assumed that the levees were repaired. Flowage easements were offered to the landowners, and 2 landowners representing 395 acres accepted the easements. Two other landowners representing 75 acres declined the easements, and at this point, the project stalled. These lands have since changed ownership and the USACE contends that it is necessary to re-evaluate the flowage easements through an updated hydraulic analysis, and offer flowage easements to the new landowners prior to modifying the O&M Manual and completing the NSA.

The Board's responsibilities as described in the attached agreement include:

- A. Complete CEQA for the Three Amigos project;
- B. Negotiate a modification to the Maintenance Manual for RDs 2099, 2100, and 2102;
- C. Revise or terminate agreements with RDs 2099, 2100, and 2102; and
- D. Dispose of (or choose to retain) their property rights which comprise Sacramento and San Joaquin Drainage District (SSJDD) easements underlying the levees.

In 2010, River Partners entered into a funding agreement with DWR's Flood Protection Corridor Program to implement the final phase of habitat restoration at the Refuge – the Ecosystem Restoration and Floodwater Attenuation project or ERFA project. This project includes habitat restoration on 551 acres and modification of the levees to provide the desired river-floodplain connectivity. In order to complete this project, the NSA must be completed.

### **Current Status**

- A planning meeting was hosted in September 2014 amongst River Partners, DWR, USFWS, USACE and CVFPB staff to discuss next steps and develop a timeline for completion. Meeting notes were provided to CVFPB staff and are attached to this item.
- The USACE is working to update the hydraulic analysis initially completed in 1997. The purpose of updating the hydraulic analysis is to identify lands adjacent to the Three Amigos that may be impacted by the levee modification so that flowage easements can be offered to the landowners.

- The levees remain unrepaired, and the lands behind the levees remain subject to flooding during relatively frequent flood events.
- The USFWS owns all of the lands within the former RDs including the fee-title to the SSJDD levee easements, and the RDs no longer exist.
- DWR funding is available to assist with the CVFPB with the development of the CEQA document.
- The project has been studied extensively by consulting engineers and DWR to determine the appropriate locations and configurations of levee breaches that would optimize habitat and flood management.
- The project is a high priority project in the Mid San Joaquin River Regional Flood Management Plan (a recently completed stakeholder-driven process), as well as the draft San Joaquin Basin-Wide Feasibility Study. The Project also supports the goals of the Conservation Strategy and was included in the 2012 CVFPP. It is broadly supported at the local, state and federal levels.

### **Next Steps**

- The USACE will present the Board with a modification to the O&M Manual for this project.
- CVFPB staff, DWR and River Partners can work together to develop the necessary CEQA document.
- CVFPB must determine how to revise or terminate the agreements with RDs 2099, 2100 and 2102.
- CVFPB must determine if and how it will dispose of its property rights (easements underlying the levees).