

# Department of Water Resources

## Division of Flood Management

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### *Flood Corridor Program 2010-2011 Funding Cycle Workshops Subsequent Q&A*

**Posted on 2/17/2011**

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Q: Can the existing basin and/or property around the perimeter of the basin be used as a portion of the city's in-kind match?

A: Yes, if the property is used to support improvements paid for from the grant such as habitat enhancement, then the land could qualify toward satisfying your match requirement.

Q: What is the grant's allowable contingency for the financial summary?

A: Some budgets have no contingency. If there is a contingency, it should be no more than 10% of the grant funds and can only be used with prior State approval.

Q: Where is more information on the Fee and Easement Acreage Summary, and is there guidance on how to fill it out?

A: The form is part of the application. It is located on our website:  
[http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/docs/FCP\\_Fee\\_and\\_Easement\\_Acreage\\_Summary\\_Fillable.pdf](http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/docs/FCP_Fee_and_Easement_Acreage_Summary_Fillable.pdf)

The Attachment 8 Fee and Easement Acreage Summary form is intended to help you clearly indicate acreages in various combinations specific to your project. Diagrams and examples are provided to help you figure out how to indicate what acreage values you have in various combinations with your project. For instance, if you were to draw a map of the entire project area, you should be able to indicate what the acreage is for:

- a) flood protection area,
- b) habitat that is being conserved and/or restored,
- c) agricultural land that is being protected,
- d) combinations of the above.

In most cases, the projects proposed will not have acreages in all possible combinations. However, in many cases, what we've found is that there are overlaps in what a particular land area is used for. For instance, a planned detention basin area may be farmed most of the time, but it is also to be used periodically to store floodwaters. That acreage would be counted as the "Flood + Agriculture" type. If a whole farm is to be protected by an easement for farming that extends beyond the detention basin, that extended area would be counted as "Agriculture" only.

Q: Regarding the fluvial conditions in the project vicinity, do we need to quantify all the aspects of the channel such as sediment transport and deposition or just give a general description such as whether it's in quasi-equilibrium, aggrading or degrading? Does the description need to come from studies on site or can it refer to the generally known characteristics of that River?

A: The detail can be general except as more detail is needed to understand the flooding problem at that location. If either channel capacity or flood stage elevation is proposed to be changed as a result of the project, a hydraulic and hydrologic (H&H) study would be required, but can be deferred to after the grant has been awarded as long as an engineer's estimate of what the effects would be can be included in the application. The H&H study could then be paid for from the grant. The detail for sediment transport studies would relate directly to the nature of the problem. If the problem is severe and recurring at relatively short intervals, a sediment transport study might be needed, but again can be done using grant funds after the grant is awarded if the effects can be estimated for purposes of the application. The general known characteristics of the river together with an engineer's opinion are usually sufficient for application purposes. If detailed information is available from prior studies, it can be summarized in the application. If detailed information has to be generated as part of the project, it should be done early in the project schedule to verify that the assumptions upon which the project was approved for funding are accurate.

Q: Would it be a conflict of interest if property is purchased from one of the partners in the application? We would still include the letter from a willing seller and current appraisal as required by the grant application.

A: It would not be a conflict of interest if (a) the seller is not a signatory to the grant, (b) the seller is an independent legal entity not controlled by or exerting control over the

grantee (if there is a contractual relationship unrelated to the grant, it would have to be disclosed and examined by State attorneys before funds could be released for purchase of the property), and (c) if the seller is willing to sell the property to the grantee at fair market value or below with value confirmed by an independent appraisal prepared by a licensed appraiser and approved by the State.

Q: Is the willing land seller questionnaire necessary and how do I use or modify it to indicate willingness to sell an easement on a property?

A: The questionnaire does not have to be used for the proposal, but it contains language useful to indicate in a willing land seller letter. You also asked if one needs to include the statement regarding the Federal Land Acquisition rules when discussing an easement. Since an easement is based on a percentage of fair market value, the Federal Land Acquisition rules do apply to both a fee title acquisition and easement.