Plan to Minimize Impacts on Adjacent Landowners
Dos Rios Ranch Acquisition Project, Stanislaus County California

Program Background

The Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of March 2000 (Proposition 13) created the Flood Protection Corridor Program (Program). The California Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (Proposition 1E) allocated additional funds to the Program. 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. Proposition 13 requires the Department of Water Resources to ensure that a plan to minimize the impacts on adjacent landowners is prepared and approved prior to acquiring any interest in land using funds from the Flood Protection Corridor Program (California Water Code Section 79041, Division 26, Chapter 5, Article 2.5). The plan must include an evaluation of the impact on floodwaters, the structural integrity of affected levees, diversion facilities, current and historic agricultural practices on the project site and in the vicinity, timber extraction operations, and an evaluation with regard to the maintenance required for any facilities that are proposed to be constructed or altered.

*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 impact 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 of any facilities that are proposed to be constructed or altered.

Department of Water Resources' Interest in Providing Funds to Develop the Dos Rios Ranch Acquisition Project

The Flood Protection Corridor Program (FPCP) has awarded River Partners $3,000,000 to contribute towards the acquisition of the full fee title of the 1603-acre Dos Rios Ranch located at the confluence of the Tuolumne River and San Joaquin River in Stanislaus County. Other contributing partners include the USDA Natural Resource Conservation Service's Wetland Reserve Program (NRCS- WRP), the Bureau of Reclamation's Central Valley Project Conservation Program / Central Valley Project Improvement Act Habitat Restoration Program, the California Natural Resources Agency's River Parkways Program (Prop 50), the California Wildlife Conservation Board, the USFWS's North American Wetland Conservation Act (NAWCA), the San Francisco Public Utilities Commission, the National Fish and Wildlife Foundation (NFWF), the Resources Legacy Fund Foundation (RLFF), Tuolumne River Trust, and River Partners. Of these partners, all except NFWF and RLFF will contribute towards the property's purchase directly.

The property will be held by River Partners for subsequent floodplain reconnection and habitat restoration. Upon completion of these activities, long term management of the property may be transferred to a state or federal land management agency, and a portion may be transferred to the California Natural Resources Agency for development of future public access. The project will advance the goals of the Flood Protection Corridor Program in two key areas: flood damage reduction and wildlife enhancement. Through acquisition of real property the project provides a nonstructural

solution to flood management and enhances wildlife habitat in a flood corridor. The specific objective of this project is to purchase the full fee title of Dos Rios Ranch.

River Partners and a project collaborator, the Tuolumne River Trust, have worked together since 2005 to secure funds to purchase Dos Rios Ranch. To date, the project team has taken the following actions towards closing the Dos Rios Ranch purchase:

- Negotiated and signed a purchase agreement with the landowner
- Opened escrow with First American Title Company
- Completed an independent appraisal of the property- which complies with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation (USPAP), the Uniform Appraisal Standards for Federal Land Acquisitions, and the Standards of Professional Practice of the Appraisal Institute and received approval from state and federal reviewers
- Completed the Preliminary Title report
- Completed and approved Phase 1 and Phase 2 Environmental Assessments
- Completed a Hydraulic Analysis by MBK Engineers, Joseph D. Countryman PE, D. WRE
- Completed a Conceptual Habitat Restoration Plan
- Secured grant funds for the balance of the purchase price to supplement DWR's contribution
- Received letters of support from a broad range of elected officials (including Congressman Dennis Cardoza, and Assembly members Cathleen Galgiani, Greg Aghazarian and Tom Berryhill) Stanislaus County Board of Supervisors; the Cities of Modesto, Turlock, Ceres, Waterford, Patterson; government agencies, businesses and non-profit organizations. The project was presented at 10 hearings, meetings, and venues over the last four years. Each of these processes encouraged public comment.

The acquisition of the Dos Rios Ranch can provide up to 10,000 acre-feet (ac-ft) of floodwater attenuation at the confluence of the Tuolumne River and San Joaquin River. The transient water storage capacity of the Ranch provides the opportunity to reduce peak flow flood risk on upstream and downstream reaches of the Tuolumne River and San Joaquin River. Additionally, acquiring the Dos Rios property is a critical first step in putting together a project that would absorb the peak of large flood events, and potentially allow for beneficial operational changes at Don Pedro Reservoir.

By expanding the flood protection corridor and providing approximately 10,000 ac-ft of transitory floodplain storage, potential taxpayer liability will be reduced as a result of decreased pressure on surrounding levees and riverbanks. Downstream infrastructure, most notably the State Highway 132 Bridge (the main transportation corridor between Modesto and the Bay Area) and the Hetch Hetchy water and power systems will be subjected to less pressure during large flood events. Also, the Dos Rios Ranch land will no longer be eligible for federal or State emergency disaster relief to repair any damages on the property itself.

Following the acquisition of Dos Rios Ranch by River Partners, the property will be restored to riparian habitat. The river will reconnect to its historic floodplain, allowing for unimpeded deposition of sediment material onto the property from both the Tuolumne River and San Joaquin River.

Transitioning Dos Rios Ranch into wildlife habitat will make a significant contribution to the aggregate riparian habitat area available in the San Joaquin Valley. The new habitat will benefit a number of threatened and endangered species, including but not limited to the riparian brush rabbit (*Silvilagus*

bachmani riparia, FE, SE[1]), the riparian woodrat (*Neotoma fuscipes riparia*, FE, CSC), the Least Bell's vireo (*Vireo bellii pusilus*, FE, SE), Swainson's hawk (*Buteo swainsonii*, ST), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus,* FT), Chinook salmon (*Oncorhynchus tshawytscha*, FT, ST) and steelhead trout (*Oncorhynchus mykiss*, FT). Over the long-term the project will also add six miles of shaded riparian habitat to the Tuolumne and San Joaquin river systems (about 3 miles of shaded riverine aquatic cover habitat on each river). The 1,603-acre Dos Rios property is located directly across the river from the 6,950-acre Refuge. Combined, these properties will create one of the largest contiguous riparian and floodplain conservation areas in the Central Valley. Once restored, the Dos Rios Ranch (along with its neighboring conservation properties) will become an important habitat resource for fish, mammals, waterfowl and neo-tropical birds in California's Central Valley.

[1] F = Federal, S = State, E = Endangered, T = Threatened, CSC = California Species of Concern, FC = Federal Species of Concern

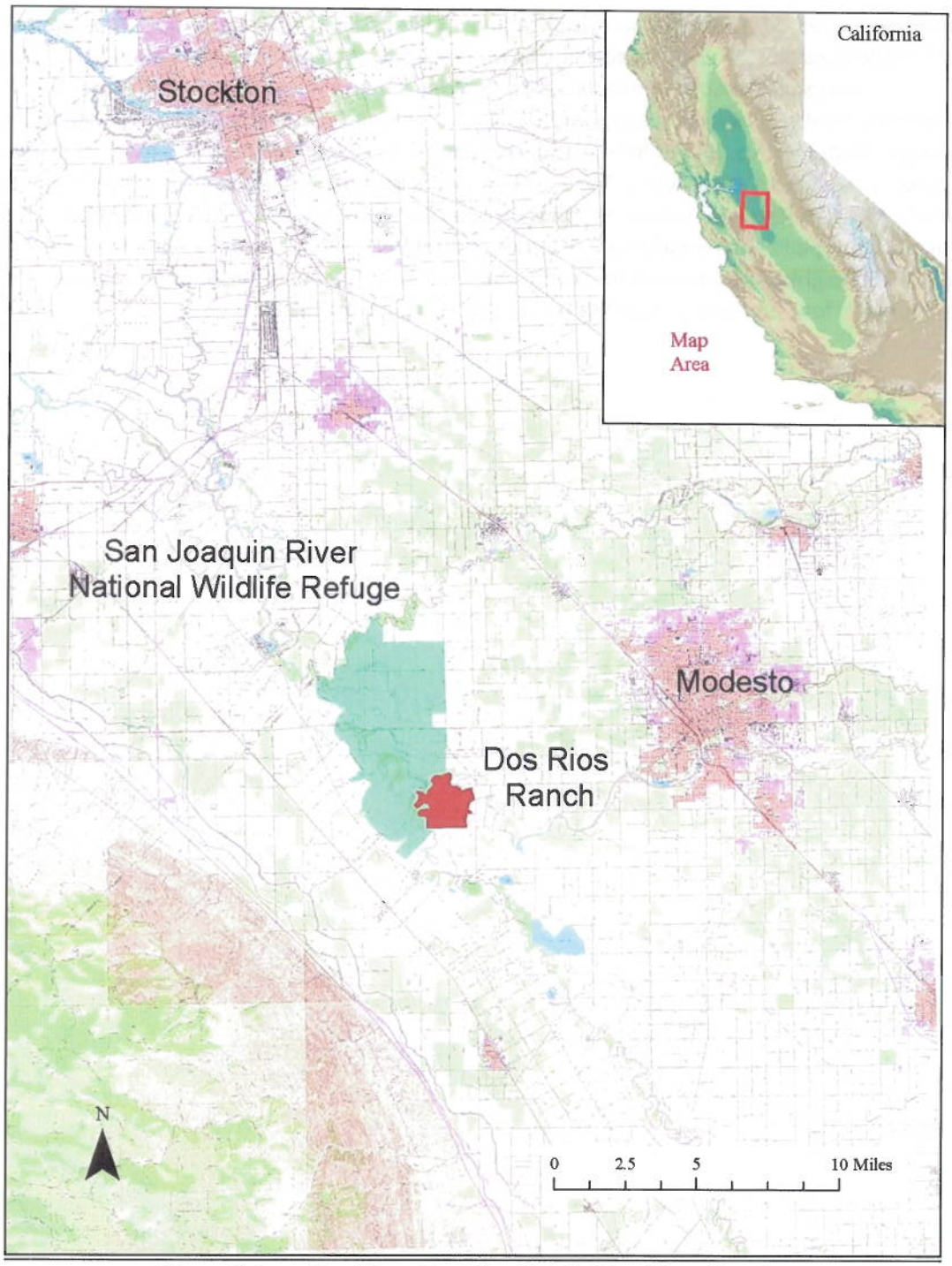

Figure 1. Location Map: Dos Rios Ranch, Stanislaus County

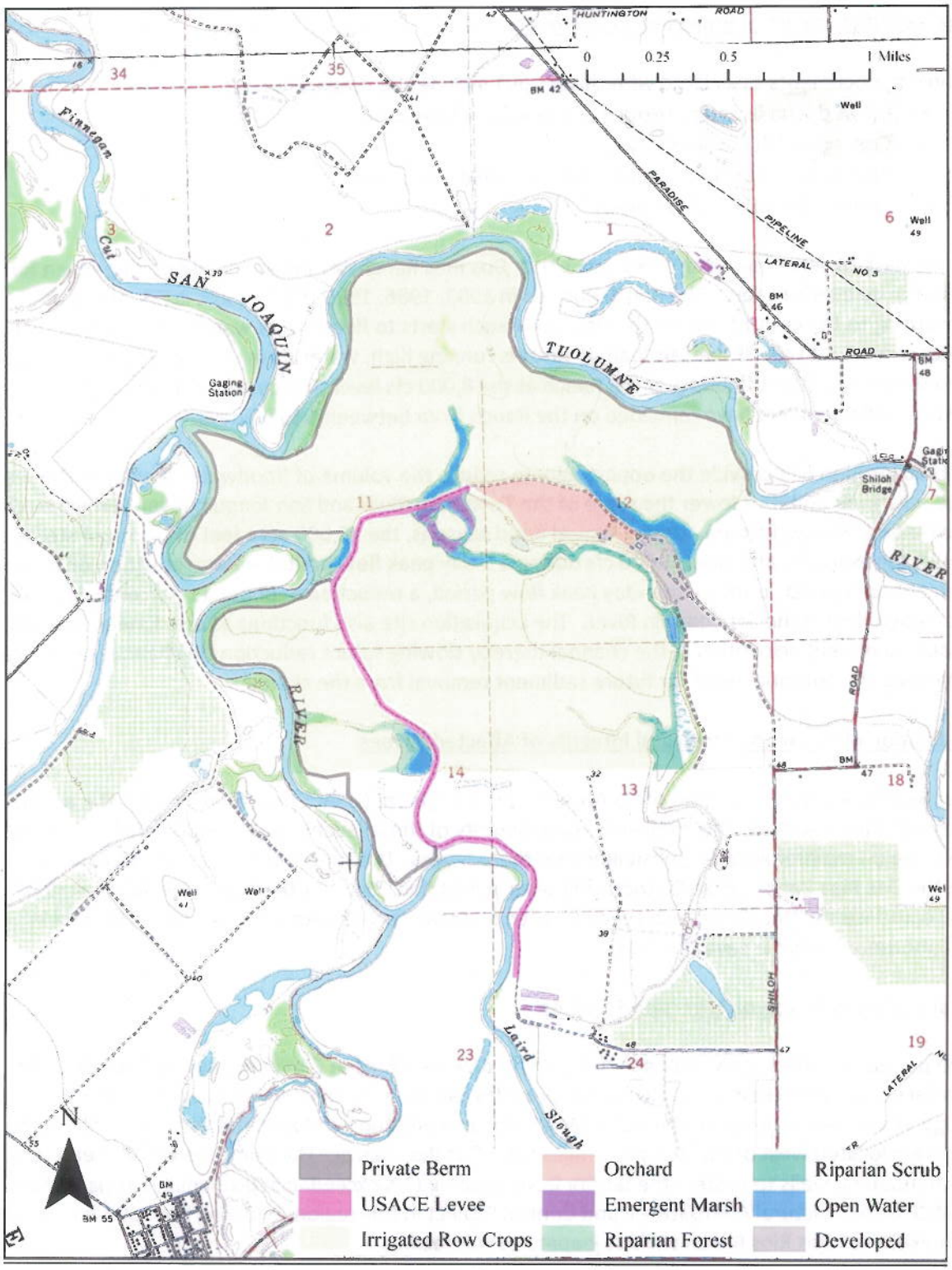

Figure 2. Existing Conditions Dos Rios Ranch

Evaluation of Impact of Project on Floodwaters

Planning documents associated with this project include the preparation of:

- CEQA documentation (Notice of Exemption filed 2008),
- Conceptual Restoration Plan,
- Plan to Minimize Impacts to Adjacent Landowners, and
- Preliminary Hydraulic Analysis.

In the past 28 years (between 1983 and 2011), Dos Rios Ranch has experienced flooding seven times, about once every 4 years. The Ranch flooded in 1983, 1986, 1995, 1997, 2005, 2006, and 2011. According to the current owner, the Dos Rios Ranch starts to flood when water levels on the Tuolumne River reach 5,500 cfs. If the San Joaquin River is running high, water from the Tuolumne River backs up and begins significant flooding of the Ranch at the 8,000 cfs level. The current owner reports that, historical floodwaters have remained on the Ranch from between 5 to 60 days.

This acquisition will provide the opportunity to reduce the volume of floodwater flowing in the main river channels and thus lower the stage of the Tuolumne River and San Joaquin River during floods both upstream and downstream. During typical flood seasons, the 10,000 acre feet of transient storage could, for example, attenuate 1,000 cfs during a 5-day peak flow period, a flow reduction of about 2.2 percent; or 5,000cfs during a one-day peak flow period, a reduction of about 11 percent of the 45,000 cfs design flow in the San Joaquin River. The acquisition site also functions as a sediment trap which will reduce sediment deposition in the channel thereby slowing future reductions in channel capacity and deferring the potential need for future sediment removal from the channel.

Evaluation of Impact on Structural Integrity of Affected Levees

Dos Rios Ranch hosts 1.5 miles of US Army Corps of Engineer (USACE) certified levees. The acquisition of Dos Rios Ranch will not affect the structural integrity of these levees. As the landowner, River Partners will take on maintenance responsibilities for these levees. Dos Rios Ranch and one adjacent parcel make up the Dos Rios Ranch Levee District. Following acquisition, River Partners and one adjacent landowner will comprise the Dos Rios Ranch Levee District, and maintenance activities will be performed in collaboration with the Levee District.

Evaluation of Impacts on Diversion Facilities

The project is immediately opposite the point of diversion for the 2-mile intake canal for the West Stanislaus Irrigation District (WSID) which provides San Joaquin River water to over 30,000 acres of irrigated farmlands between the Delta Mendota Canal and the San Joaquin River. The WSID pump house is located west of the Refuge, 2 miles from Dos Rios Ranch. The pump house has been retrofitted with retaining walls to protect the facility from flooding (1% exceedance probability) as part of the USACE Non-Structural Alternative Flood Control Project in this region following the 1997 floods. The acquisition of Dos Rios Ranch will not jeopardize this facility.

Evaluation of Impacts on Current and Historic Agricultural Practices on the Project Site and in the Vicinity

This acquisition project will not immediately impact current and historic agricultural practices on the project site and in the vicinity. Immediately following property acquisition River Partners will contract

with a lessee to continue wildlife friendly farming operations until habitat restoration funding and permits are secured. Farming practices will be performed in a wildlife-friendly way to optimize habitat value for birds and other wildlife. Continued farming of the property until restoration funding is secured will limit the establishment and spread of invasive weeds on the project site, provide added protection against theft and vandalism, limit degradation of the existing irrigation infrastructure (which will be used in the restoration), and soften the economic transition for existing tenants. The approximately 1,150-acre portion of Dos Rios Ranch that will be encumbered with a NRCS WRP Conservation Easement will continue to be farmed until restoration funding is secured and a restoration plan is approved. If restoration funding and permitting is not secured, these lands will be required by NRCS to remain fallow. The approximately 450-acre portion of the land not under NRCS Conservation Easement will remain in open space and will be used for continued wildlife friendly farming, public access, habitat restoration, or a mix of these uses subject to the terms of the easement on that property

Evaluation of Impacts on Timber Extraction Operations

This project will not impact any timber extraction operations.

Evaluation of Impacts with Regard to Maintenance

Upon acquisition, River Partners will own the site in fee title and the NRCS will hold a WRP perpetual conservation easement over the majority (approx. 1,150 acres) of the 1603-acre ranch. River Partners will be responsible for maintenance of the site and will share habitat restoration and maintenance responsibilities with NRCS until the habitat restoration work is complete. Upon completion of the habitat restoration work, River Partners will transfer the Ranch to an appropriate State or federal agency for perpetual protection.

Maintenance activities proposed during River Partners' tenure as property owner include:

1. The property will be patrolled and inspected by River Partners staff and tenants, California Department of Fish and Game wildlife wardens, and other law enforcement as possible on an ongoing basis (at least weekly) to ensure damage is not done to the lands by illegal dumping of garbage, off-road vehicle use, illegal hunting, etc. Fencing and signage may be provided on an as-needed basis.

2. Exotic weeds will be managed on the property to minimize the potential for infestations establishing from the spread of weeds from or to adjacent properties. Depending on the location, this will be accomplished using an approved herbicide, along with hand-pulling, and disking. Herbicides will be applied in accordance with county, State, and federal regulations. All vegetation will be managed in a manner consistent with maintaining and restoring high value wildlife habitat and protecting and enhancing populations of sensitive biological resources, including avoidance of take of all federal- and state-listed species under the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA). The project is designed to restore native habitat and will provide increased habitat for sensitive biological resources.

3. River Partners will ensure that vegetation on the project site is thinned sufficiently to minimize impacts to adjacent landowners while retaining conveyance capacity sufficient to pass a 1 in 100-year flood or as permitted by the Central Valley Flood Protection Board. Management

standards will be based upon hydraulic models to be developed in the planning phase for restoration.

4. Maintenance of restoration aspects of the project will be conducted by River Partners, as landowner. A formal **Restoration Plan** and associated hydraulic analyses will be prepared as part of the permitting process along with a **Long-Term Operations and Maintenance Plan**. These plans will include detailed information regarding implementation and maintenance activities, avoidance protocols for sensitive biological resources, and will include a specified period of time and restoration phasing schedule to allow for the successful establishment of the restoration project.

All costs for maintenance will be paid by the project partners including River Partners and restoration funders who may include NRCS, the U.S. Bureau of Reclamation, United States Fish and Wildlife Service (USFWS), and other agencies and funding programs.

Conclusion

The acquisition of Dos Rios Ranch by River Partners will not adversely impact adjacent landowners, facilities, or impact adjacent landowners' agricultural productivity. Immediately upon closing of the acquisition, River Partners will assume maintenance responsibilities for the property including securing the property from theft, vandalism and trespassing; and managing vegetation for the benefit of wildlife, while maintaining flood conveyance capacity. Prior to initiation of any further actions at Dos Rios Ranch, a formal restoration plan, hydraulic analysis, and long-term operations and maintenance plan will be completed, and all required permits will be obtained. These plans will include a detailed assessment of considerations to minimize impacts to adjacent landowners related to proposed actions. The detailed assessment of considerations to minimize impacts to adjacent landowners will be undertaken and will be incorporated into a future revision of this plan before any physical changes are made to the existing property other than normal and customary farming operations.

References

For more information, please refer to the following documents

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Public comment period: December 1, 2010 – December 30, 2010.

No comments received.

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