

Final Plan to Minimize Impacts on Adjacent Landowners The Nature Conservancy - Santa Clara River Flood Protection Project

Program Background

The Flood Corridor Program (FCP) was created by the “Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000” (Proposition 13). Current funding comes from voter approved Proposition 1E, the “Disaster Preparedness and Flood Prevention Bond Act of 2006” (Public Resources Code Section 5096.800 et seq, Division 5, Chapter 1.699, Article 4, specifically Public Resources Code 5096.825). The Program is authorized to fund projects providing non-structural approaches to flood management, including the acquisition and restoration of wildlife habitat and agricultural land preservation. Program guidelines require the applicant, in conjunction with the Department of Water Resources (DWR); develop a plan to minimize the impacts on adjacent landowners prior to acquiring any interest in land.

Water Code Section 79041 states: “Prior to acquiring an easement or other interest in land pursuant to this article, the project shall include a plan to minimize the impacts on adjacent landowners. The plan shall include but not be limited to, an evaluation of the impact on floodwaters, the structural integrity of affected levees, diversion facilities, customary agricultural husbandry practices and timber extraction operations, and an evaluation with regard to the maintenance required for any facilities that are proposed to be constructed or altered.”

Project Overview

The Flood Corridor Program has awarded The Nature Conservancy (TNC) \$5,000,000 to contribute towards the fee title acquisition of all or a portion of the Totlcom II, Teyton/Circle and Contreras properties (Properties) located within the 100-year floodplain of the lower Santa Clara River. Other contributing partners include the California State Coastal Conservancy (SCC) and the California State Wildlife Conservation Board (WCB).

The Properties will be held and managed by TNC as part of a river-wide restoration effort to restore the historic extent of the floodplain. The Properties would be consolidated with neighboring TNC-properties to create a 377-acre project site where existing agricultural berms and levees will be removed for habitat restoration and public access. This project will advance the goals of the FPCP by reducing flood damage by providing nonstructural flood control through acquisition and restoration of the floodplain Properties as well as enhancing wildlife habitat both in the riparian floodplain and within the river channel.

The Nature Conservancy, and partners such as SCC, have worked together since 1999 on protecting and restoring the Santa Clara River.

To date, TNC’s Los Angeles-Ventura Project has:

- Acquired ecologically significant and strategic lands, totaling more than 3,000 acres of floodplain, over 13-miles of the Santa Clara River, 500-acres of coastal wetlands;
- Created the Coastal Resilience Ventura project, aimed at advancing nature-based solutions to climate change through science, decision-support tools, and public policy;
- Established a floodplain easement program to maintain natural floodplains to provide habitat and flood protection benefits while promoting agriculture;
- Initiated large-scale floodplain restoration to increase the quality and quantity of habitat for endangered species;
- Formed a county-wide policy (Conservation Subdivision Program), that makes it easier to subdivide land for conservation purposes; and,

- Cultivated diverse partnerships with local, State and Federal agencies, as well as farmers, developers and local organizations.

Evaluation of Impact of Acquisition on Floodwaters

The Properties lie along the lower Santa Clara River within the 100-year floodplain and are part of a five-parcel reach of the river TNC has acquired or is in the process of acquiring. These five parcels are protected to the east by Victoria Avenue bridge and road, to the south by an engineered levee and to the north by a natural 100 foot river embankment (the Santa Clara River borders the Properties to the south). Because TNC either owns or will own all five parcels within this project area, no adjoining properties are at risk for future flood events. The goal of this project is to provide nonstructural flood control on these five parcels, which will preclude levee construction and development. Construction of the levee cost estimates vary from \$30M to \$90M. Together with two adjacent TNC-owned properties, the acquired properties will enable approximately 377 acres of protected 100-year floodplain to be inundated by floodwater, providing flood relief to adjoining farmers. Overall risk will be reduced significantly at the Harbor Blvd Bridge; therefore, minimizing the overall flood risk to the sewer treatment plant and other facilities downstream. Finalizing acquisition of the three properties sets the stage for the overall project: levee removal, floodplain expansion and associated habitat restoration that is expected, by modeling results, to decrease flow velocity and reduce floodwaters by 4 feet in a reach of the river that is among the most constricted, despite the fact that it drains the entire watershed.

Evaluation of Impacts on Structural Integrity of Affected Levees

The removal of berms and levees on the Properties will not cause impacts to adjacent properties nor will the project impact levees owned by third parties.

Evaluation of Impacts on Diversion Facilities

There are no diversion facilities within the vicinity of this project; therefore, no impacts are expected.

Evaluation of Impacts on Customary Agricultural Husbandry Practices

It is the intention of TNC to maintain agricultural husbandry practices in their existing form on the Properties until acquisition is complete and restoration can commence. Until that time, it is not anticipated that the cropping regime on the Properties will change in any significant way.

Evaluation of Impacts on Timber Extraction Operations

At this time, there are no timber extraction operations within the project area, and it is unlikely that there would be any at any time in the future, given the nature of the landscape.

Evaluation of Impacts on Maintenance of Any Facilities Proposed to be Altered or Constructed

There are no facilities or proposed facilities within the project area.

Conclusion

In summary, the project and its subsequent maintenance will not have significant adverse impacts on existing adjoining property owners, land use practices, or flood control facilities. In addition to conserving agricultural land, the proposed project removes future development pressure from property that cannot feasibly be made safe from flooding.

APPROVED AS REVISED WITH ATTACHMENTS:



Earl D. Nelson, Chief
Flood Corridor Programs and
Environmental Support Branch

4/29/13
Date

APPROVED:



Eric S. Koch, Chief
Flood Projects Office

4/29/13
Date

Attachments:

- Attachment 1 – Santa Clara River Project – Map of Proposed Property Acquisition
- Attachment 2 - Summary of Adjacent Landowner Comments and Responses

Attachment 1: Santa Clara River Project – Map of Proposed Property Acquisition



**The Nature Conservancy's
Santa Clara River Flood Protection Project**

Attachment 2 – Summary of Adjacent Landowner Comments and Responses

The following comments and responses were received on the Draft Plan to Minimize Impacts to Adjacent Landowners during the 14-day comment period for the Santa Clara River Flood Protection Project:

Adjacent Landowner Comment 1: The Adjacent Landowner stated that because of the physical characteristics of the 7 acres of Olivas Victoria Investments (OVI) property on the Southeast corner located below a 20-30 foot bluff running parallel to Olivas Park Drive, he or she suspects that a portion of the property is within the area that is proposed for floodplain expansion. The Adjacent Landowner would like to know if the 7 acre portion of the OVI property below the bluff is within the area of proposed floodplain expansion or adjacent to it.

TNC Response 1: The OVI property, including the approximately 7 acre section that is adjacent to the Teyton/Circle property, is not included in The Nature Conservancy's (TNC) acquisition area or future floodplain restoration area.

Adjacent Landowner Comment 2: The Adjacent Landowner noted that there is no levee or barrier between the OVI property below the bluff and the Teyton/Circle property.

TNC Response 2: Yes, that is acknowledged. Any future restoration would take this into account and include a levee setback based on hydraulic modeling. Our partner, the CA State Coastal Conservancy (SCC), commissioned a study in 2011 titled "Santa Clara River Parkway: Levee Setback Assessment of the Lower Santa Clara River, Ventura County, California - Implications for Flood Risk Management and Ecological Benefit". This study outlines the feasibility and gives guidance on how to restore floodplain properties while protecting adjacent landowners. Any future restoration of the Teyton/Circle property, along with all of TNC's Santa Clara River properties, will use this report as guidance to avoid any impacts to adjacent properties and protect TNC's interests.

Adjacent Landowner Comment 3: The Adjacent Landowner wanted to note that the OVI property below the bluff is leased for farming.

TNC Response 3: That is understood and TNC's acquisition of the Teyton/Circle property and any future restoration of the property will not affect OVI's use of their property.

Adjacent Landowner Comment 4: The Adjacent Landowner wanted to note that the OVI property below the bluff is subject to easements in favor of Montalvo Water Company, which has at lease on active well, inactive water wells and a storage shed/office structure on our property. The Adjacent Landowner also wanted to know whether the acquisition of the Teyton/Circle property would interfere with their use of their property contiguous to the Teyton/Circle property, not just the 7 acre portion.

TNC Response 4: TNC's acquisition of the Teyton/Circle property will not affect OVI's use of their property or impact any well, easement or structure on their property.

Adjacent Landowner Comment 5: The Adjacent Landowner also wanted to know whether their use and their tenant's use of a compacted dirt access road between the Circle Property and the OVI property that runs from Olivas Park Drive to farm roads below the bluff would be affected or impaired by this proposed acquisition or Project.

TNC Response 5: No, legal road access will not be impacted by TNC's acquisition and/or future restoration of the Teyton/Circle property.

Adjacent Landowner Comment 6: The Adjacent Landowner wanted to know if there would be an issue with the installation of a security gate on the compacted dirt access road.

TNC Response 6: No, TNC's acquisition of the Teyton/Circle property will not impact private property uses of adjacent land.

Adjacent Landowner Comment 7: The Adjacent Landowner wanted to know about TNC's future plans for public access to the project and expressed concern that such public access be regulated so that it does not negatively impact their property."

TNC Response 7: At this time, TNC has not yet explored compatible public access for the post-restoration area. TNC, along with the SCC, envision expanded public access and educational opportunities along the Santa Clara River Parkway, which includes the Teyton/Circle property and other adjacent lands previously purchased by TNC and SCC. At present TNC employs a full-time land manager and a private security company to minimize trespass on all of its Santa Clara River properties. Also, at present, TNC does not allow public access on any of its 24 properties within Ventura County, outside of TNC-lead events. Similar precautions will be in place for the Teyton/Circle property.

Adjacent Landowner Comment 8: The Adjacent Landowner wanted to inform us of an error in the Draft Plan to Minimize Impacts on Adjacent Landowners' map. The map incorrectly shows a piece of property owned by TNC between the Teyton/Circle and Totlcom II properties does not extend up to Olivas Park Drive and should be reflected in future maps.

TNC Response 8: The map has been revised to correct this error.

Adjacent Landowner Comment 9: A letter sent on behalf of the owner of Contreras parcel would like the Plan to clarify that only a portion of the property is under negotiation for purchase and that there is no contract to purchase this portion of the property at the moment.

TNC Response 9: The map has been revised to reflect the portion of the Contreras parcel that is currently under negotiation. The Plan has been revised to reflect that DWR is contributing \$5,000,000 in grant funds toward fee title acquisition on all or a portion of the Totlcom II, Teyton/Circle, and Contreras properties. DWR understands that there is currently no purchase contract for the Contreras property.

Adjacent Landowner Comment 10: A letter sent on behalf of the owner of Contreras parcel requested that the Plan be completed with the understanding that they would be retaining ownership of the balance of the property, including 10 acres immediately below the bluff that will be subject to flooding. The letter also noted that TNC is planning to remove the berms that currently keep the property below the bluff safe from flooding and that the property owner would like to continue farming the property, even with the removal of berms.

TNC Response 10: It is understood that the property owner wishes to retain ownership of 10 acres below the bluff. Any future restoration would take this into account and include protection measures (such as an earthen berm or barrier) based on hydraulic modeling sufficient to ensure that flood frequency on the 10 acres would be anticipated no more frequently after removal of the existing berms than would be expected to occur under current conditions with the existing berms in place. Our partner, the CA State Coastal Conservancy (SCC), commissioned a study in 2011 titled "Santa Clara River Parkway: Levee Setback Assessment of the Lower Santa Clara River, Ventura County, California - Implications for Flood Risk Management and Ecological Benefit". This study outlines the feasibility and gives guidance on how to restore floodplain properties while protecting adjacent landowners. Any future restoration of the Teyton/Circle property, along with all of TNC's Santa Clara River properties, will use this report as guidance to avoid any impacts to adjacent properties and protect TNC's interests."