



JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 950604070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

AGENDA: JUNE 15, 1999

June 9, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

SUBJECT: PAJARO RIVER FOUR-COUNTY BASIN STUDY

Members of the Board:

On March 23, 1999, your Board received the last status report on efforts to work cooperatively with Santa Clara, San Benito and Monterey Counties to address flood control problems in the Pajaro River Basin. Your Board directed that another status report be presented today.

Since the last report, your Board has adopted a Resolution of Support for Assembly Bill 807 introduced by Assembly Member Fred Keeley, which would create a Joint Powers Authority including the four counties. As indicated in our report accompanying the resolution (Exhibit "A"), Assembly Member Keeley introduced this proposed legislation again this year because little progress has been made toward a unified flood control effort with our neighboring upstream counties. Monterey County and the City of Watsonville have also adopted resolutions of support for the legislation, while Santa Clara and San Benito Counties have taken positions opposing the legislation.

A representative of your Board, together with County staff, attended a meeting in Sacramento on April 29, 1999, with Assembly Members Keeley and Frusetta, Senator McPherson and representatives from the other counties. At that meeting the positions of the counties were discussed. Assembly Member Keeley indicated his intent to proceed with the legislation unless the counties acted to take steps obviating the need for the legislation prior to its adoption. Since that time, Santa Cruz County in concert with Monterey County has initiated informal discussions with representatives from the upstream counties, but they have shown little interest to date in formalizing a relationship to address the Pajaro River flood control issues. Staff will continue to coordinate with our legislative representatives and neighboring counties over the coming months.

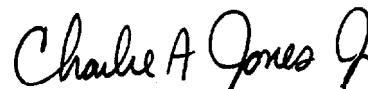
As indicated in previous reports, staff is also coordinating with Congress Member Farr's office in support of federal appropriations in the fiscal year 2000 budget for an Army Corps Four-County Basin Study. If this funding is approved, it could greatly assist in facilitating cooperative Pajaro River flood control efforts.

Finally, as your Board is aware, Planning Department and Public Works staff have begun to review and comment on environmental impact reports (**EIRs**) within the Pajaro River Basin in upstream counties (Exhibit "B"). These **EIRs**, related to development and other projects which will impact Pajaro River flood flows, will be reviewed for their adequacy in identifying and mitigating downstream flood control and water quality impacts.

In conclusion, as your Board is aware, quarterly status reports on these cooperative efforts with neighboring counties are also being presented to the Santa Cruz County Flood Control and Water Conservation District Zone 7 Board of Directors. It is recommended that future reports only be prepared for Zone 7 in order to reduce redundancy and to improve staff efficiency.

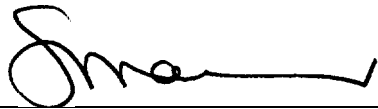
It is therefore recommended that your Board accept and file this report on cooperative efforts with neighboring counties to address Pajaro River flood control.

Yours truly,

For 
JOHN A. FANTHAM
Director of Public Works

PCR:bbs

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Congress Member Sam Farr
Assembly Member Fred Keeley
City of Watsonville, Public Works
City of Watsonville, City Manager
Public Works Department

PRFCB



JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

EXHIBIT "A" 483

AGENDA: APRIL 20, 1999

April 16, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

70 1 Ocean Street
Santa Cruz, California 95060

SUBJECT: PAJARO RIVER FOUR-COUNTY BASIN STUDY

Members of the Board:

As your Board will recall ~~from~~ the many reports over the past year, last year Assemblymember Fred Keeley introduced **Legislation** (AB 1986) which would have created a Joint Powers Authority comprised of the four counties, the City of **Watsonville** and specified water agencies with jurisdiction over the Pajaro River watershed basin. The legislation was withdrawn by Assemblymember Keeley after the various agencies, including Santa Cruz County, adopted resolutions agreeing to voluntarily work together to address issues related to flooding problems within the basin.

Last year efforts were also initiated by Congressman Sam Farr to include \$100,000 in the 1998/99 federal budget for a U. S. Army Corps of Engineers Pajaro River Four-County Basin "Reconnaissance Level" Study. This study was intended to assist in giving direction to the cooperative flood control efforts of the four-county agencies. **As** previously reported to your Board, this funding was unfortunately not included in the final 1998'99 federal budget and because of this and other reasons, little has been done by upstream counties on the four-county effort since an initial four-county meeting held July 30, 1998.

As your Board is aware, the Santa **Cruz** County Flood Control and Water Conservation District, Zone 7, Santa Cruz **County**, the City of **Watsonville** and the Monterey County Water Resources Agency have been working with the California Water Commission and Congressman Farr's office to see that necessary federal funding for all three Pajaro River Army Corps projects, including the Four-County Basin Study, is made available in the 1999/00 federal budget. Our most recent letter to Congressman Fan is attached (**Attachment I**). In addition, we have continued to coordinate with **Assemblymember Keeley's** office on this issue. Last week we

were informed that Assemblymember Keeley has reintroduced last year's bill, now AB 807 (Attachment II), addressing Pajaro River Four-County Basin flooding problems. AB 807 will be considered by the Assembly Local Government Committee on Wednesday, April 21, 1999.

Staff believes a Pajaro River Four-County Basin Study is needed to address four major issues: to quantify the impacts of future development within the basin on peak flows of the Pajaro River and to identify mitigation measures; to quantify impacts of upstream flood control projects and channelization on downstream flood control facilities and to identify mitigation measures; to identify needed flood control improvements along the Pajaro River and the major tributaries within the four counties; and to identify cooperative management strategies for existing and future facilities such as dams, levee systems, etc. to minimize peak flows in the Pajaro River. A collaborative effort by the four counties and other agencies with jurisdiction over the Pajaro River basin is the most effective way to address these issues. Pursuing passage of AB 807 is a key element of insuring such multi-agency cooperation. The Assemblymember has requested letters of support from local agencies, if possible, on or before the April 21, 1999, committee meeting. The City of Watsonville and the Monterey County Water Resources Agency have both indicated they plan to send letters of support.

It is therefore recommended that your Board adopt the attached resolution (Attachment III) of support and authorize the Chairperson to transmit the resolution to Assemblymember Keeley's Sacramento Office.

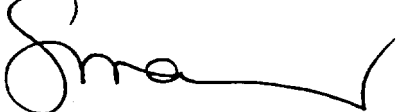
Yours truly,

Charlie A. Jones Jr.
For JOHN A. FANTHAM
Director of Public Works

PC-R: bbs

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

copy to: Congressman Sam Farr
Assemblymember Fred Keeley
Zone 7 Board of Directors
City of Watsonville, Manager
Monterey County Administrative Office
Monterey County Water Resources Agency
Santa Clara Valley Water District
County Administrative Office
Public Works Department



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

WALTER J. SYMONS
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

March 29, 1999

Congress, Member Sam Farr
1117 Longworth House Office Building
Washington, D.C. 20515

RE: PAJARO RIVER FLOOD CONTROL

Dear Congress Member Farr:

We are writing to request your continued assistance in assuring that necessary appropriations are included in the year 2000 budget to address flooding problems along the Pajaro River in Santa Cruz and Monterey Counties.

There are currently three U.S. Army Corps of Engineers projects which local agencies are supporting. These projects are each at a different phase of development. The attached **Summary** of Pajaro River Flood Control Projects describes the projects, their current status and the appropriations needs associated with each. Initiating the Expedited Reconnaissance Phase on **the Pajaro River Mainstem** Project and completing design work on **the Salsipuedes/Corralitos Creek** Project are critical first steps. The Four County Basin Study will deal more with long range flood control strategies as opposed to addressing immediate flood control needs.

As you are aware, numerous flood events have occurred in recent years, resulting in millions of dollars in damage and the expenditure of millions of dollars in Federal Army Corps **flood fight** funds. Ensuing lawsuits are **threatening to cripple local** flood control agencies. It is essential that projects to increase the level of flood protection on **the Pajaro River Mainstem** and **Salsipuedes/Corralitos Creek** **proceed** without delay. Two additional attachments provide important information regarding local funding concerns (Pajaro **River Flood** Control - Strategies and Issues) and general historical/project information (Pajaro River Flood Control - Background and Cost Summary).

The U.S. Army Corps of Engineers San Francisco District has indicated they have the capability to **proceed** on the Pajaro River **Mainstem** Expedited Reconnaissance Phase under existing congressional authorizations if the necessary \$100,000 in appropriations is made available. Similarly, the Corps indicates **they need** \$500,000 in additional appropriations to complete design work associated with the **Salsipuedes/Corralitos Creek** Project. We are very hopeful that these **appropriations** can be approved with your assistance.

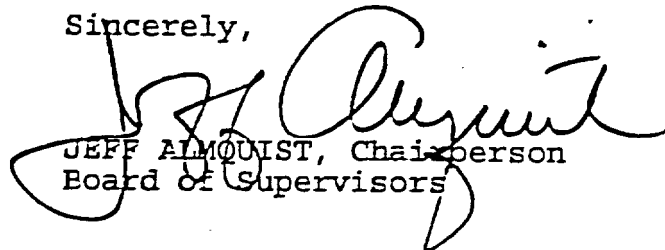
March 29, 1999
Page 2

Army corps District staff recently discussed the possibility of addressing the **mainstem** and basin studies under one initial appraisal report. However, Santa Cruz County believes that the envisioned scopes of the two studies are substantially different and that combining the two could result in significant delays in development of the **mainstem** alternatives and subsequent construction of the needed flood control improvements. Such a delay would be unacceptable to Santa Cruz County.

It is important to note that numerous local agencies including San Benito, Santa Clara, Monterey and Santa Cruz Counties, as well as the cities of Watsonville, **Gilroy**, Morgan Hill and Hollister, the Santa Clara Valley Water District, the San Benito County Water District and the Santa Cruz County **Flood Control** and Water Conservation District have all adopted resolutions supporting **addressing** Pajaro River flood control problems.

We would like to take this opportunity to thank you and your staff for all of your valuable assistance to date in moving these projects forward to the point where they are now. We also thank you in advance for your assistance with these current matters. Please feel free to contact me at 831-454-2200 or Peter **Cota-Robles**, Pajaro River Flood Control Coordinator, at 831-454-2816 if you have any questions or need additional information.

Sincerely,


JEFF ALMQUIST, Chairperson
Board of Supervisors

JA:ted
Attachments

cc: Congress Member Farr, Santa **Cruz** Office
Assembly Member Fred **Keeley**
Monterey County Water Resources
Monterey County
Santa Clara Valley Water District
Pajaro Valley Water Management Agency
City of Watsonville
County Administrative Office
Public Works

1386A6

County of Santa Cruz
Flood Control & Water Conservation District Zone 7
Summary of Pajaro River Flood Control Projects

Pajaro River Mainstem - In September 1998 the U.S. Army Corps of Engineers San Francisco District completed a "PAJARO RIVER Section 216 Initial Appraisal" which found that there "is potential Federal interest for flood control improvements to the Pajaro River Project". The Initial Appraisal recommends that the Corps "proceed to a Section 905 (b) Expedited Reconnaissance Phase, with study costs not to exceed \$100,000". The Expedited Reconnaissance Study would identify potential alternatives to increase the level of flood protection provided by the existing Pajaro River (mainstem) Levee System. **It is critical that the necessary \$100,000 be made available within the Army Corps' budget at the earliest possible time to move this project forward.**

Salsipuedes/Corralitos Creek - The Army Corps is preparing a "PAJARO RIVER General Reevaluation Report" for the Salsipuedes/Corralitos Creek tributaries. This report has reached the "F4 Milestone - Plan Formulation" where the Army Corps has identified the "NED Plan" providing the highest level of flood control conforming with Federal National Economic Development Act benefit/cost criteria. Locally, the SCCFC&WCD Zone 7 concurs the NED plan is the Locally Preferred Alternative. The Army Corps San Francisco District proposes to complete the GRR over the next 12 to 24 months and indicates current funding is not sufficient to complete this work. When the GRR is completed in mid 2000, the Corps will also require funding for the final plans and specifications, as well as construction appropriations. Local match funds will also need to be committed in mid 2000. **It is critical that sufficient funds (the Corps currently estimates \$500,000) be appropriated in the year 2000 budget for completion of the GRR.** Additional appropriations of an estimated \$24 million for construction in the year 2001 and 2002 budgets will also be critical.

Pajaro River 4-County Basin Study - Santa Cruz and Monterey County residents, agencies and elected representatives are concerned that development and other activities in the upper Pajaro River watershed are or will exacerbate local flooding problems. Over 90% of the Pajaro River's watershed is outside our downstream counties. It is requested that a Pajaro River Basin Initial Appraisal be conducted by the U.S. Army Corps of Engineers San Francisco District. The purpose of the study would be four-fold: to quantify impacts of future development within the basin on the peak flows of the Pajaro River and to identify mitigation measures; to quantify impacts of upstream flood control projects and channelization on downstream flood control facilities and to identify mitigation measures; to identify needed flood control improvements along the Pajaro River and the major tributaries within the four counties; and to identify management strategies for existing and future facilities such as darns, levee systems, etc to minimize peak flood flows in the Pajaro River, thereby maximizing the effectiveness of the many existing and proposed flood control projects. The Army Corps confirms it has the capability to initiate this work in the year 2000 and has estimated the study cost at \$100,000. Local agencies support inclusion of the necessary \$100,000 in the year 2000 Federal budget.

Pajaro River Flood Control

Strategies and Issues

Local Funding:

Currently, the key issue in achieving high level flood control along the Pajaro River and Salsipuedes/Corralitos Creeks is reducing the local share amount and identifying a source for "local" funds required to design and construct a project.

- Required local funds for the entire project (including Monterey County portions) are estimated at \$12 million to \$64 million depending on the level of flood control and the manner in which the project funding is approved on the Federal level (which will dictate "local" cost share amounts).
- "Local" funds can be provided by either the State or by local agencies.
- It is extremely **unlikely** that more than \$2 million to \$3 million can be generated in Santa Cruz County for local match costs due to limited bonding ability resulting from law suits and the limited financial resources of residents in the impacted area. Options for additional (limited) funds include formation of an assessment **district** on **benefitting** parcels (this would require election approval).

Alternate Project Approaches:

Staff has identified several ways in which local cost share **could** be reduced below the standard 65/35 Army Corps cost share requirement; none of them will be easy to achieve.

- *Project Deficiency:* If the Army Corps determines the original project to be **deficient**, a new project could be authorized based on the **original cost** share parameters (**100%** federal, excluding bridges, land acquisition, etc).
- *Negotiated Project:* A project could be approved by **Congress** under special **legislation** which would specify Federal funding, as well as a favorable local cost share, if any.
- *Expedited Standard Project* (with State assistance): **The standard** (expedited) project process could be followed if the State provides local **match** funds through a water **bond**, special legislation or subvention funding.

Next Steps:

- Work with the Army Corps to complete the design process for **50 to 100** year flood protection projects on Salsipuedes/Corralitos and the **Pajaro River Mainstem**.
- Work with local agencies and stakeholders to **finalize consensus** on a **preferred** final design for **both** Salsipuedes/Corralitos and the Pajaro **River Mainstem** projects.
- **Establish an active bipartisan coalition of local State and Federal elected officials to support, promote and sponsor the Pajaro River Flood Control Project approaches which maximize the percentage of state/federal flood control funding.**

Pajaro River Flood Control

Background and Cost Summary

Brief History:

- 1936 Federal Flood Control Act authorizes preliminary study by Army Corps.
- 1949 Levee system construction is completed.
- 1955 First flood event to overtop levees.
- 1963 Army Corps Interim Report identifies design deficiency.
- 1966 Federal Flood Control Act authorizes new project.
- 1974 Flood Control Alternatives Plan completed by Army Corps.
- 1975 Local farmers/residents speak out against proposed 100 year project.
- 1992 SCCFC&WCD Zone 7 is formed to generate maint. & local match funds,
- 1994 Army Corps Pajaro River Recon Study finds no + benefit mainstem project.
- 1995 Major flood event breaches levees; flows exceed design capacity
- 1995 Pajaro River Channel cleared above Highway 1
- 1997 Pajaro River levees resurfaced above Highway 1
- 1998 Most recent flood event
- 1998 Army Corps Gen Reevaluation Report finds 50 year mainstem proj cost effective
- 1999 GRR completed identifying Salsipuedes/Corralitos Creek project alternatives

Flood Protection Goal:

50 to 100 year level of flood capacity (0.2 to 0.1) recurrence interval

Current Capacity:

Pajaro River Mainstem: 22 to 25 year (4%) recurrence interval

Corralitos/Salsipuedes Creek System: Approx 8 year (12%) recurrence interval

Current Cost Estimates*:

Pajaro River Mainstem 50 Year Project:	\$42 Million (Sec 216 Initial Appraisal)
Local/State Cost:	\$21 Million

Pajaro River Mainstem 100 Year Project:	\$100 Million (Current Guestimate)
Local/State Cost:	\$50 Million

Corralitos/Salsipuedes Creek 70 Year Project:	\$24 Million (General Reevaluation Report)
Local/State Cost:	\$12 Million

Corralitos/Salsipuedes Creek 100 year Project:	\$41 Million (General Reevaluation Report)
Local/State Cost:	\$14 Million

* Cost estimates based on standard 65/35 Army Corps cost share formula w/ local agency responsible for bridge replacement, offsite mitigation, land acquisition, etc.

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 807

Introduced by Assembly Member Keeley

February 24, 1999

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Keeley. Pajaro River Watershed Flood Prevention Authority.

(1) Existing law authorizes specified entities to provide flood control benefits.

This bill would enact the Pajaro River Watershed Flood Prevention Authority Act, which would grant specified powers to the Pajaro River Watershed Flood Prevention Authority, as created by a specified joint powers agreement. The bill would require **specified** local **agencies** within the Pajaro River Watershed, and **authorize** the **City** of Watsonville, to enter into a joint powers agreement that is subject to the provisions of the bill, thereby imposing a state-mandated local program on those specified local agencies. The bill would require the membership, boundaries, purposes, and governance of the authority to be set forth in that agreement. The bill would require the **authority** to consist of specified public agencies, and other local agencies that are designated by the authority. In addition, the bill would declare that it is the intent of the Legislature that one representative of a geographic area within the Pajaro River

Watershed from each of the participating agencies serve on the board of the authority. The bill would **authorize** the authority to undertake flood prevention **and** control projects within the boundaries of the Pajaro River Watershed, as prescribed. The bill would authorize the authority to levy and collect assessments and special taxes and to sell bonds in accordance with prescribed procedures. The bill would define terms and prescribe related matters.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for state participation in specified watershed protection flood control projects.~~

~~This bill would make legislative findings and declarations relating to the Pajaro River Watershed.~~

Vote: majority. Appropriation: **no**. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature hereby finds and~~
- 2 **SECTION 1. The Legislature hereby finds and**
- 3 **declares all of the following:**
- 4 (a) The Pajaro River Watershed consists of more than
- 5 1,400 square miles of land. **Much** of the watershed is prime
- 6 agricultural and rangeland, providing a strong base for
- 7 the region's economy. **Much** of the land within the
- 8 watershed provides housing, employment, recreation,
- 9 and education opportunities for central **coast residents**
- 10 and visitors from throughout the state, nation, and world.
- 11 (b) The Pajaro River Watershed includes **portions** of
- 12 **San Benito, Santa Clara, Santa Cruz, and Monterey**
- 13 **Counties, and each of those counties is concerned** about
- 14 **the ability of its communities to sustain a high quality** of
- 15 **life with regard to agriculture, housing, commerce.**
- 16 **education, and environmental protection.**

1 (c) The Pajaro River Watershed includes numerous
2 streams, creeks, rivers, wetlands, and estuaries that form
3 the natural drainage system that directs rainwater to the
4 ocean. The Pajaro River Watershed also includes
5 numerous manmade water collection, drainage, and
6 water disposal projects and systems that also direct
7 rainwater to the ocean.

8 (d) The Pajaro River Watershed includes millions of
9 square feet of impervious surfaces, such as roads, parking
10 lots, homes, commercial and agricultural structures,
11 schools and playgrounds, all of which reduce the amount
12 of natural groundwater recharge that would otherwise be
13 available to reduce rainwater runoff.

14 (e) The Pajaro River Watershed includes flood control
15 structures, such as the Pajaro River levee system, that
16 were designed and constructed, in most cases, nearly 50
17 years ago. Those flood control structures are now proving
18 to be inadequate to protect the area's agricultural lands,
19 commercial, residential, and public sector buildings, and
20 environmental resources.

21 (f) The storms in the 1980's and 1990's have
22 demonstrated that no jurisdiction within the Pajaro River
23 Watershed has fully mitigated the impact of new
24 construction on the existing drainage and flood control
25 system.

26 (g) The lack of a local, intergovernmental,
27 cooperative governance structure for the Pajaro River
28 Watershed prevents a systematic, rational, cost-effective
29 program of flood control and watershed management
30 from being identified, funded, and implemented.

31 (h) It is the intent of the Legislature, through the
32 enactment of this act, to provide the leadership necessary
33 to enable the local governments and local residents of the
34 Pajaro River Watershed to exercise appropriate powers
35 to ensure that the human, economic, and environmental
36 resources of the watershed are preserved, protected, and
37 enhanced in terms of watershed management and flood
38 protection.

39 SEC. 2. This section shall be known and may be cited
40 as the Pajaro River Watershed Flood Prevention

1 Authority Act. It is intended to supplement the Water
2 Code and reads as follows:

3
4 **PAJARO RIVER WATERSHED FLOOD**
5 **PREVENTION AUTHORITY ACT**

6
7 **PART I. INTRODUCTORY PROVISIONS**

8
9 **CHAPTER 1. SHORT TITLE**

10
11 *101. This act shall be known and may be cited as the*
12 *Pajaro River Watershed Flood Prevention Authority Act.*

13
14 **CHAPTER 2. GENERAL PROVISIONS**

15
16 *201. (a) The need for coordinated planning, and the*
17 *implementation of strategies, for flood prevention and*
18 *control within the Pajaro River Watershed, and for the*
19 *protection of public and private property from those*
20 *waters may appropriately lead to the creation of the*
21 *Pajaro River Watershed Flood Prevention Authority.*

22 *(b) The purpose of the Pajaro River Watershed Flood*
23 *Prevention Authority is to identify, evaluate, find, and*
24 *implement flood prevention and control strategies in the*
25 *Pajaro River Watershed, on an intergovernmental,*
26 *cooperative basis.*

27
28 **CHAPTER 3. DEFINITIONS**

29
30 *301. "Agreement" means the joint powers agreement*
31 *under which the Pajaro River Watershed Flood*
32 *Prevention Authority is formed, and any subsequent*
33 *amendments to it.*

34 *302. "Authority" means the Pajaro Riser Watershed*
35 *Flood Prevention Authority.*

36 *303. "Board" means the board of directors of the*
37 *authority, as established pursuant to the agreement.*

38 *304. "Incidental expenses" includes all of the*
39 *following:*

1 (a) *The cost of planning and designing projects*
 2 *pursuant to this act, including the costs of environmental*
 3 *evaluations and mitigation for those projects.*

4 (b) *The costs associated with the creation and*
 5 *administration of any financing arrangement author?,-ed*
 6 *by this act, including, but not limited to, the costs of*
 7 *creating or modifying assessment or special tax districts,*
 8 *the costs of collecting assessments and special taxes, and*
 9 *the costs arising from the issuance and administration of*
 10 *any bonds issued under this act.*

11 (c) *Any other expenses incidental to the construction,*
 12 *completion, inspection, financing, or refinancing of any*
 13 *authorized project, including relocation costs.*

14 305. *“Local agency” means any local public entity.*

15 306. *“Pajaro River Watershed” means the watershed*
 16 *area of the Pajaro River and its tributaries as described in*
 17 *the General Map of the Pajaro River Basin (Plate I), U.S.*
 18 *Army Corps of Engineers’ “Interim Report for Flood*
 19 *Control, Pajaro River Basin, California and Appendices, ”*
 20 *dated June IP63.*

21 307. *“Project” means the acquisition, construction,*
 22 *maintenance, or operation of any flood control or*
 23 *prevention facility authorized under the agreement and*
 24 *not inconsistent with this act, including, but not limited*
 25 *to, the acquisition of any right-of-way and payment of*
 26 *incidental expenses. Participation in a project includes*
 27 *making payments or other contributions pursuant to any*
 28 *contract entered into with another governmental agency*
 29 *that requires the other governmental agency to perform*
 30 *work on a project.*

31 PART 2. ORGANIZATION AND POWERS

32 CHAPTER I. MEMBERSHIP, BOUNDARIES, AND GENERAL 33 POWERS

34 401. (a) (1) *Except as specified in paragraph (2),*
 35 *the local agencies within the Pajaro River Watershed*
 36 *listed in Section 401.5 shall enter into a joint powers*
 37 *agreement, pursuant to Article I (commencing with*
 38

1 Section 6500) of Chapter 5 of Division 7 of Title I of the
2 Government Code, that is subject to this act.

3 (2) The City of Watsonville may enter into the joint
4 powers agreement described in paragraph (1).

5 (b) The membership, boundaries, purposes, and
6 governance of the authority shall be set forth in the
7 agreement. The agreement may be amended in
8 accordance with the provisions of the agreement as
9 initially signed or subsequently amended by its members.
10 Neither the agreement, nor any amendments to the
11 agreement, may conflict with this act.

12 401.5. (a) The authority shall include all of the
13 following agencies having jurisdiction in any part of the
14 Pajaro River Watershed:

15 (1) Monterey County.

16 (2) San Benito County.

17 (3) Santa Clara County.

18 (4) Santa Cruz County.

19 (5) The Zone 7 Flood Control District.

20 (6) The Monterey County Water Resources Agency.

21 (7) The San Benito County Water District.

22 (8) The Santa Clara Valley Water District.

23 (9) Other local agencies that are designated by the
24 authority in the agreement.

25 (b) It is the intent of the Legislature that one
26 representative of a geographic area within the Pajaro
27 River Watershed from each of the participating agencies,
28 including county representatives who represent districts
29 that include part of the Pajaro River Watershed, serve on
30 the board.

31 (c) Notwithstanding subdivision (b), the composition
32 of the board of the authority shall be determined by the
33 agreement.

34 402. The authority may undertake flood prevention
35 and control projects within the boundaries of the Pajaro
36 River Watershed.

37 403. Notwithstanding the purposes specified in the
38 agreement, the authority shall address the protection of
39 life, public and private property, agricultural crops,
40 watercourses, watersheds, environmental resources. and

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1 public highways within its boundaries from damage from
2 flood and storm waters. In addition, to the maximum
3 extent economically feasible and consistent with its flood
4 protection and flood management requirements and
5 with state and federal agreements, the authority shall
6 carry out its responsibilities in ways that provide for the
7 optimum protection of the natural environment,
8 especially riparian habitat and natural stream channels
9 suitable for native plant and wildlife habitat and public
10 recreation. Nothing in this act is intended to amend,
11 modify, or alter the provisions of the California
12 Environmental Quality Act (Division 13 (commencing
13 with Section 21000) of the Public Resources Code) or any
14 other state or federal laws whose purpose is to protect and
15 preserve the natural environment.

16 404. The authority, in furtherance of the purposes set
17 out in Section 403, may apply for state and federal flood
18 control funding.

19 405. The authority may assess each member agency
20 an amount sufficient to fund administrative costs
21 associated with the operation of the authority, including,
22 but not limited to, the costs of meeting notices, agendas,
23 and other administrative functions.

24 406. The powers conferred by this act are in addition
25 to the powers of the local agencies, and in no way
26 regulate, usurp, or otherwise abridge the powers of those
27 agencies. However, the local agencies within the Pajaro
28 River Watershed shall notify all other local agencies in
29 that watershed' and the authority prior to undertaking
30 flood control projects within the Pajaro River Watershed-

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32 PART 3. FINANCIAL PROVISIONS

33

34 CHAPTER 1. GENERAL FINANCIAL PROVISIONS

35

36 501. The authority may, in any year, levy assessments,
37 reassessments, or special taxes and issue bonds to finance
38 projects in accordance with, and pursuant to, the
39 Improvement Act of 1911 (Division 7 (commencing with
40 Section 5000) of the Streets and Highways Code), the

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1 *Improvement Bond Act of 1915 (Division 10*
 2 *(commencing with Section 8500) of the Streets and*
 3 *Highways Code), the Municipal Improvement Act of*
 4 *1913 (Division 12 (commencing with Section 10000) of*
 5 *the Streets and Highways Code), the Benefit Assessment*
 6 *Act of 1982 (Chapter 6.4 (commencing with Section*
 7 *54703) of Part I of Division 2 of Title 5 of the Government*
 8 *Code), the Integrated Financing District Act (Chapter*
 9 *1.5 (commencing with Section 53175) of Division 2 of*
 10 *title 5 of the Government Code), the Mello-Roos*
 11 *Community Facilities Act of 1982 (Chapter 2.5*
 12 *(commencing with Section 53311) of Part I of Division 2*
 13 *of Title 5 of the Government Code), and the Marks-Roos*
 14 *Local Bond Pooling Act of 1985 (Article 4 (commencing*
 15 *with Section 6584) of Chapter 5 of Division 7 of Title 1 of*
 16 *the Government Code).*

17 502. Notwithstanding the provisions of any
 18 assessment act that the authority is authorized to use, any
 19 assessment diagram that any of those acts requires to be
 20 prepared prior to final approval of the authority need
 21 show only the boundaries of any assessment zones within
 22 the authority. The diagram may refer to the county
 23 assessor's maps and records for a detailed description of
 24 each lot or parcel.

25 503. (a) Notwithstanding any other provision of law,
 26 the authority may levy and collect assessments and
 27 reassessments in the same manner as provided in Article
 28 3 (commencing with Section 51320) of Chapter 2 of Part
 29 7 of Division 15 of the Water Code, for any or all of the
 30 following purposes:

31 (1) For the operation and maintenance of projects of
 32 the authority.

33 (2) For the satisfaction of liabilities arising from
 34 projects of the authority.

35 (3) For the administration costs of the authority.

36 (4) To accumulate a fund that may be used to advance
 37 the cost of projects of the authority. However; the
 38 advances shall be repaid, with interest as determined by
 39 the board, from assessments, reassessments, special taxes,
 40 or fees charged by the authority pursuant to this act.

1 (b) For purposes of this section, the board shall
2 perform all the functions' assigned by Article 3
3 (commencing with Section 51320) of Chapter 2 of Part 7
4 of Division 15 of the Water Code to the board of
5 supervisors or the board of trustees.

6 (c) For purposes of this section, the board may order
7 the creation of a separate assessment roll to pay the
8 allowable expenses of any single project or any group or
9 system of projects.

10 (d) (1) Except as otherwise provided in paragraph
11 (2), to the extent practicable, the board shall expend
12 assessment revenues on projects within the boundaries of
13 any local agency within which those revenues were
14 collected, and a statement to this effect shall be set forth
15 in the agreement.

16 (2) Assessment revenues may be expended on
17 projects outside the boundaries of the local agency within
18 which the revenues were collected if all of the members
19 of the board that represent the local agency consent to
20 that expenditure.

21 (e) An assessment, reassessment, or special tax may be
22 imposed throughout the entire area of the authority, or
23 within a portion of the area of the authority that may, but
24 is not required to, include more than one county. No
25 assessment, reassessment, or special tax of the authority
26 may be imposed in any portion of a single county unless
27 the following conditions have been met:

28 (1) The board of supervisors of the county, and, if the
29 assessment, reassessment, or special tax is to be imposed
30 in Santa Clara County, the board of directors of the Santa
31 Clara Valley Water District, is a signatory to the
32 agreement and has adopted a written resolution that
33 authorizes the imposition of the assessment,
34 reassessment, or special tax.

35 (2) The imposition of the assessment, reassessment, or
36 special tax is in accordance with Articles XIII C and
37 XIII D of the California Constitution.

38 504. Notwithstanding any other provision of law,
39 Division 4 (commencing with Section 2800) of the Streets

1 and Highways Code does not apply to any assessment
2 levied by the authority.

3 505. (a) Notwithstanding any other provision of law,
4 all assessments, reassessments, and special taxes levied by
5 the authority may be collected together with, and not
6 separately from, taxes for county purposes. Any county
7 which is a member of the authority may collect, at the
8 request of the authority, all assessments, reassessments,
9 and special taxes levied by the authority and shall deposit
10 those revenues with the trustee appointed pursuant to
11 Section 801 to the credit of the authority.

12 (b) Each county may require that the amount to be
13 collected be increased to include a proportionate amount
14 of the county's reasonable collection and administrative
15 costs, not to exceed ten dollars (\$10) per installment for
16 each lot or parcel, as reimbursement for expenses
17 incurred by the county in collecting the assessment.
18 reassessment, or special tax, if that action is in accordance
19 with Articles XIII C and XIII D of the California
20 Constitution.

21 506. Notwithstanding any other provision of law, any
22 assessment or reassessment levied pursuant to this act
23 shall be apportioned on a reasonable basis, as determined
24 by the board, which may be based on land use category,
25 proportionate storm water runoff, relative hazard of
26 flooding, or infrastructure protection.

27 507. Notwithstanding any other provision of law, the
28 board may include within the authority's annual budget
29 a general unappropriated reserve fund not to exceed 25
30 percent of the total appropriations included in the
31 authority's budget, exclusive of all items for bond interest
32 and redemption, and the general appropriated reserve.
33 The reserve fund may be used for emergencies,
34 replacements, or other lawful purposes of the authority.

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CHAPTER 2. SPECIAL CAPITAL ASSESSMENTS

Article I. Formation of Zones

601. (a) As an alternative or in addition to any other power available to the authority, the authority may, in any year; levy and collect assessments and sell bonds pursuant to this chapter for any project, if that action is in accordance with Articles XIII C and XIII D of the California Constitution. These assessments shall be levied within any zone determined by the board to particularly benefit from a given project. Assessment areas may overlap.

(b) Subdivisions (d) and (e) of Section 503 apply to any assessment imposed for the purposes of this act.

602. Before undertaking any assessment pursuant to this chapter, the authority shall adopt a resolution declaring its intention to do so, briefly describing the proposed project, specifying the exterior boundaries of the area to be assessed, and providing for the issuance of bonds, if any. The resolution shall briefly describe any existing or intended contract with any other governmental agency to share in financing or performance of the work on the project. The resolution shall also direct an officer of the authority to prepare a report pursuant to Section 603.

603. The report shall include all of the following:

(a) A general description of the project.

(b) A name for the proposed assessment zone, which may be in the form "Pajaro River Watershed Flood Prevention Assessment Zone Number ____."

(c) An estimate of the cost of the project. If part of the cost is expected to be paid from contributions from other governmental agencies, the report shall include an estimate of the expected total amount of those contributions.

(d) A plan for financing the project, including a brief description of the principal amount and maturities of any proposed bonds, and of any reserve or other special funds required. The plan shall include estimates of the annual

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1 revenue needed to pay debt service on bonds and to pay
2 any other expenses arising in conjunction with the
3 project, including any amounts needed to replenish
4 reserve or other special funds.

5 (e) A specification of a method for annually
6 apportioning the estimated annual costs of the project
7 among the parcels in the area to be assessed, and a
8 method for determining the rate of **assessment**. The
9 apportionment shall be in proportion to the benefit
10 received by each parcel, as determined pursuant to
11 Section 506. The specification **shall** be in **sufficient** detail
12 to allow any property owner within the district to
13 determine the annual amount that he or she would have
1 4 to pay.

15 604. When the report is **filed** with the **authority**, the
16 board may at a public meeting, tentatively approve the
17 report and schedule a hearing on it not earlier than 30
18 days and not later than 90 days after the date on which the
19 report is tentatively approved. The hearing may be
20 continued for a period not to **exceed** six **months**. Notice
21 of the hearing shall be published pursuant to **Section 6066**
22 of the **Government Code** in a newspaper of general
23 circulation in the area proposed to be assessed, and the
24 **first** publication shall occur not later than 20 **days** before
25 the date of the hearing. The notice to be published shall
26 be entitled "Notice of Flood Prevention Assessment
27 Hearing" and shall include all of the following:

28 (a) The time and place of the hearing on the proposed
29 assessments and bonds.

30 (b) A general description of the proposed project and
31 the area proposed to be assessed.

32 (c) A statement that the authority is considering
33 levying annual assessments on lots or **Parcels** of **property**
34 within the **area** of the proposed zone to **pay** for the
35 project.

36 (d) A statement, if applicable; that the **authority is**
37 considering issuing bonds to finance the local share of the
38 cost of the proposed project.

39 (e) The name and telephone number of an employee
40 of the authority from whom a copy of the **report** can be

1 obtained and who can answer questions concerning the
2 project and the hearing. *The* authority may charge the
3 reasonable costs of reproduction for copies of the report,
4 and shall make copies available for free public inspection
5 at one or more public places within the area proposed to
6 be assessed.

7 606. Upon voter approval in accordance with Articles
8 XIII C and XIII D of the California **Constitution**, if the
9 board determines to hold an election, and *if* the board
10 determines ~~to proceed~~ with the levy and collection of
11 assessments and, if applicable, the sale of bonds, it shall
12 adopt a resolution confirming the report, as modified, and
13 ordering the levy of the assessments and, if applicable, the
14 sale of bonds.

15 607. (a) Upon adopting a resolution pursuant to
16 Section 606, the authority shall record a notice of
17 assessment whereupon the assessment shall attach as a
18 lien on the property assessed.

19 (b) From the date of the recordation of the notice of
20 assessment, each special assessment levied under this
21 chapter is a lien on the land on which it is levied. This lien
22 is paramount to all other liens, except prior assessments
23 and taxation. Unless sooner discharged, the lien continues
24 for 10 years from the date of the recordation or, *if* bonds
25 are issued to 'represent the assessment, until four years
26 after the date on which the last installment on the bonds
27 or the last principal coupon attached to the bonds is due.
28 All persons have constructive notice of this lien *from* the
29 date of the recordation.

30

31 Article 2. Levy and Collection of Assessments

32

33 701. The validity of any assessment levied or bond
34 issued under this chapter shall not be contested in ~~any~~
35 action or proceeding unless the action or proceeding is
36 commenced within one year after the assessment is
37 levied pursuant to Section 606. Any appeal from a *final*
38 judgment in such an action or proceeding shall be
39 perfected within 30 days *after* the entry of judgment.



1 702. An action to determine the validity of any
2 assessment or bonds pursuant to this chapter may be
3 brought pursuant to Chapter 9 (commencing with
4 Section 860) of Title 10 ~~of~~ Part 2 of the Code of Civil
5 Procedure. In any such action, all findings of fact or
6 conclusions of the board upon all matters shall be
7 conclusive unless the action was instituted within 30 ~~days~~
8 after the findings or conclusions were made.

9 703. ~~After~~ one or more zones have been created by
10 the authority for the purpose of imposing assessments
11 pursuant to this ~~chapter~~, the board may, by resolution,
12 provide for the levy of the assessments using the method
13 for apportioning the assessment and for setting the rate
14 of the assessment as set out in the report ~~confirmed~~
15 pursuant to Section 606. The clerk of the authority shall
16 file a list of all parcels subject to assessments ~~levied~~
17 pursuant to this chapter and the amount of the assessment
18 or assessments levied against each parcel, with the ~~counry~~
19 auditor on or before August 10 of each ~~tar~~ year. ~~The~~
20 assessments shall be collected in the same manner ~~GS~~
21 ordinary property taxes are collected and shall be ~~subject~~
22 to the same penalties and the same procedure and sale in
23 case of delinquency as provided for ad valorem taxes.

24 704. (a) In the event of nonpayment of ~~any~~
25 assessment levied pursuant to this ~~chapter~~, and not ~~later~~
26 than four years after the due date of the last ~~installment~~
27 of principal, as a cumulative remedy, the amount ~~when~~
28 due and delinquent may, by order of the board, ~~be~~
29 collected pursuant to an action brought in the ~~superior~~
30 court to foreclose the lien.

31 (b) The lien of an assessment levied ~~pursuant~~ to this
32 chapter on tax-deeded land may be foreclosed in the ~~same~~
33 manner as the foreclosure of other real ~~property~~. ~~The~~
34 action shall be brought in the name of the ~~authority~~.

35 (c) The costs of the action shall be ~~fixed~~ and ~~allowed~~
36 by the court and shall include reasonable ~~attorney's fees~~.
37 interest, penalties, and other charges and ~~advances as~~
38 provided by this chapter. The costs shall be ~~included in~~
39 the judgment. The amount of penalties, ~~costs, and~~

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1 interest due shall be calculated up to the date of
2 judgment.

3 (d) The court may adjudge and decree a lien against
4 the lot or parcel of land covered by the assessment for the
5 amount of the judgment and may order the premises to
6 be sold on execution as in the sale of other real estate by
7 the process of the court, with the same rights of
8 redemption.

9 (e) The board may, by resolution adopted prior to the
10 issuance of bonds, covenant for the benefit of
11 bondholders to commence and diligently prosecute to
12 completion any foreclosure action regarding delinquent
13 installments of any assessments or reassessments that
14 secure the bonds that are to be issued, or to employ a
15 trustee to do so on behalf of the bondholders.

16
17 Article 3. Bonds
18

19 801. The board may sell bonds or notes of the
20 authority to finance projects as set out in the report
21 confirmed pursuant to Section 606. The board shall
22 authorize the issuance of bonds by adoption of a
23 resolution which provides for all of the following:

24 (a) The denominations, form, and registration
25 provisions of the bonds.

26 (b) The manner of execution of the sale of the bonds.

27 (c) The par amount of the bonds to be sold.

28 (d) The appointment of one or more banks or trust
29 companies within the state having the necessary trust
30 powers as trustee, fiscal agent, paying agent, or bond
31 registrar:

32 (e) The execution of a document or indenture
33 securing the bonds.

34 (f) The pledge or assignment of the designated
35 assessment revenues to the repayment of the bonds.

36 (g) The interest rate to be borne by the bonds.

37 (h) Any other terms and conditions determined to be
38 necessary by the board.

39 802. The bonds shall be signed by the chairperson of
40 the board, and countersigned by the trustee. The bonds

1 may be authenticated by a paying agent selected by the
2 board, and the signatures of the chairperson and trustee
3 may be facsimile signatures. If any officer whose
4 signature appears on the bonds ceases to be an officer at
5 any time, the signature shall nevertheless be valid and
6 sufficient for all purposes.

7 803. The board may sell bonds pursuant to this
8 chapter at public or private sale at not less than 95 percent
9 of par value. The proceeds of the sale of the bonds shall
10 be placed on deposit with the trustee to the credit of the
11 authority and the issuing assessment district, and the
12 proper records of the transaction shall be placed upon the
13 books of the authority. The bond proceeds shall be used
14 exclusively to finance or refinance projects and to pay
15 incidental expenses pursuant to the report confirmed
16 pursuant to Section 606.

17 804. The board may include in the aggregate
18 principal amount of the bonds to be issued an amount for
19 a reserve fund for the payment of the bonds. The amount
20 to be included for the reserve fund shall not exceed the
21 amount permitted by law. The reserve fund and all
22 interest earned on it shall either be used for the payment
23 of debt service on the bonds, if there is a deficiency, and
24 then only to the extent of the deficiency, or the funds may
25 be transferred to the redemption fund for the bonds for
26 advance or final retirement of the bonds.
27 Notwithstanding any provision of this section, the amount
28 and disposition of the reserve fund may conform to the
29 provisions of the Internal Revenue Code or the
30 regulations of the United States Department of the
31 Treasury.

32 80.5. Any bonds or notes issued pursuant to this
33 chapter may be refunded when and to the extent
34 necessary as determined by the board.

35 SEC. 3. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because a local agency or school district has
38 the authority to levy service charges, fees, or assessments
39 sufficient to pay for the program or level of service

1 mandated by this act, within the meaning of Section 17556
2 of the Government Code.

3 declares all of the following:

4 ~~(a) The Pajaro River Watershed consists of more than~~
5 ~~1,400 square miles of land. Much of the watershed is prime~~
6 ~~agricultural and range land, providing a strong base for~~
7 ~~the region's economy. Much of the land within the~~
8 ~~watershed provides housing, employment, recreation,~~
9 ~~and educational opportunities for central coast residents~~
10 ~~and visitors from throughout the state, nation, and world.~~

11 ~~(b) The Pajaro River Watershed includes portions of~~
12 ~~San Benito, Santa Clara, Santa Cruz, and Monterey~~
13 ~~Counties, and each of those counties is concerned about~~
14 ~~the ability of its communities to sustain a high quality of~~
15 ~~life with regard to agriculture, housing, commerce,~~
16 ~~education, and environmental protection.~~

17 ~~(c) The Pajaro River Watershed includes flood control~~
18 ~~structures, such as the Pajaro River levee system, that~~
19 ~~were designed and constructed, in most cases, nearly 50~~
20 ~~years ago. Those flood control structures are now proving~~
21 ~~to be inadequate to protect the area's agricultural lands,~~
22 ~~and commercial, residential, and public sector buildings,~~
23 ~~and environmental resources.~~

24 ~~(d) It is the intent of the Legislature, through the~~
25 ~~enactment of this act, to provide the leadership necessary~~
26 ~~to enable the local governments and local residents of the~~
27 ~~Pajaro River watershed to exercise appropriate powers to~~
28 ~~ensure that the human, economic, and environmental~~
29 ~~resources of the watershed are preserved, protected, and~~
30 ~~enhanced in terms of watershed management and flood~~
31 ~~protection.~~

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 807

WHEREAS, Assemblymember **Keeley** has introduced Assembly Bill 807 into the California State Assembly; and

WHEREAS, this bill would enact the Pajaro River Watershed Flood Prevention Authority Act, which would grant specified powers to the Pajaro River Watershed Flood Prevention Authority, as created by a specified joint powers agreement; and

WHEREAS, this bill would require specified local agencies within the Pajaro River Watershed (including the County of Santa Cruz), and authorize the **City** of Watsonville, to enter into a joint powers agreement that is subject to the provisions of the **bill**, thereby imposing a state-mandated local program on those specified local agencies; and

WHEREAS, there have been disastrous flood events along the Pajaro River impacting Santa Cruz County, most recently in 1995 and 1998; and

WHEREAS, there is a significant continuing **threat** of devastating flooding in areas of the Pajaro River Watershed within the unincorporated County and the City of **Watsonville**; and

WHEREAS, most of the flood waters endangering **Santa Cruz** County originate outside the County in Santa Clara and San Benito Counties; and

WHEREAS, local efforts are ongoing to develop a long term, high level, flood protection project in concert with the United States Army Corps of Engineers, which **will** involve agencies outside of Santa Cruz County; and

WHEREAS, the local cost of any long term **flood protection** project will be high and this bill may assist in developing sources for such local **funding**; and

WHEREAS, Assembly Bill 807 would be of **significant benefit** in Santa **Cruz** County's efforts to provide necessary flood protection along the **Pajaro** River.

NOW, THEREFORE, BE IT RESOLVED **that** the **Santa Cruz** County **Board** of Supervisors hereby represents its support for the passage of Assembly Bill 807 to the **California** State Legislature and the Governor.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz,
State of California, this o____ day f_____, 1999, by the following vote:

AYES: SUPERVISORS

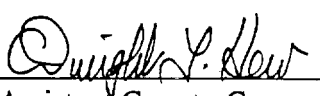
NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST:_____
Clerk of said Board

Approved as to form:



~~Chief Assistant~~ County Counsel

- Distribution:
- Governor Gray Davis
 - Assemblymember Fred Keeley
 - Congressman Sam Farr
 - City of Watsonville Manager
 - Monterey County Administrative Office
 - Monterey County Water Resources Agency
 - Santa Clara Valley Water District
 - County Administrative Office
 - County Counsel
 - Public Works

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123

May 28, 1999

Jim Weaver
Planning Department
County of San Benito
3220 Southside Road
Hollister, CA 95023

**SUBJECT: COMMENTS ON THE DRAFT EIR FOR THE PAICINES RANCH MULTI-
USE PROJECT**

Dear Mr. Weaver,

Thank you for extending the public comment period so the County of Santa Cruz could have a full 30 days to review and comment on the Paicines Ranch Draft EIR. I am providing you with the County's comments within the extended comment period that you specified to County staff on May 13, 1999. In summary, the comments stated below show that the Draft EIR has not addressed several impacts or potential impacts to downstream resources. At issue is the lack of analysis of cumulative impacts effecting the Pajaro River and lack of appropriate and effective mitigation measures to fully address the extremely serious potential downstream flooding, water quality and wildlife impacts. Since these issues have not been included in the Draft EIR, County staff nor members of the public cannot comment on the adequacy of cumulative impact analysis regarding the Pajaro River nor the effectiveness of proposed mitigation measures to address related cumulative impacts. According to the CEQA Guidelines 15088.5 recirculation of a Draft EIR is required when:

- ~ A significant new environmental impact from the project is identified which was not discussed in the original Draft EIR; and
- ~ The Draft EIR was inadequate to the degree that meaningful public review and comment were precluded.

I believe both of the situations in the CEQA Guidelines have occurred regarding preparation of the subject Draft EIR and therefore a Revised Draft EIR should be circulated to address the several new issues discussed below. All comments are provided according to the corresponding section of the Draft EIR text by page and paragraph.

Comments on the Paicines Ranch DEIR
May 28, 1999
Page 2

SPECIFIC COMMENTS

Page viii, Drainage and Water Quality - Mitigation Measure - Surface water quality degradation is of concern to people and properties downstream of the project. More detailed information needs to be provided regarding the "Wetland Habitat Purification System" and how the proposed system will reduce surface water quality degradation attributable to water use at the proposed golf course.

Page viii, Water Supply - Mitigation Measure - The mitigation suggests that surface water systems will be designed for maximum surface water recharge to groundwater. It should be noted that groundwater will likely move toward the San Benito River during the rainy season or if groundwater levels are rising. Rising groundwater levels not only impact drainage, groundwater provides the baseflow of San Benito River and delivers water of degraded quality to the San Benito River, a major tributary to the Pajaro River. Degraded water in the San Benito River could lower water quality in the Pajaro River. This issue has not been discussed in the EIR. (Please refer to the comment below regarding why the quality of this water would be degraded).

Page ix, Wastewater - Mitigation Measure - The statement of environmental impact states that the application of nitrogen rich reclaimed wastewater for the golf course irrigation could result in long-term impacts to groundwater quality. The second mitigation calls for the preparation of a nitrogen control plan. If groundwater provides seasonal baseflow to the San Benito River, then the nitrogen control plan should evaluate the potential interaction between groundwater and surface water. If this analysis shows that water in the San Benito River will be significantly degraded, the potential for the degraded water to affect the water quality of the Pajaro River should be evaluated.

Page 43, Surface Water Quality - Paragraph 1 - The paragraph states that sulfate, specific conductance and total dissolved solids exceed drinking water standards, and that groundwater quality and surface water quality are comparable for most of the constituents analyzed. Surface water quality was analyzed for the San Benito River near Willow Creek School and Tres Pinos Creek near Tres Pinos. Surface water quality should be further analyzed at the confluence of the San Benito River and the Pajaro River. The Pajaro River is presently being evaluated for its use in groundwater recharge in the Pajaro Valley and upstream impacts to water quality is a management concern of downstream interests. Poor water quality in the Pajaro River may be attributable to sources in the San Benito River watershed. A report entitled, Recharge of Alluvial Aquifers From the Pajaro River Channel (J.H. Kleinfelder & Associates, August 1983) documents water quality characteristics of the Pajaro River at Chittenden, near where it enters the Santa Cruz County Line. Constituents of specific concern cited in this report include nitrate, boron, total dissolved salts, and sulfate. Groundwater salinities in the forebay to the Pajaro Valley are detrimentally influenced by the concentrated presence of these constituents in surface waters of the Pajaro River. More analysis of this issue is warranted by the EIR.

Comments on the Paicines Ranch DEIR
May 28, 1999
Page 3

Page 43, Paragraph 2 - The EIR discusses recent flood events upstream and downstream of the project along the San Benito River, but makes no mention of the significant and severe downstream flood events along the Pajaro River. The San Benito River is one of the major tributaries to the Pajaro River. There have been two major flood events in the past five years on the Pajaro River resulting in tens of millions of dollars in damage to adjacent lands and facilities in Santa Cruz and Monterey Counties. As shown in the attached chart (Attachment 1) there is a clear trend toward higher peak flows (as measured at the USGS Chittenden Gauge) on the Pajaro River. There is great concern in Santa Cruz County that these increased peak flows are a direct result of increased impervious upstream areas resulting from new development. Not only are the direct runoff impacts of the subject project serious and significant, but taken as a whole, the cumulative impacts of the increased runoff resulting from upstream channelization and the greater impervious areas resulting from new development in the upper reaches of the Pajaro River watershed are a clear threat to the health and safety of the downstream residents of our County and Monterey County who live in proximity to the Pajaro River. In addition, the economic and related impacts of downstream flood events adversely affects Santa Cruz County as a whole.

It is necessary that the subject EIR fully recognize these impacts and, analyze and identify appropriate and effective mitigation measures to fully address these extremely serious downstream flooding impacts.

Page 43, Paragraph 4 - This paragraph states that "The San Benito County Water District has no plans to reduce flood conditions along the San Benito River". There is no recognition that Santa Cruz County does have plans, and is currently working with the U. S. Army Corps of Engineers, to reduce flood conditions along the lower Pajaro River. Lack of similar actions on upstream tributaries may counteract flood hazard reduction planning in Santa Cruz County.

The subject EIR fully recognize and discuss this issue as well as, analyze and identify appropriate and effective mitigation measures to fully address the direct and cumulative impacts of this project on downstream flood control projects.

Page 45, Groundwater Quality, Paragraph 3, Sentence 1 - This sentence states that the potential for surface contaminants to leach to the local groundwater is considered low, due to the low permeability of the surface soils, other than along the river. This statement implies that surface contaminants will be discharged as surface runoff during the rainy season. The statement is somewhat contradictory to the mitigation measure cited on Page viii, Water Supply.

Page 46, Drainage and Water Quality Impacts - Thresholds of Significance - A drainage impact should be considered significant if it furthers the degradation of surface water quality.

Comments on the Paicines Ranch DEIR
May 28, 1999
Page 4

Towards this ends, more work could be done to analyze nitrogen isotope ratios to investigate whether one could isolate and differentiate the presence of nitrate as being contributed from fertilizer or wastewater. Mitigation or remedial activities could be targeted more effectively by identifying the principal sources of nitrates. Equally, the long-term salt balance should be investigated to determine the source of the TDS and evaluate if there are any long-term trends towards increasing salinity and whether they should be of some concern relative to the interaction between groundwater and surface water. This effort could involve investigating the concentration of dissolved solids in each of the groundwater basins inflows and outflows.

These concepts of investigating source areas for nitrates and TDS were discussed in a prior report entitled, "Groundwater Management Plan for the San Benito County Part of the Gilroy-Hollister Groundwater Basin" (Jones & Stokes Associates, 1998). It would seem appropriate to also consider these recommendations in water management activities at the proposed project location.

Page viii, Drainage and Water Quality - Mitigation Measure - Surface water quality degradation is of concern to downstream interests. More detailed information needs to be provided regarding the "Wetland Habitat Purification System" and how the proposed system will reduce surface water quality degradation attributable to water use at the proposed golf course.

Page viii, Water Supply - Mitigation Measure - The mitigation suggests that surface water systems will be designed for maximum surface water recharge to groundwater. It should be noted that groundwater will likely move toward the San Benito River during the rainy season or if groundwater levels are rising. Rising groundwater levels not only impact drainage, groundwater provides the baseflow of San Benito River and delivers water of degraded quality to the San Benito River, a major tributary to the Pajaro River.

Page ix, Wastewater - Mitigation Measure - The environmental impact states that the application of nitrogen rich reclaimed wastewater for the golf course irrigation could result in long-term impacts to groundwater quality. The second mitigation calls for the preparation of a nitrogen control plan. If groundwater provides seasonal baseflow to the San Benito River, then the nitrogen control plan should evaluate the potential interaction between groundwater and surface water.

Page 43, Surface Water Quality - Paragraph 1 - The paragraph states that sulfate, specific conductance and total dissolved solids exceed drinking water standards, and that groundwater quality and surface water quality are comparable for most of the constituents analyzed. Surface water quality was analyzed for the San Benito River near Willow Creek School and Tres Pinos Creek near Tres Pinos. Surface water quality should be further analyzed at the confluence of the San Benito River and the Pajaro River. The Pajaro River is presently being evaluated for its use in groundwater recharge in the Pajaro Valley and upstream impacts to water quality is a management concern of

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downstream interests. Poor water quality in the Pajaro River may be attributable to sources in the San Benito River watershed. A report entitled, Recharge of Alluvial Aquifers From the Pajaro River Channel (J.H. Kleinfelder & Associates, August 1983) documents water quality characteristics of the Pajaro River at Chittenden, near where it enters the Santa Cruz County Line. Constituents of specific concern cited in this report include nitrate, boron, total dissolved salts, and sulfate. Groundwater salinities in the forebay to the Pajaro Valley are detrimentally influenced by the concentrated presence of these constituents in surface waters of the Pajaro River. More analysis of this issue is warranted by upstream water managers.

Page 45, Groundwater Quality, Paragraph 3, Sentence 1 - This sentence states that the potential for surface contaminants to leach to the local groundwater is considered low, due to the low permeability of the surface soils, other than along the river. This statement implies that surface contaminants will runoff during the rainy season. The statement also is somewhat contradictory to the mitigation measure cited on Page viii, Water Supply.

Page 46, Drainage and Water Quality Impacts -Thresholds of Significance - A drainage impact should be considered significant if it furthers the degradation of surface water quality.

Towards this ends, more work could be done to analyze nitrogen isotope ratios to investigate whether one could isolate and differentiate the presence of nitrate as being contributed from fertilizer or wastewater. Mitigation or remedial activities could be targeted more effectively by identifying the principal sources of nitrates. Equally, the long-term salt balance should be investigated to determine the source of the TDS and evaluate if there are any long-term trends towards increasing salinity and whether they should be of some concern relative to the interaction between groundwater and surface water. This effort could involve investigating the concentration of dissolved solids in each of the groundwater basins inflows and outflows.

These concepts of investigating source areas for nitrates and TDS were discussed in a prior report entitled, "Groundwater Management Plan for the San Benito County Part of the Gilroy-Hollister Groundwater Basin" (Jones & Stokes Associates, 1998). It would seem appropriate to also consider these recommendations in water management activities at the proposed project location.

Page 46, Paragraph 7 -This paragraph discusses pre-development and post-development runoff coefficients based on weighted values (0.41 and 0.48 respectively). Our review of these values was necessarily limited to the information contained in the EIR. However, based on this level of review and historical practices in our County, the pre-development coefficient appears unusually high and the post-development coefficient unexpectedly low. This means that the expected increased flood flows from the project, as identified in the EIR, are less than we would normally anticipate.

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Given the significance of this issue relative to potential downstream flooding impacts, the level of analysis of the increased flows from the project contained in the EIR is inadequate. The data for pre- and post-development runoff used in the EIR must be justified or, alternatively, a new hydraulic analysis must be conducted using accurate and defensible data.

Page 47, Paragraph 4 - This paragraph states "The increase in impervious surfaces resulting from the project will increase the total amount of runoff and the peak stream discharge during storm events, thereby increasing the potential for downstream flooding (Significant Impact)". As indicated in our comments above, given the significance of this impact, the EIR does not provide sufficient analysis or quantification of either the project specific or potential cumulative impacts of this increased runoff on downstream flooding or flood control projects within Santa Cruz County.

A detailed hydrologic supplement to the EIR must be prepared to fully quantify potential increased runoff from the project, as well as cumulative impacts of this issue, and to identify appropriate and effective mitigation measures to fully address the extremely serious potential downstream flooding impacts.

Page 48, Paragraph 2 - This paragraph discusses the potential for sediment transport to waterways as a result of construction activities. As discussed above, Santa Cruz County is extremely concerned about project impacts which can aggravate downstream flooding problems. Sediment buildup in the lower reaches of the Pajaro River is a serious and significant ongoing maintenance problem for our County. Sedimentation significantly reduces the Pajaro River channel capacity, increasing the likelihood of flooding. This impact must be discussed, the impact clearly identified and appropriate mitigations provided. Mitigation measures should address downstream impacts as far the Pajaro River.

Page 48, Paragraph 5 - This and several subsequent paragraphs identify the potential of increased nitrogen in runoff leaving the project. The EIR fails to address the potential for increased nitrogen laden flows reaching the Pajaro River. Southern Santa Cruz County currently has a serious water shortage. Groundwater levels in the Pajaro River basin areas of the County are declining and there is a significant problem with seawater intrusion along the our coast in the vicinity of the river. No mention of this downstream situation is made in the EIR. The Pajaro Valley Water Management Agency is currently studying and implementing a variety of projects to address these problems. One potential and important source of water to address these problems is the Pajaro River. Any degradation of the water quality in the Pajaro River by nitrates, suspended sediments or other contaminants can have a serious impacts to groundwater recharge and other water projects planned or implemented to address current groundwater problems.

In addition, two federally listed species, the Steelhead trout (*Oncorhynchus mykiss*) and

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the Tidewater goby (*Eucylogobius newberryi*) are known to exist in the Pajaro River below its confluence with the San Benito River. A third federally listed species, the Red-legged frog (*Rana aurora draytonii*) is believed to inhabit the river. The river is also known habitat for several State "Species of Special Concern", such as the Southwestern pond turtle (*Clemmys marmorata pallida*). Degradation of water quality could also adversely impact these protected species.

The EIR is deficient in that impacts to water quality and protected animal species in the Pajaro River are not discussed. It is critical that the EIR fully discuss and analyze these issues and identify appropriate and effective mitigation measures to fully address the direct and cumulative impacts of construction phase and post-development water quality degradation on downstream water projects and special status animal species. Achievable mitigation measures should be provided for all new identified impacts.

Page 51, Paragraph 6 -This paragraph proposes that potential downstream flooding impacts be mitigated by on-site detention of increased runoff resulting from the project. This is the single measure proposed by the EIR to address the serious and significant project downstream flooding impacts. The EIR indicates that maximum outflow from the project will be limited to the "1 O-year pre-project storm flow" and that "on-site facilities shall be designed with capacity for the 100-year design storm". As indicated above, our review of the project was necessarily limited to the information contained in the EIR. However, it is important to note that typically, shorter duration (10 year storms) are generally more intense and often fall on more restricted areas of large watersheds than longer duration (i.e. 100-year) storms, which are much more likely to involve the entire watershed and which are the most problematic for downstream flood control. This can result in the counter intuitive result that 100-year storms can have lower rainfall intensities (and consequently lower runoff levels from any given acre of land) but they may occur over the entire watershed and over much longer periods of time, resulting in much higher overall total runoff.

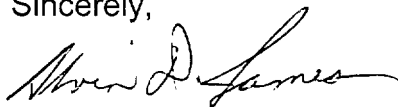
This is significant given the over 24 hour time of concentration of the Pajaro River Basin, at the lower reaches of the river. The point is, that if a 100-year level of discharge is allowed during a 100-year storm event, it will likely result in much higher release rates than if the lower (but longer duration) 100-year release rate is used. Consequently, this will not mitigate downstream peak flows during those long duration basin-wide storms when mitigation is most needed. It is important to note that it may not be possible to solve this dilemma simply by limiting releases to the 100-year level either. The reason is that, with lower release rates, the required capacity of the ponds may be prohibitive. A detailed hydrologic study analyzing a full spectrum of potential storm events, looking at both pre-development and post-development runoff rates is the only way to determine if on-site detention can be a viable mitigation for this project, what the appropriate release rate should be and if sufficient space is available to provide the necessary on-site containment.

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Given the highly significant impact of increased downstream flooding, a detailed hydrologic supplement to the EIR must be prepared to fully quantify potential increased runoff from the project, as well as cumulative impacts of this issue, and to identify appropriate and effective mitigation measures to fully address the extremely serious potential downstream flooding impacts. This document must be made available for full public review.

Thank you for this opportunity to provide you with comments. Please let County staff know when the projected date for public release of a Revised draft EIR will occur. If you have questions regarding any specific comments provided above regarding flood hazards contact Peter Cota-Robles, Senior Civil Engineer, at County Public Works at 454-2816. Questions regarding comments on water quality should be addressed to Bruce LaClergue, Water Resources Manager, in County Planning at 454-3112.

Sincerely,



Alvin D. James
Planning Director

Attachment: 1

cc: Board of Supervisors
FC&WCD Zone 7
County Counsel
County Administrative Office
City of Watsonville, Public Works Department
City of Watsonville, City Manager
Pajaro Valley Water Management Agency
County of Monterey Board of Supervisors
Monterey County Water Resources Agency
County of San Benito Board of Supervisors
County of Santa Clara Board of Supervisors
Santa Clara Valley Water District

paicinesEIR.wpd/pln453

PAJARO RIVER HIGH WATER RECORDS

(517

Compiled by the County of Santa Cruz

PEAKS OF EACH WATER YEAR GREATER THAN 24 FT STAGE OR 8,000 CFS ARE LISTED BELOW CHRONOLOGICALLY.

ALL STAGES AFTER 2/38 ARE FROM DATA RECORDED AT THE CI-IITTENDEN GAGE. FLOWS SINCE 12/29 WERE DERIVED BY USGS FROM RATING IN USE AT THE TIME.

*See explanation of symbols at bottom of page 2.

DATE	STAGE (FT)	FLOW (CFS)
JAN. 21, 1909	#29.5	*15,700
DEC. 9, 1909	#24.9	* 9,000
MAR. 7, 1911	0	* 18,200
JAN. 25, 1914	0	* 18,000
FEB. 9, 1915	#25.5	* 9,800
JAN. 17, 1916	#24.1	* 8,100
FEB. 22, 1917	#28.6	* 14,200
FEB. 11, 1919	#24.3	* 8,400
FEB. 11, 1922	#28.2	*13,500
FEB. 13, 1926	#25.6	* 9,900
DEC. 28, 1931	#27.3	* 12,200
FEB. 14, 1937	#27.5	*12,500
FEB. 12, 1938	@31.30	* 16,200
FEB. 28, 1940	25.50	9,880
APR. 4, 1941	@26.20	11,100
JAN. 21, 1943	24.00	9,000
FEB. 2, 1945	25.80	10,700
JAN. 15, 1952	25.15	10,000
DEC. 24, 1955	32.46	24,000
FEB. 1, 1963	20.76	11,600
APR. 3, 1958	33.11	23,500
FEB. 25, 1969	23.90	17,800
FEB. 11, 1973	17.73	8,610
FEB. 9, 1978	21.06	9,420
FEB. 21, 1980	21.08	8,890
JAN. 5, 1982	25.51	12,100
MAR. 2, 1983	28.03	15,800
FEB. 19, 1986	27.68	13,100

NO PEAKS ABOVE 24 FT OR 8,000 CFS 3/86 THROUGH 6/92.

JAN. 14, 1993	24.95
JAN. 18, 1993	22.17
JAN. 25, 1995	20.57
MAR. 10, 1995	32.17

PAJARO RIVER HIGH WATER RECORDS

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C. 0513

DATE	STAGE (FT)
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MAR. 11, 1995	32.12
MAR. 23, 1995	24.05@ 11:30 a.m.
MAR. 23, 1995	25.05@ 4:00 p.m.
JAN. 26, 1996	21.75
FEB. 17, 1996	24.91
FEB. 21, 1996	24.25
JAN. 2, 1997	29.46
JAN. 23, 1997	23.24
JAN. 26, 1997	26.93
FEB. 3, 1998	35.02
FEB. 7, 1998	29.15
FEB. 22, 1998	24.25

- * Flows before December 1939 were included in USWB Form 4004B (Report on River Gage station) for Pajaro River near Chittenden dated October 18, 1955. They were estimated (method unknown).
- * Stages before February 1938 were obtained by converting flows derived from house document 55 (1944).
- * Stage from high water marks.