

**Meeting of the Central Valley Flood Protection Board
August 28, 2015**

Informational Briefing Summary

**Nonstructural Alternative at the Three Amigos Project Site
Stanislaus County**

(Julie Rentner, River Partners; Paige Caldwell, USACE; Patrick Luzuriaga, DWR)

1.0 – BACKGROUND

In October 2014 and April 2015, River Partners and the U.S. Army Corps of Engineers (USACE) presented to the Central Valley Flood Protection Board (Board) on the background and next steps to complete the Three Amigos Non-Structural Alternative Project at the San Joaquin River National Wildlife Refuge. At those meetings, a timeline for project completion was presented to the Board. Since October 2014, the USACE, Board staff, Department of Water Resources (DWR) and the U.S. Fish and Wildlife Service (USFWS) have been working on various components of the project. The purpose of this briefing is to report project status and the project's revised timeline to the Board.

According to the multi-agency agreements signed in 1998, the Board's responsibilities include:

- A. Complete CEQA for the Three Amigos project;
- B. Negotiate a modification to the USACE Operations and Maintenance (O&M) Manual for Reclamation Districts (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.

2.0 – CURRENT STATUS

- The levees remain unrepaired since they were breached in the 1997 floods, and the lands behind the levees remain subject to flooding during relatively frequent flood events.
- The USACE developed a hydraulic model to illustrate the current flooding conditions on site as well as possible future conditions post project completion.

- A planning meeting was hosted in July 2015 amongst River Partners, DWR, USFWS, USACE and Board staff to discuss status and timeline for completion. A revised project task list and timeline was provided to Board staff and is attached to this item.
- The USACE has completed the appraisals required and made offers to acquire flowage easements for the two adjacent properties that require such acquisition.
- In the 1998 preliminary agreements, the USACE committed to construct a ring levee around several structures within the boundaries of the former RD 2099. The USFWS has declined the offer to construct these ring levees, and is working with the USACE to document completion/declination of this commitment. Ring levees will not be constructed as part of this project.
- The USACE and USFWS are working to draft a management agreement for the affected lands within the former RD 2099, 2100 and 2102.
- Board staff has completed a preliminary real estate analysis regarding the extent and location of SSJID easements. All easements currently owned by the State are located within federal ownership, and the USFWS is willing to accept quitclaim to these properties if the Board decides to dispose the property rights.
- DWR is serving as the CEQA lead agency and the Board will be a “Responsible Agency”. The project description and initial study has been drafted and DWR is currently engaged in tribal coordination pursuant to Assembly Bill 52 (AB 52) regarding formal tribal consultation enacted by the Legislature in 2014. AB 52 requires that lead agencies undertaking CEQA review must, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for a project.

3.0 – NEXT STEPS

- DWR will complete the CEQA analysis for the project. The Board staff will prepare responsible agency findings for the Board to adopt.
- The USACE will provide a modified O&M manual for Board acceptance pending completion of the acquisition of flowage easements, documentation of release of the ring levee commitment, and execution of a management agreement with the USFWS.
- A Board Resolution will be prepared to accept the modified O&M manual from USACE, and to dissolve the local operations and maintenance assurances between the Board and the former RDs 2099, 2100 and 2102.

- Board staff will draft the Resolution and present it as a Requested Action for the Board to consider:
 1. accepting the updated O&M manual from the USACE,
 2. dissolving the maintenance agreements between the Board and the former RDs 2099, 2100 and 2102, and
 3. conveying property interests (SSJDD easements underlying the levees) to the USFWS, or alternatively, choosing to retain the property rights instead.
- Pending completion of the above activities by DWR, USACE, and USFWS these Board Actions will tentatively be scheduled for the December 18, 2015 Board meeting.

4.0 – LIST OF ATTACHMENTS

A. Timeline

Board Staff Review: Ali Porbaha, PE, Senior Engineer
 Eric Butler, PE, Supervising Engineer
 Mitra Emami, PE, Supervising Engineer for Len Marino, PE, Chief Engineer
 Nicole Rinke, Deputy Attorney General

Three Amigos Next Steps
July 2015

| Responsible Party | Agency | Task | 2015 | | | | | |
|--|------------------|---|------|--------|-----------|---------|----------|----------|
| | | | July | August | September | October | November | December |
| CEQA - Critical Path | | | | | | | | |
| Julie Rentner / David Martasian | RP / DWR | CEQA document internal distribution and final edits | | 15 | | | | |
| David Martasian | DWR | CEQA AB52 Tribal Consultation letter out | | 15 | | | | |
| David Martasian | DWR | CEQA posting to State Clearinghouse | | | 30 | | | |
| David Martasian | DWR | CEQA NOD | | | | | 15 | |
| Flowage Easements - Critical Path | | | | | | | | |
| Paige Caldwell | USACE | Offer flowage easements | 31 | | | | | |
| Paige Caldwell | USACE | Execute flowage easements | | | 30 | | | |
| CVFPB Resolutions for Three Amigos | | | | | | | | |
| Nicole Rinke | CVFPB | CVFPB levee easement staff recommendation | | | | | | |
| Nicole Rinke | CVFPB | CVFPB maintenance assurance agreement dissolution process | | | | | | |
| James Herota / Nicole Rinke | CVFPB | CVFPB review draft CEQA MND | | | | | | |
| Ali Porbaha | CVFPB | CVFPB review draft modified O&M manual | | | | | | |
| Julie Rentner / Paige Caldwell / Patrick Luzuriaga | RP / USACE / DWR | CVFPB Information Briefing Aug 28 | | 28 | | | | |
| Ali Porbaha | CVFPB | CVFPB Resolution - board actions for Three Amigos December 2015 | | | | | | 18 |
| CVFPB Encroachment Permit | | | | | | | | |
| Julie Rentner / Kim Forrest | RP / USFWS | CVFPB Encroachment Permit Application submittal | | 30 | | | | |
| Ali Porbaha | CVFPB | CVFPB Encroachment Permit Review / Approval | | | | | | 18 |
| New Maintenance Agreements for Three Amigos | | | | | | | | |
| Paige Caldwell | USACE | Distribute draft modified O&M Manual | | | 21 | | | |
| Paige Caldwell | USACE | draft Maintenance Agreement to USFWS | | | 15 | | | |
| Kim Forrest | USFWS | Send a letter to USACE regarding ring levee issue | | 31 | | | | |
| Kim Forrest | USFWS | review / sign Maintenance Agreement with USACE | | | 30 | | | |