CHAPTER 7
PUBLIC INVOLVEMENT

Levee break (right, middle) near County Road 102 (background) in 1983.

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Throughout the study, the Corps has closely coordinated with the non-Federal cost-sharing sponsor, the Reclamation Board of the State of California (Board). On September 13, 2000, the lower Cache Creek feasibility study team, consisting of representatives from the cost-sharing partners, began meeting weekly to discuss major management decisions in accordance with the Feasibility Cost Sharing Agreement.

On March 23, 1999, the City of Woodland Public Works staff recommended creating an advisory body to assist in the evaluation of flood effects, flood damage reduction plans, and methods of funding improvements to assist in dealing with Woodland's flood threats. The task force is composed of members of the Woodland City Council, City Mayor and Deputy Mayor, an Association of General Construction member, a member of the Cache Creek Conservancy, two Woodland Chamber of Commerce members, and three citizens at large. The City of Woodland Flood Plain Task Force helped identify measures for the initial screening process. On February 8, 2001, task force members were presented with the evaluation of the five preliminary plans.

The project team, composed of representatives from the Board, the Corps and the City of Woodland, began meeting on February 9, 2000, and continued monthly meetings to discuss design and project feasibility. The Corps and the Board held various meetings to coordinate concerns of Yolo County Calfed, the gravel mining industry, the Central Valley Regional Water Quality Control Board, the California Northern Railroad, Caltrans, National Marine Fisheries Service, Yolo County Farm Bureau, Sacramento Valley Farm Credit Bureau, and individual stakeholders.

Agency and public involvement and coordination is indicated in Chapter 5 of the EIS/EIR.

PUBLIC INTEREST

The Corps published a Notice of Intent (NOI) to prepare the draft EIS in the Federal Register on May 5, 2000. The Board delivered a Notice of Preparation to the California State Clearinghouse on June 11, 2000.

On May 30, 2000, the City of Woodland, the Board and the Corps hosted a public meeting to solicit public input on flood damage reduction, environmental, and cultural resources issues along lower Cache Creek. The same hosts organized another public meeting on May 31, 2001, to discuss FEMA flood maps and the Corps' flood damage reduction plans and to invite public participation in the flood management process.

The Corps and the Board met numerous times with public and private parties to identify and discuss concerns, tailor actions, and expand insight into the flood management process. Public and private entities included private landowners, a private gravel mining company, and Sacramento and Yolo County Farm Bureaus.

This project was heard at a public meeting before the Board on December 21, 2001. Members of the public, as well as other public and private entities, were invited to express concerns during the proceedings.

COMMENTS ON THE EIS/EIR

A Notice of Intent (NOI) for a Draft Environmental Impact Statement for a Proposed Flood Reduction Investigation in Yolo County, California, was published in the Federal Register on May 5, 2000. Also, a Notice of Preparation (NOP) of a Draft Environmental Impact Report was submitted to the Office of Planning and Research, State Clearinghouse, on June 11, 2000. No comments were received on either the NOI or NOP.

A notice of availability of the Draft EIS/EIR was published in the Federal Register on March 21, 2003. The draft was distributed for public review on March 21, 2003. A public workshop was also held during the 45-day review period to provide additional opportunities for comment on the Draft EIS/EIR. All comments received by May 6, 2003 were incorporated into the Final EIS/EIR, as appropriate.

RESPONSES TO FREQUENTLY ASKED QUESTIONS

INTRODUCTION

During the process of identifying, screening, and evaluating potential measures to reduce flood damages to the Woodland area, a number of questions have been asked by interested parties, members of the community, and public agencies. Questions that are of a general nature and that may be of interest to affected parties are listed below with a short response. Answers to the listed questions have been prepared to provide readers with readily available answers to some of the more frequently raised questions that have been asked during the course of investigations.

EXTENT OF FLOODING AND EFFECTS

Questions and Answers

1. What is the likelihood of flooding under current conditions?

The existing Cache Creek levee system was designed to safely handle a flow with about a 1 in 10 chance of occurring in any year (a 10-year flood event of about 30,000-cfs), but historically the system has handled up to 36,000 cfs (about 1 in 20 chance event), so the existing system is believed to contain a flood with a frequency of about 1 in 10 to 1 in 20.

2. Why is this flood protection project necessary; Woodland has never been flooded.

Although the city of Woodland has never been flooded from floods on Cache Creek, a portion of what is now part of Woodland was flooded in 1983 due to a levee

break, and in 1955, overflow from Cache Creek came within one block of the city. Also, it has been determined that portions of the city are at risk of being flooded from storms having a greater flow than one having a 1 in 20 chance of occurring in any given year. FEMA, the Corps, the City, and others have conducted studies that have concluded that portions of the city are at risk of flooding from events above the capacity of the existing levee system.

3. What does 100-year protection mean?

The 100-year flood is a flood that has an average annual recurrence frequency of 1 in 100, 0.01, or a 1 percent chance of occurrence in any year. FEMA and the Corps have determined that a project that reliably contains a 1 in 100 chance flood would provide 1 in 100 chance protection.

4. Would Woodland be out of the FEMA 1 in 100 chance flood plain over the project life?

There is a high likelihood that the Lower Cache Creek Flood Barrier Plan or the Modified Wide Setback Levee Plan would continue to be certified to contain the 1 in 100 chance FEMA flood throughout the project life. It is possible, but unlikely, that climate change, very unusual weather patterns, or a significant change in FEMA policy could cause the projects to become uncertified.

5. What flood effects would result from the construction of the LCCFB Plan on the agricultural lands north of the flood barrier?

The results from hydraulic analysis show that the effect varies from no effect in the west to significant effect in the east. The western area is subject to shallow flooding, and the LCCFB Plan would not change that condition. Areas near the LCCFB would experience an increase in flood depth, but no significant increase in duration. The eastern area near the settling basin would experience a significant increase in depth and duration of flooding. See Chapter 6 for more detail.

6. Would the LCCFB Plan create a "de facto bypass" over the 5,000 to 6,000 acres of land between the LCCFB levee and Cache Creek?

No. A flood bypass such as the Yolo Bypass is designed to flood frequently. The area north of the LCCFB would not flood frequently, and over the vast majority of this area, no changes to frequency of flooding are planned as part of this project.

7. How often would ponding occur in the area just west of the settling basin – the area called the "pond" area?

No change to the frequency of ponding is anticipated. Heavy rains cause local runoff ponding under current conditions, and this project would not change that. If a severe rainstorm causes the existing Cache Creek levee system to fail or be overtopped, depending upon the volume of water that escapes from the creek, ponding could occur in the "pond" area. It is believed that the frequency of this occurring has about a 1 in 10 to

1 in 20 chance of happening in each year. Under post-project conditions, the spatial extent of ponding will change, and some areas along the fringe of the ponding area will experience a change in the frequency of flooding.

8. How does the LCCFB operate in a flood event?

In a major flood event such as a 1 in 50 chance flood, water would be expected to escape from the existing Cache Creek levee system at the upper end of the system near the gravel mines and CR 97A and flow toward the east. After flowing across the area north of the LCCFB, the water would collect just west of the settling basin. When the floodwater reaches the elevation of the inlet weir to the settling basin (45 feet msl [NAVD88]), it flows into the basin and then through and out into the Yolo Bypass. The water would reach a maximum pond elevation of about 50.5 feet during the 1 in 100 chance/year flood event, see Figure 6-10. Once the main floodflow has drained out over the weir, ponded water would remain for an extended period of time. The pond would eventually be drained through the settling basin via low-level culverts (a box culvert draining into the settling basin) and a pipe culvert draining into the North Canal that leads to one of the City's pump stations. See Chapter 6 for more detail.

9. Why does the LCCFB Plan not attempt to enhance the flood protection of the areas north of Cache Creek? In addition to agricultural land, the town of Yolo is in this area.

Flood damage reduction projects are planned primarily on economic principles. Agricultural land, low density of structures, and very small towns do not incur as much total economic loss as would a city such as Woodland. Woodland, having a large number of structures at risk of flooding, justifies a greater investment in flood protective measures than low density and agricultural areas.

10. How often would I-5 be flooded with the LCCFB Plan?

There would be no change of I-5 flooding from existing conditions. I-5 has a 1 in 10 to 1 in 20 chance of flooding now and would have the same risk with the LCCFB Plan. It is important to note that under post-project conditions, I-5 would only be inundated for a relatively short duration following large flood events. Under existing conditions, I-5 east of Woodland would be flooded for extended periods of time.

11. What are the velocity and erosion effects of the LCCFB Plan on agricultural land north of the LCCFB?

There should be no significant change in flow velocities or erosion on agricultural lands north of the LCCFB. Water in some areas would pond deeper, but not move faster.

12. Would a project on Cache Creek with a 1 in 40 or 1 in 50 chance design flow remove Woodland from the FEMA 1 in 100 chance flood plain?

No. Levee would still fail during a 1 in 100 chance flood.

PROPOSED FLOOD CONTROL STRUCTURES

Questions and Answers

1. Why can't the Cache Creek channel just be cleaned out and widened as necessary to allow more water to flow through?

If the channel is cleaned out and all vegetation removed, the capacity would still not be sufficient to convey major floodflows such as the 1 in 100 chance flow. Also, environmental regulations make clearing of the channel a very difficult and costly plan.

2. If the LCCFB Plan were chosen, would DWR continue to maintain and repair the existing levee system?

Yes, the existing levee system would not be removed or deauthorized if the LCCFB is constructed. DWR would continue to maintain the system as required by law and agreements with the Corps.

3. What is the plan for the settling basin when it fills up with sediment?

Prior to the settlling basin filling with sediment, the outlet weir will be raised to maintain sediment trap efficiency, and the settling basin should continue to operate as designed for the remainder of its project life. The settling basin is only a temporary solution; therefore, the long-term future of the settling basin is unknown. Future planning will be needed to determine what will be done after the current settling basin's life cylce is exceeded.

ENVIRONMENTAL ISSUES

Questions and Answers

1. It is mentioned that Cache Creek has relatively high levels of mercury-laden sediments and boron. How much of these sediments would be deposited on the agricultural area if the LCCFB Plan is implemented? Would this pose a significant health threat?

In regard to mercury, no significant change from pre-project conditions is expected as a result of the LCCFB Plan. The land would flood regardless of whether the LCCFB is constructed. Although the LCCFB Plan would still allow deposition of mercury-containing sediments on the flooded agricultural land, the primary health concern is the incorporation of the substance into high tropic level (high on the food chain) fish species. Mercury deposition on agricultural land would not pose a significant health risk. Mercury deposition on agricultural lands has not been an issue in the settling basin where ponding occurs almost annually.

2. If a significant amount of debris and sediments are deposited on private property during flooding conditions, what sort of compensation would be given? Who is going to finance and be responsible for removing debris and sediments?

It is expected that this would be the responsibility of the respective landowners on which such materials are deposited. Since the LCCFB would prevent floodwaters and debris from entering lands south of the LCCFB, it would to some extent increase the amount of debris that is deposited on the lands north of the LCCFB. It is expected that most of the debris would be deposited in the area between CR 101 and the west settling basin levee. However, the LCCFB Plan would not increase the frequency of floodwaters escaping from the creek; hence, in comparison to pre-project conditions, this plan is not expected to significantly change the amount of debris or other substances deposited. Acquisition of a flowage easement in the area subject to significant ponding has been included in the plan and provides compensation for increased flooding and debris deposition.

REAL ESTATE AND MITIGATION

Questions and Answers

1. In other areas of Sacramento, project sponsors have been required to fully mitigate for any adverse change in existing conditions along, and upstream or downstream, from the project. Would the Corps be taking this approach for the Cache Creek project?

Mitigation of upstream and downstream changes is a complex and ever-changing issue that is highly dependent on the parties involved and the specifics of each case. Corps, DWR, and SAFCA projects have frequently included mitigation measures that address to "some extent" upstream and downstream effects of proposed projects. The primary purpose of the EIS/EIR is to identify and define project effects and mitigation measures. The Corps is doing this in both the Feasibility Report and Draft EIS/EIR, which are expected to be issued for agency and public review and comment in the fall of 2002.

2. What is being proposed to mitigate effects on prime farmland? Does the proposal meet Yolo County's farmland preservation plans?

Various project plans have been identified and evaluated. These plans have different significant effects on prime farmlands (acreages, specific farms, and types and severity of effects). No specific mitigation measures are presently included in the final two plans (LCCFB Plan and Modified Wide Setback Levee Plan) being evaluated that specifically address effects to prime farmlands or the county's preservation plans.

3. Is the LCCFB Plan causing or increasing the flooding of existing structures? Should the plan include flood proofing of these structures?

The LCCFB Plan does include the flood proofing of some structures deemed to be significantly affected and where such flood proofing is cost effective. When flood proofing is not effective or the cost of flood proofing is excessive, significantly affected structures would be purchased.

4. What compensation would landowners north of the LCCFB receive for aggravation of existing flooding conditions, loss of development opportunities, loss of property values, increased farming costs, damages to orchards, or loss in productivity?

Compensation would be provided when affected properties and/or improvements are deemed to be of such an extent as to constitute a "takings" in terms of applicable law. See Appendix F.

5. Who would be responsible for making flood protection modifications to the houses? How would it be determined which homes would be protected?

The Corps and the project sponsors (DWR and the City of Woodland) would make decisions as to which properties would be considered as candidates for this particular form of mitigation. During the design of the project, the existing structures would be surveyed to determine the floor elevations, etc. This information would be used to identify which structures are at risk and need to be raised or protected from aggravated flooding. The landowners would be consulted and their wishes accommodated as much as possible in this process.

6. What is the process for resolving differences between whatever the Corps determines to be fair compensation and what property owners believe to be fair compensation for effects or loss of value?

Briefly, the process is as follows: DWR appraises the property, estimates the effects, and then negotiates price with the property owner. If these negotiations fail to determine an agreeable price, the acquisition would proceed into a condemnation process and a review board or State court process would decide on the price. More details are available at the following website: http://wwwdlrw.water.ca.gov

7. Would the Corps require flowage easements to be obtained from all flood plain landowners? What other types of easements would the Corps require the local sponsors to obtain?

The Corps is currently proposing to acquire occasional flooding easements from those property owners that would experience a significant adverse change in the depth, frequency, or duration of flooding. Easements for levees, channel improvements, permanent flowage, drainage facilities, and temporary construction activities would also be acquired from affected properties.

8. If the Modified Wide Setback Levee Plan is selected, portions of farmland between the levees would be lost. Would this land be purchased? Can farmers still farm the remainder of their land inside the levee? What if the farmer does not want to sell the land?

The land between the setback levees would be acquired as a permanent flowage easement (due to the increased depth, frequency, and flow velocities) and as an environmental easement. Currently, it is estimated that these lands would be acquired at full market value by DWR and would be used for environmental mitigation to some

extent. It is possible that a leaseback agreement could be included in some settlement agreements under some situations. If there is an unwilling seller and it is determined that a portion of his property is required for public purposes, then the courts would determine what compensation is required.

9. How much agricultural land is taken out of production with each plan? What is the definition of "taken out of production?" Does it include land inside the setback levee, or just levee footprints?

The land required for the various plans is indicated in Appendix F. Levee footprints as well as the lands between the setback levees are regarded as being taken out of production (the latter is due to aggravated flood conditions).

10. Would flooding associated with the LCCFB Plan negatively affect a landowner's ability to borrow money for farm operations?

It is the opinion of the Corps that farming viability would not be significantly affected by the LCCFB Plan. Thus, no effect on agricultural operations, including financing, is anticipated.

11. Would an occasional flowage easement be acquired over the 5,000 to 6,000 acres of land north of the flood barrier?

No. A flowage easement would be acquired only for the lands (approximately 1,800 acres) that could experience a significant amount of ponding. These lands must be sufficiently affected to constitute a "takings." See Appendix F for a discussion and definition of these terms. The criterion that is currently being proposed regarding the definition of a "taking" involves an evaluation of the frequency, depth, and duration of flooding at the property in question. Compensation would be provided to the owners of all lands that would be encumbered by flowage easements. This is usually a percentage of the current fair market value of the property.

12. Shallow flooding in the Yolo Bypass is more damaging than deeper flooding and requires releveling fields and rebuilding furrows. Would farmers be compensated for this effect?

Currently, no mitigation for this effect has been included in the project cost estimates. This effect would still occur under existing conditions (whenever floodflows escape from Cache Creek).

PLAN SELECTION

<u>Questions and Answers</u>

1. What are the NED and LPP plans, and how are they cost shared?

The NED Plan, or National Economic Development Plan, is the plan that is determined to be the plan with the greatest net benefits. It is the basis for cost sharing by

the Federal Government. The LPP, or Locally Preferred Plan, may be the same as the NED Plan, or it might be a different plan. The Federal cost share is limited to the cost share determined for the NED Plan. The manner in which cost would be shared (under the current congressional authorization) depends on a number of classifications and definitions. However, most of the construction costs would be shared approximately between the Corps (65 percent), DWR (24.5 to 17.5 percent), and the City (10.5 to 17.5 percent). Lands, easements, and relocations would be a non-Federal cost and could range up to 50 percent of the cost.

2. Doesn't Congress authorize plans that are not the NED Plan? If so, why can't the Modified Wide Setback Levee Plan be authorized as the LPP?

Plans other than the NED Plan have been authorized in the past, and it is possible that Congress could authorize full cost sharing for a more expensive plan.

3. Was upstream storage (a multiuse flood control and water supply facility) considered, and why was it not selected?

Upstream dams have been considered several times in the past, but have never been found to be cost effective. Water, power, and flood damage reduction dams on Cache Creek would be much more expensive than the levee plans proposed.

4. Have legal costs for lawsuits been included in the cost of the project?

The costs for the acquisition of the lands and rights-of-way needed to construct, operate, and maintain the project have been included in the contingencies in the real estate costs of the project. These costs include an allowance for legal actions that may be needed to acquire the easements for the project.

5. Have the flood benefits north of the creek been included in the Modified Wide Setback Levee Plan?

The flood reduction benefits of the Modified Wide Setback Levee Plan for the area north of Cache Creek have been included in the Draft Feasibility Report. These benefits increase the total benefits of this plan and were not included in the earlier drafts of the report.