

**III. Minimum Qualifications**

*Project proposals that do not meet the minimum qualifications will not be accepted.*

The Applicant and the proposed Project meet the below-listed "minimum qualifications". In this regard, comments are included for each of the listed qualifications which briefly summarize relevant information set forth elsewhere in the Application.

- A. ρ The project proposes to use any granted funds for protection, creation, and enhancement of flood protection corridors [*Water Code Section 79037(b)*].

Improvement District No. 3 of the Kern County Water Agency ("Agency") is seeking funding to reduce the existing private property improvements which are in the Kelso Creek floodplain (principally in the west one-half of Sec 29 T26S R35E) and thereby reduce the potential flood damages, potential threat to life and health, and downstream liability; and, at the same time, enhance and expand a significant wildlife corridor.

The situation with Kelso Creek exactly matches the goals of the Flood Protection Corridor Program because (i) the residences are in an area that cannot reasonably be made safe from future flooding, (ii) there are willing sellers who would like to move out of "harms way", and (iii) acquiring the available properties will enhance wildlife value of the area, and benefit the downstream agricultural lands. See the Project Description for more details.

- B. ρ A local public agency, a non-profit organization, or a joint venture of local public agencies, non-profit organizations, or both proposes the project [*Water Code Section 79037(a)*].

The Kern County Water Agency, acting on behalf of Improvement District No. 3, is applying for the grant. KCWA is a Special Act District created by the State Legislature in 1961 pursuant to Water Code California Stats 1961, Chapter 1003, Uncodified Act 99.

- C. ρ The project will use the California Conservation Corps or a community conservation corps whenever feasible [*Water Code Section 79038(b)*].

Components of the Project, such as habitat restoration, debris removal, and demolition are well suited for the California Conservation Corps.

- D. ρ If it is proposed to acquire property in fee to protect or enhance flood protection corridors and floodplains while preserving or enhancing agricultural use, the proponent has considered and documented all practical alternatives to acquisition of fee interest [*Water Code Section 79039(a)*].

Included in the Project Description are references to prior studies documenting the severity of potential flood damages and the costs to try to avoid the damages. Also described are the age and economic conditions of the residents in the Project area. Based on this information, it is clear that no practical alternative exists other than removal or floodproofing of homes within the Kelso Creek Floodplain.

- E. ρ Holders of property interests proposed to be acquired are willing to sell them [*Water Code Section 79040*].

Two public meeting have been held to determine interest in the proposed Project. In addition, questionnaires were mailed to all property owners in the Improvement District. The majority of those attending the Public Meetings and responding to the questionnaires were in favor of pursuing the buy-out option, i.e., sell and relocate. Appendix 9 shows the meeting notices and attendance. Appendix 10 includes the completed questionnaires and summary of results.

- F. ρ If it is proposed to acquire property interests, the proposal describes how a plan will be developed that evaluates and minimizes the impact on adjacent landowners prior to such acquisition and evaluates the impact on the following [*Water Code Section 79041*]:

- ▶ Floodwaters including water surface elevations and flow velocities  
Section IV-B, provides the comparison of "with" and "without" Project, which demonstrates that the water surface elevations and flow velocities will be decreased within and downstream of the Project area.
  
- ▶ The structural integrity of affected levees  
The cohesionless nature of the levee system is documented in the referenced reports and by the costly repairs whenever flows are conveyed through the system, as described in the Background Section of the Project Description found in Section II of this Application. In the long term, the levee system will be abandoned (i.e., breached), which will eliminate the risk of catastrophic failure and the need for future expenditures for levee repairs.
  
- ▶ Diversion facilities  
The current levee system acts as a diversion facility by altering the course of the flows of Kelso Creek. In the long term, the levee system will be abandoned.
  
- ▶ Customary agricultural husbandry practices  
Section IV-B shows that the downstream agricultural practices will benefit by decreased downstream erosion and sedimentation.
  
- ▶ Timber extraction operations  
Not Applicable - No timber extraction occurs in this area.

The proposal must also describe maintenance required for a) the acquired property, b) any facilities that are to be constructed or altered.

Maintenance of the existing levee will no longer be required when it is abandoned upon meeting the program goals. The cost of maintaining the habitat and open space will be substantially less than maintenance of the levee system. Facilities will not be constructed as a part of this Project; accordingly, there will no added maintenance in this regard.

- G. p The project site is located at least partially in one of the following:
1. A Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA), or

The program area is located within Zone "A", a Special Flood Hazard Area, under the National Flood Insurance Program; reference Community-Panel Nos. 060075-0530-C and 060075-0540-C, dated March 2, 1994), as described in Section IV-A-1. The FEMA maps are attached in Appendix #3.

2. An area that would be inundated if the project were completed and an adjacent FEMA SFHA were inundated, or
3. A FEMA SFHA, which is determined by using the detailed methods identified in FEMA Publication 37, published in January 1995, titled "Flood Insurance Study Guidelines and Specifications for Study Contractors", or
4. A floodplain designated by The Reclamation Board under Water Code Section 8402(f) [*Title 23, California Code of Regulations, Division 2, Section 497.5(a)*], or a
5. Locally designated Flood Hazard Area, with credible hydrologic data to support designation of at least one in 100 annual probability of flood risk. This is applicable to locations without levees, or where existing levees can be set back, breached, or removed. In the latter case, levee setbacks, removal, or breaching to allow inundation of the floodplain should be part of the project.