



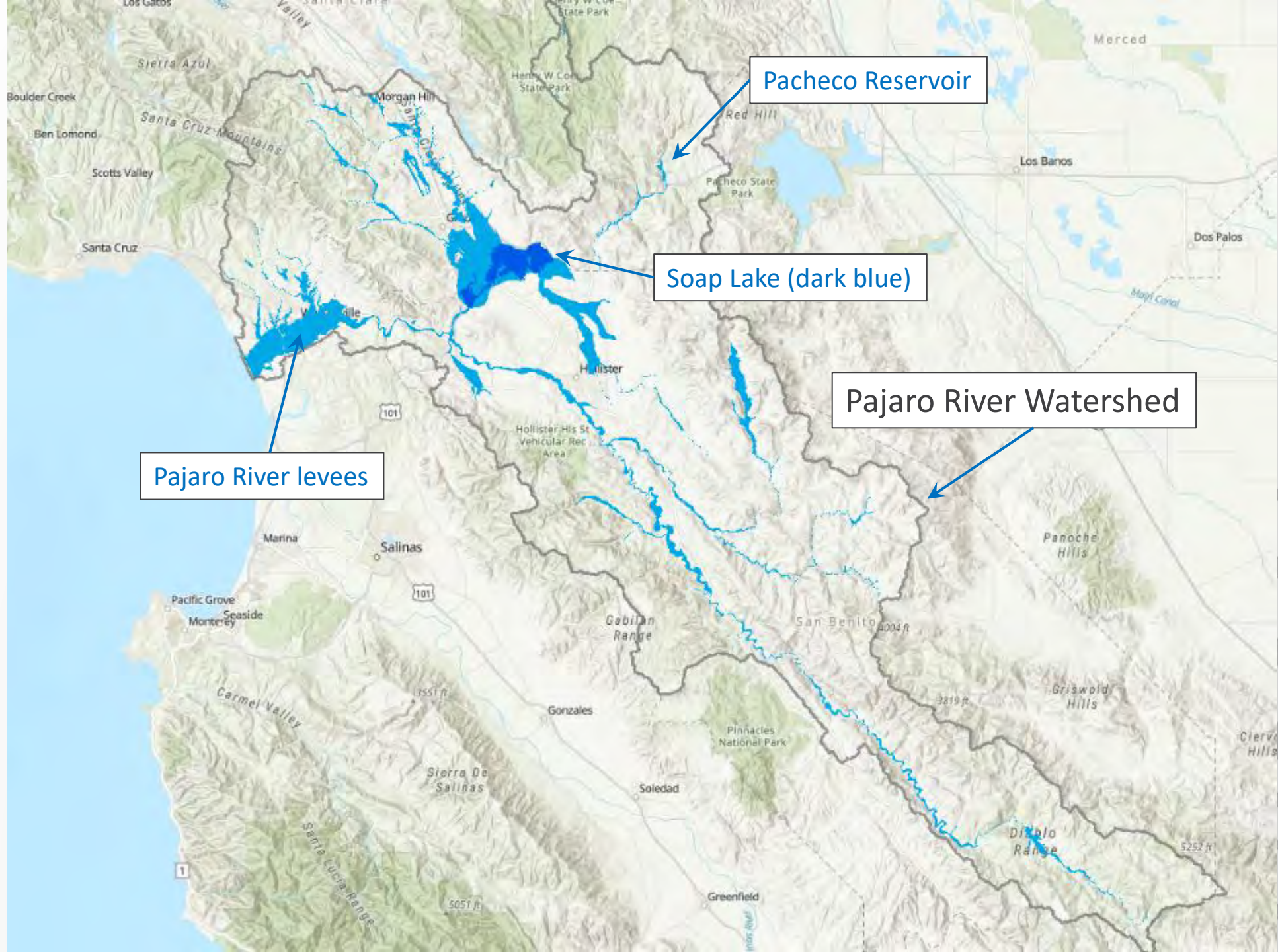
# Resurrection and Pioneering: Pajaro River at Watsonville Project

**CEAC Annual Meeting 2025**

Mark Strudley

Executive Director, Pajaro Regional Flood Management Agency





Pajaro River levees

Pacheco Reservoir

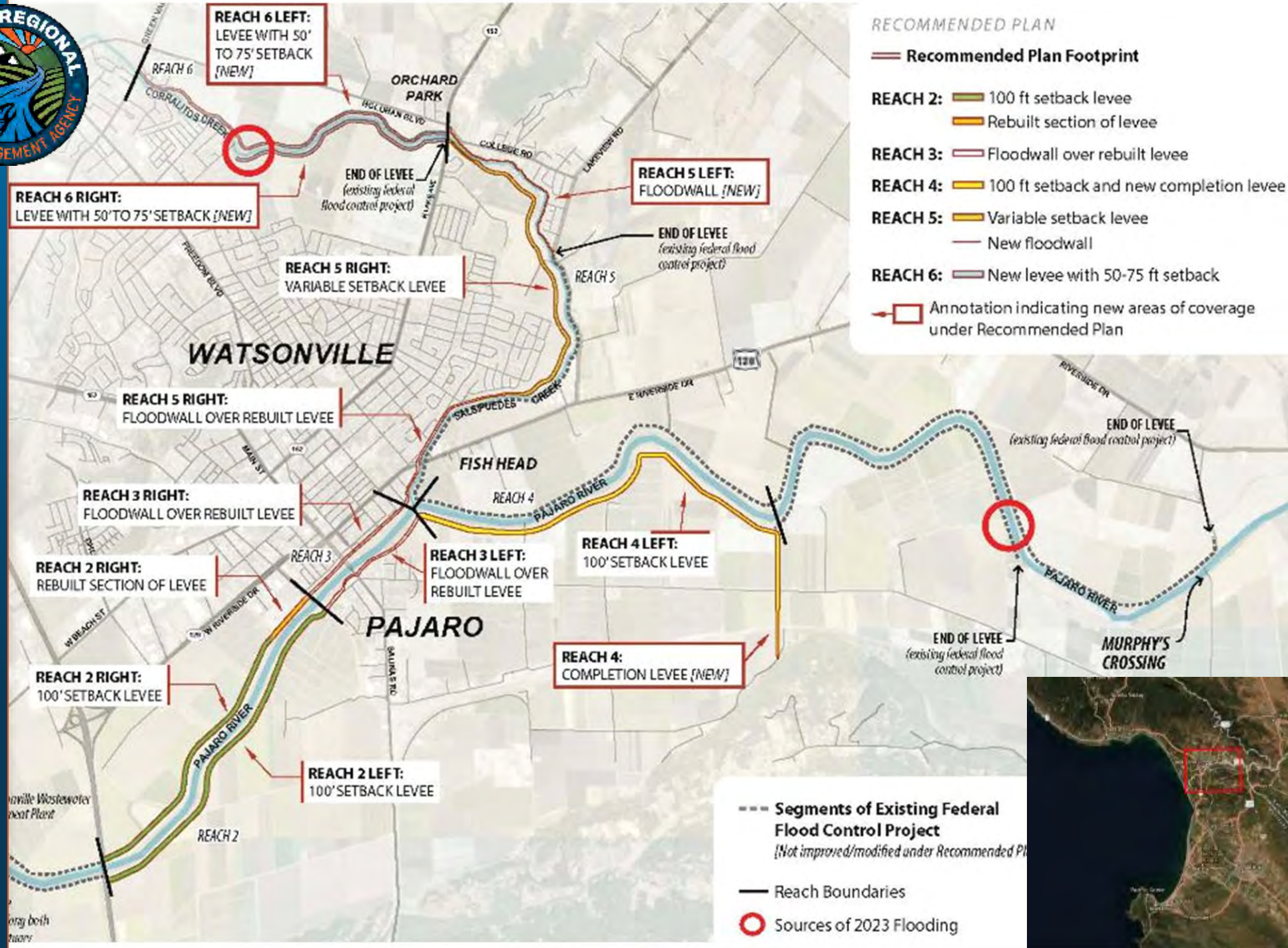
Soap Lake (dark blue)

Pajaro River Watershed



# Pajaro River at Watsonville Project

- Single purpose FRM project, 1966 auth.
- Project will be built in phases, reach by reach.
- Earthmoving scheduled for.....any day now!





# Pajaro River Multi-Benefit Flood Risk Management Project

## PROJECT OBJECTIVES

- Protect the lives, homes and livelihoods of our agriculturally-based community.
- Provide 100-year flood protection to the disadvantaged communities of the City of Watsonville and Town of Pajaro.
- Setback levees improve flood system robustness and resiliency to sea level rise and climate change while providing opportunities to achieve multi-benefit objectives.
- Work with Pajaro Valley Water Management Agency to identify opportunities to improve groundwater management.
- Provide a vegetated corridor and low flow design to enhance riparian habitat and fish passage.

## MULTI-BENEFITS

- Protection to Disadvantaged Communities
- Setback Levees
- Groundwater Management
- Protect State Facilities
- Riparian Habitat
- Fisheries
- Open Space
- Climate Change Resiliency
- Recreation



**Enhanced Fish Passage**



**HWY 1 in 1995 Flood**



**Floodplain Reconnection for Habitat**



**Levee Trails and Public Access**



**College Lake Integrated Resource Management**



**Floodplain Recharge**



Buffer, fund, advance



Assets

An act to amend Section 12687.5 of the Water Code, relating to water.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 489, Mark Stone. Flood management projects: state funding: Pajaro River Flood Risk Management Project.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. For certain flood control projects authorized on or after January 1, 2002, or for small flood management projects for which specified findings have been made on or after that date, existing law requires the state to pay 50% of specified nonfederal costs. Existing law authorizes the state to pay up to 70% of those nonfederal costs upon the recommendation of the Department of Water Resources or the Central Valley Flood Protection Board if either entity determines that the project will advance one of several specified objectives.

This bill would authorize the state, through the Flood Control Subventions Program, to advance funds for planning, engineering, designing, and constructing the flood control project, as well as for the acquisition of required lands, easements, rights-of-way, and utility relocations, among other purposes. The bill would grant the state discretion to reduce retention withheld under any cost-share agreement to fund the flood control project to 0%. The bill would revise the limitation on the amount of state funding provided in the absence of federal funding by instead authorizing the state to advance funding in the absence, in whole or in part, of federal funding, in an amount that does not exceed the amount that would be the equivalent nonfederal share if there was federal project funding.

*The people of the State of California*

SECTION 1. Section 12687.5 of the Water Code, relating to water, is amended to read: (a) The state may, in the construction of specified flood control projects authorized on or after January 1, 2002, or for small flood management projects for which specified findings have been made on or after that date, existing law requires the state to pay 50% of specified nonfederal costs. Existing law authorizes the state to pay up to 70% of those nonfederal costs upon the recommendation of the Department of Water Resources or the Central Valley Flood Protection Board if either entity determines that the project will advance one of several specified objectives.



Sen

An act to amend Section 12687.5 of the Water Code, relating to water.

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LEGISLATIVE COUNSEL'S DIGEST

SB 496, Laird. Flood management projects: state funding: Pajaro River Flood Risk Management Project.

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*The people of the State of California*

SECTION 1. The Legislature enacts the following law: (a) The Pajaro River Federal Flood Control Project, authorized by the United States Army Corps of Engineers, is a project for flood control on the Pajaro River in the Counties of Monterey and Santa Cruz, as described, to those counties, or to local agencies in those counties, as provided. Existing law authorizes state funding, upon appropriation by the Legislature, to be used for planning, engineering, designing, and constructing the flood control project, as provided. In the absence of federal funding, existing law authorizes the state, through the Flood Control Subventions Program, to fund the planning, engineering, design, and construction of the project, as provided, so long as state funds do not exceed the state's share of funds if federal funding was provided. Existing law requires the department to make specified findings before any funds appropriated by the Legislature are provided to the flood control project.



Senate Bill No. 489

CHAPTER 677

An act to amend Section 12687.5 of the Water Code, relating to water.

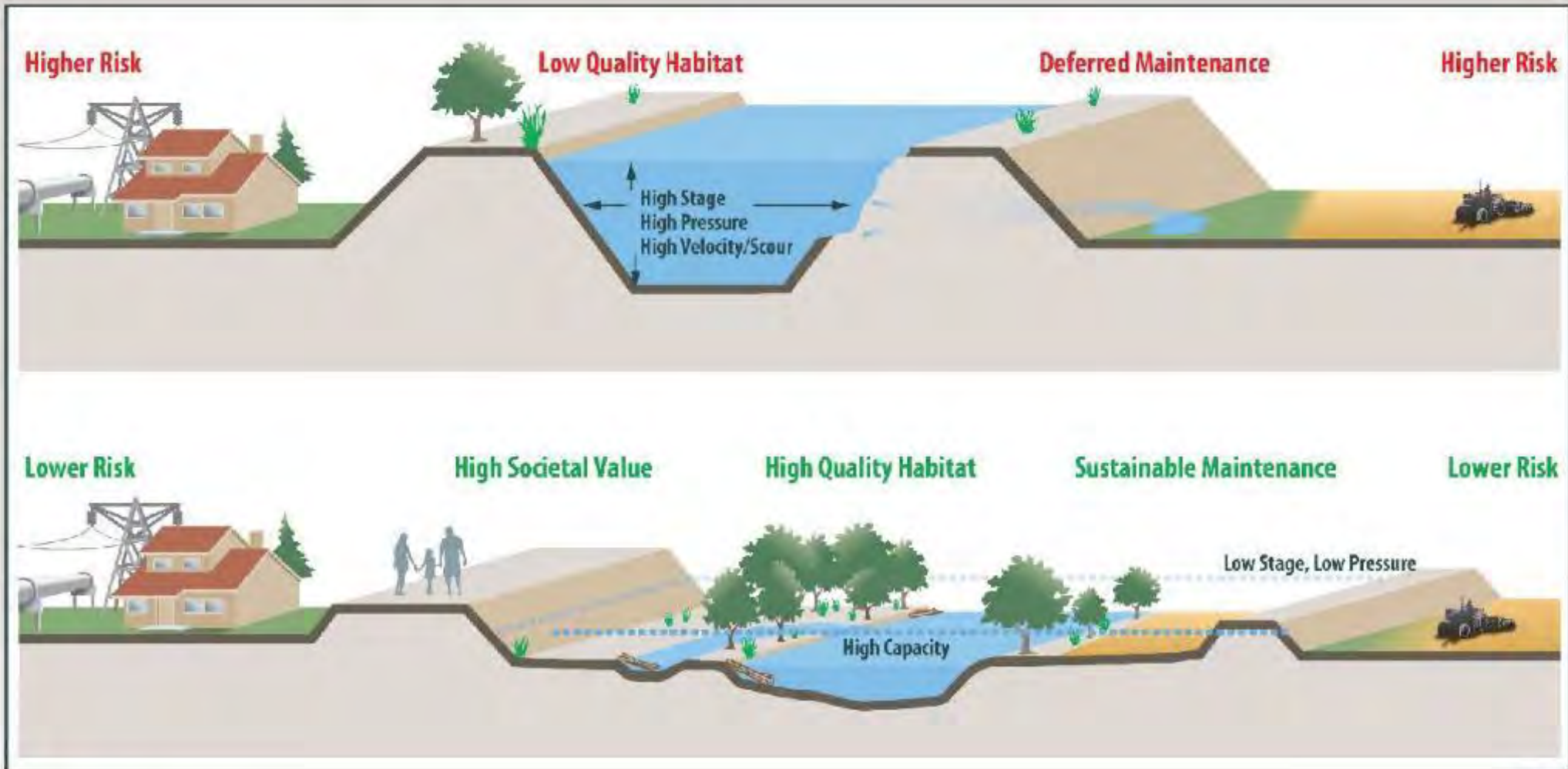
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CS\_008

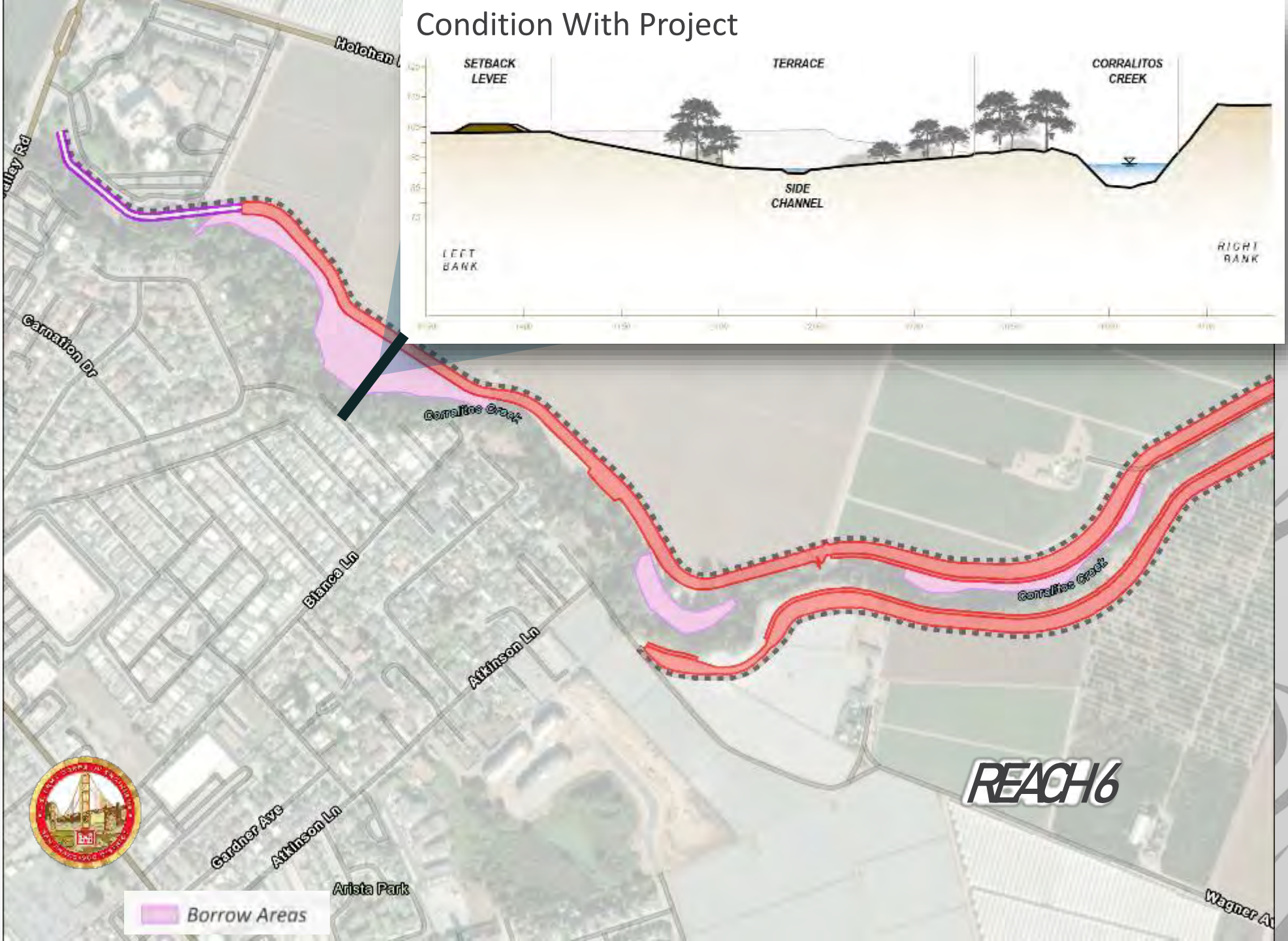
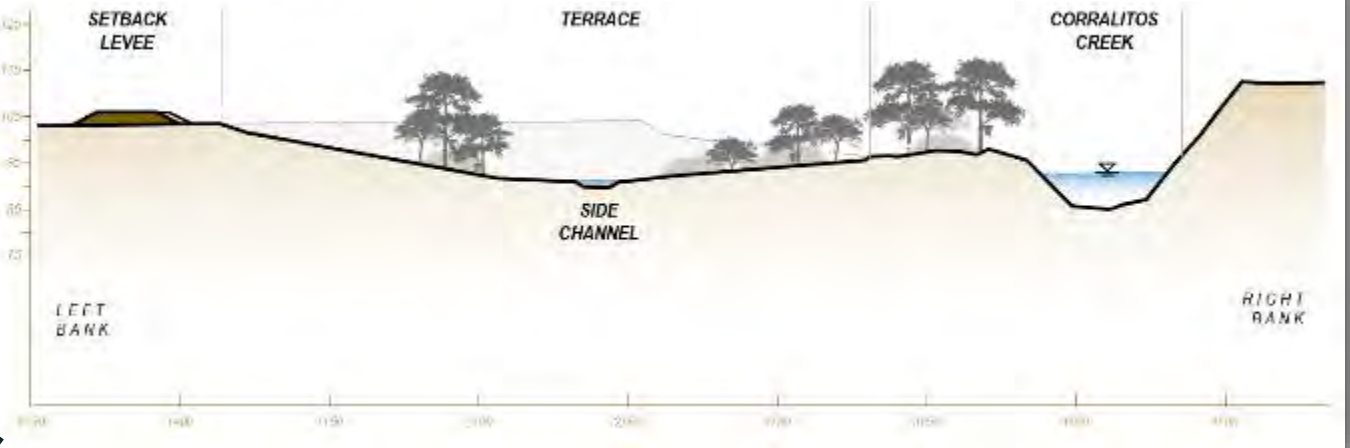
**C V F P P**


**2017 ROADMAP**



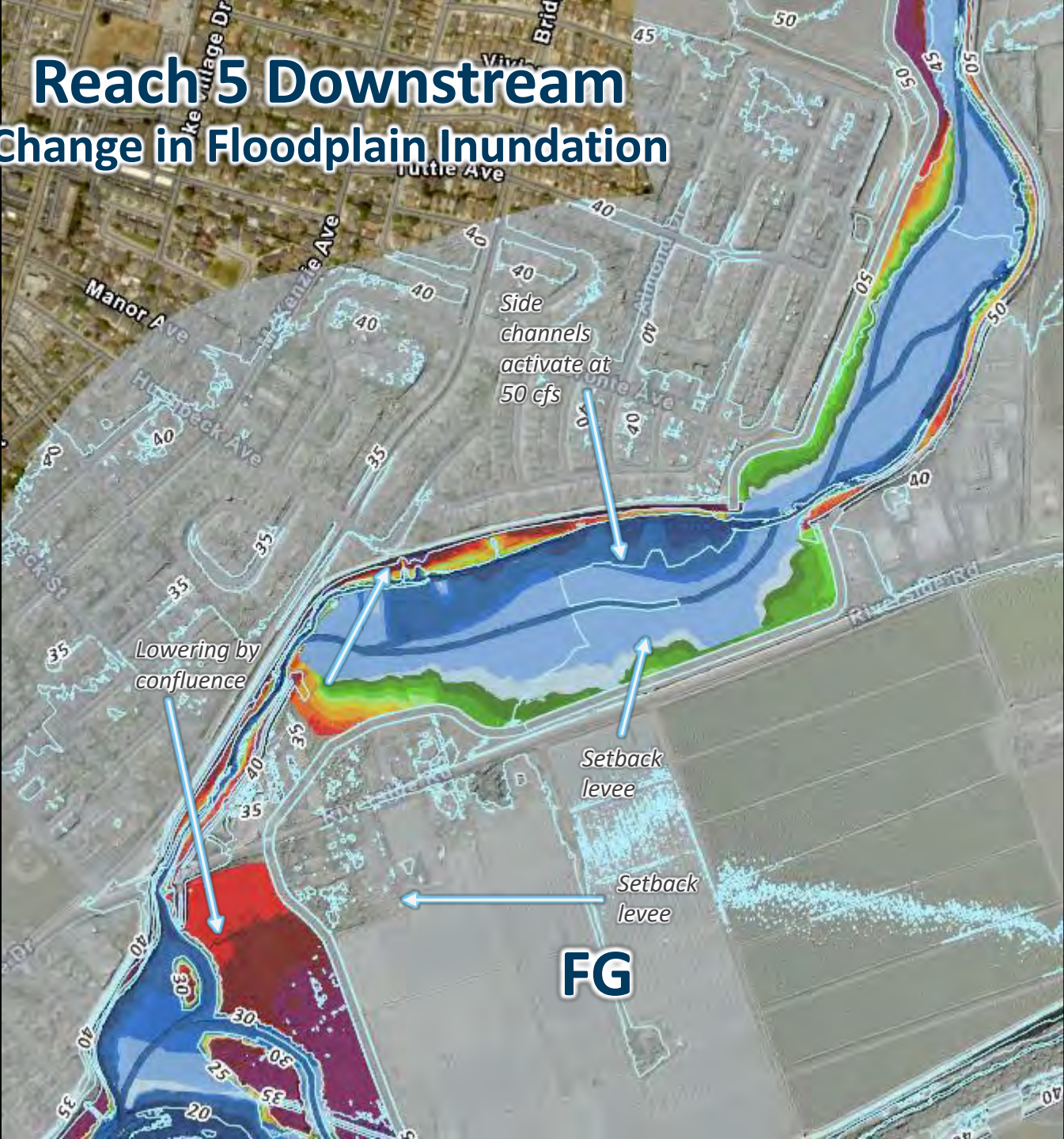
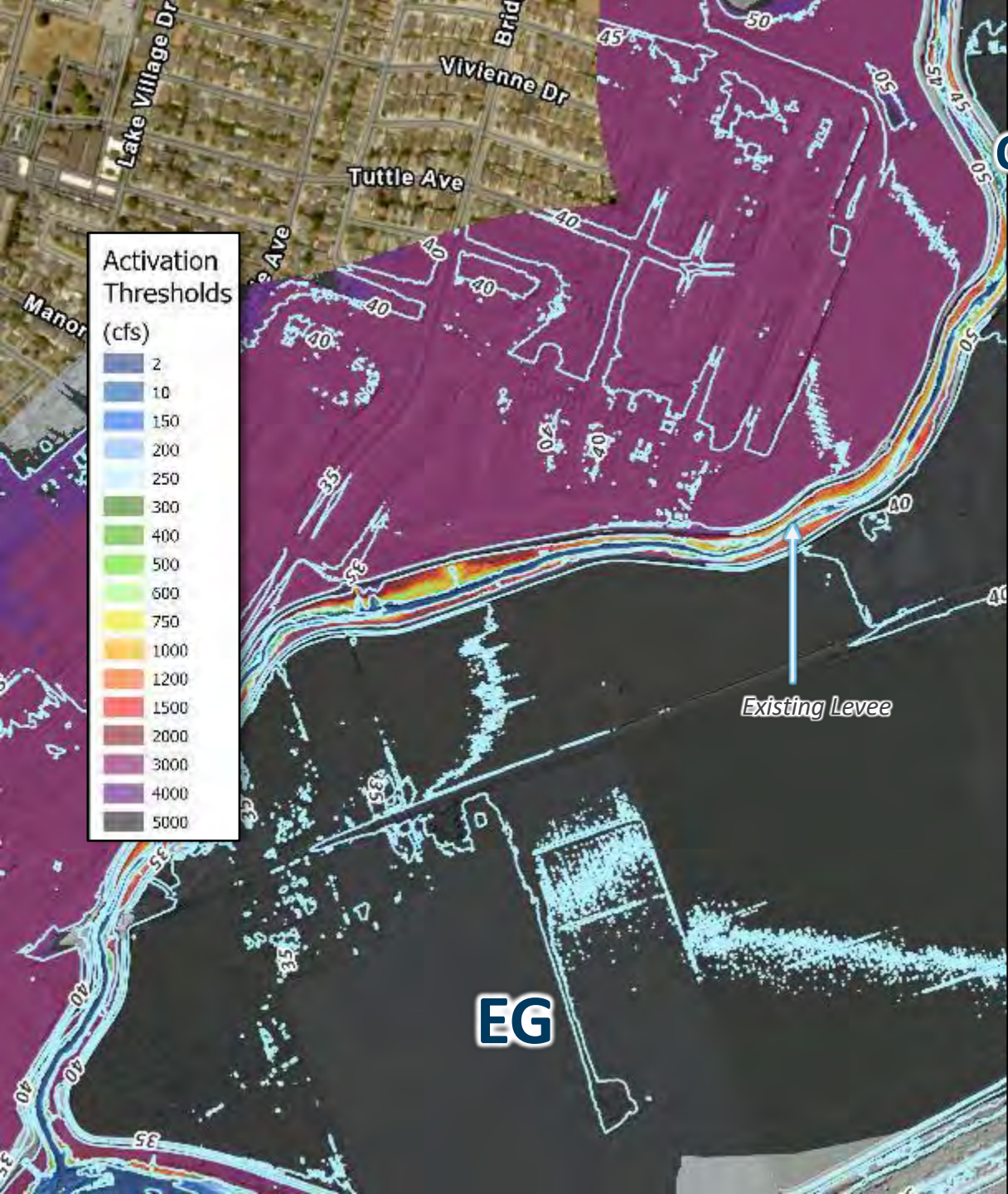


# Condition With Project

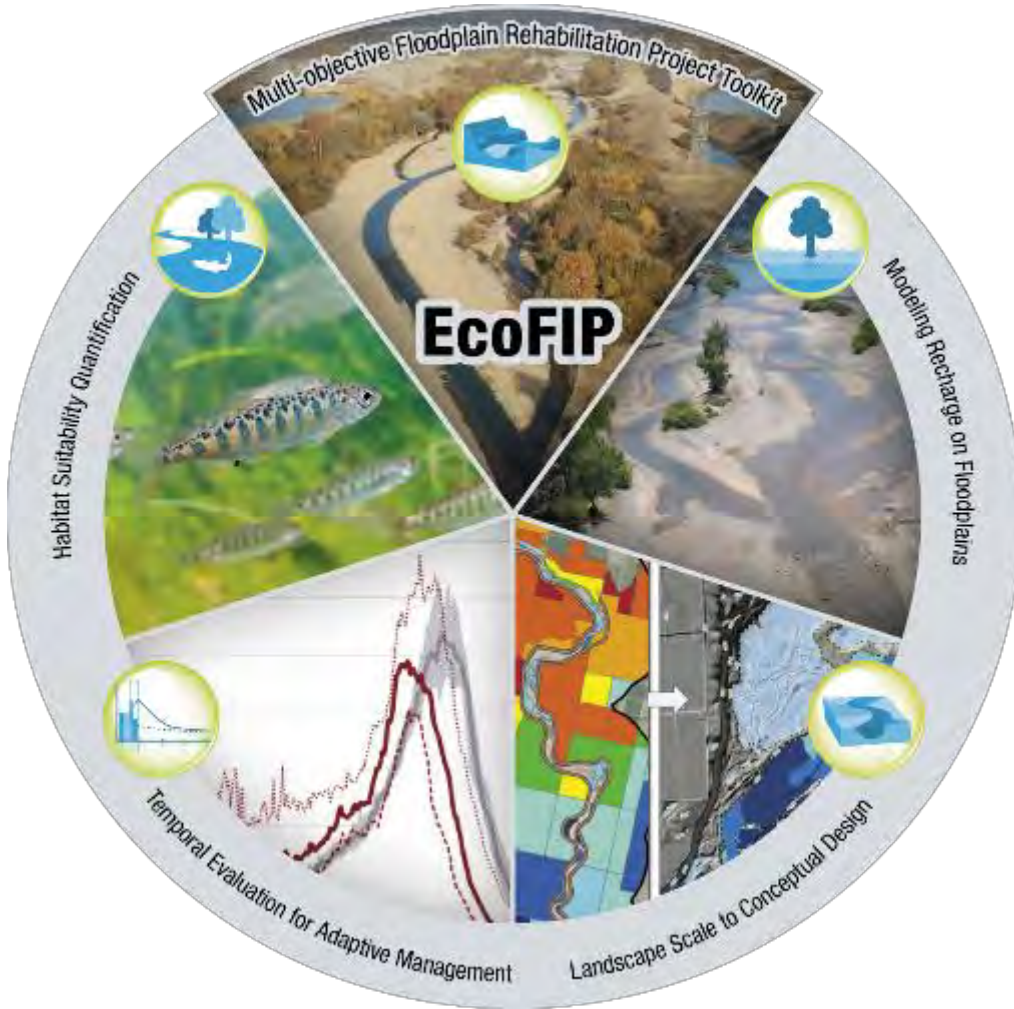


 Borrow Areas

# Reach 5 Downstream Change in Floodplain Inundation

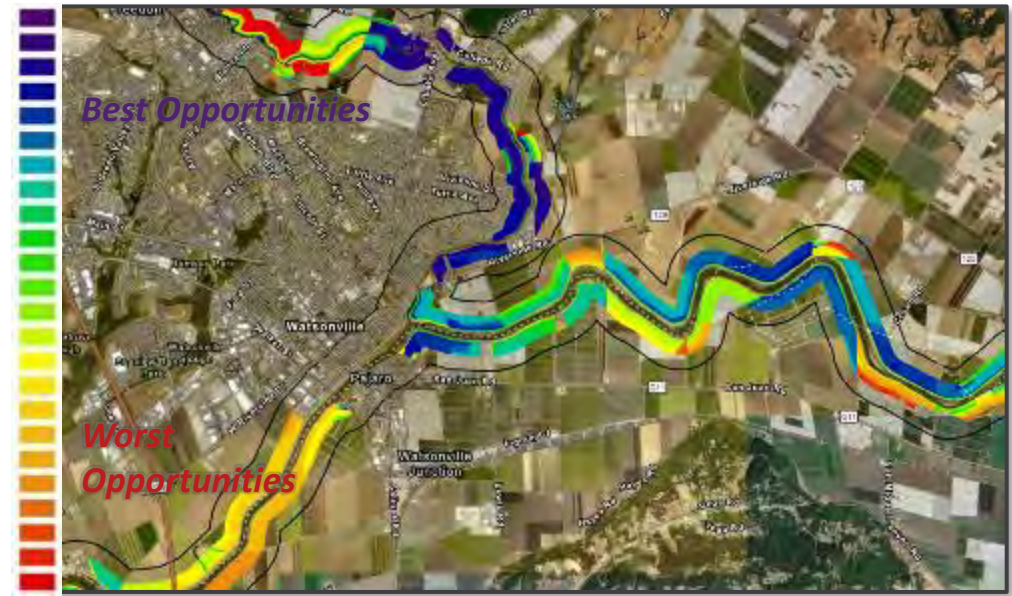


# Multiple Benefit Floodplain Restoration Pilot Studies

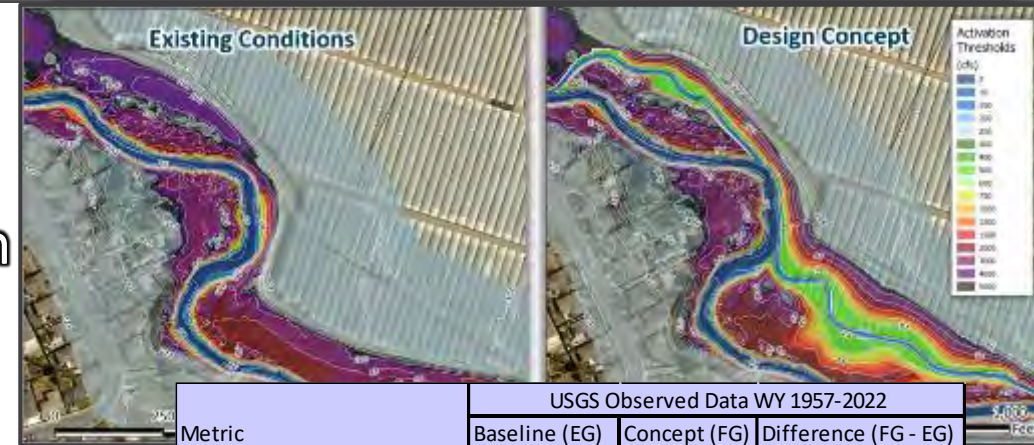


<https://storymaps.arcgis.com/stories/f899bf3c36a2403d9e0bd3c70dc2dfc5>

Identification, Analysis, and Prioritization



Ideas -> Implementation



Metric	USGS Observed Data WY 1957-2022		
	Baseline (EG)	Concept (FG)	Difference (FG - EG)
Inundation (Acre-days / WY)	1409	1416	7
Habitat (Acre-days / WY)	397	399	2
Recharge (Acre-feet / WY)	589	617	28

# Assembly Bill 876 and Pajaro River Project Definition



- Signed into law in October 2023 to expedite construction of modern flood infrastructure for historically underserved communities in the lower Pajaro River Watershed.
- Defines “Pajaro River Project” as:
  - “The project for flood control on the Pajaro River and its tributaries in the Counties of Monterey and Santa Cruz.”
- Does not include ongoing or postconstruction O&M.





# Assembly Bill 876 Exemptions

- The Pajaro River Project and the issuance of any permit, funding, or other approval by a state or local agency for the Pajaro River Project is exempt from:
  - Lake and Streambed Alteration Agreement (LSAA) requirements, waste discharge requirements (Porter-Cologne Water Quality Control Act), and any related mitigation measures.
- Requires that the environmental assessment prepared by USACE (pursuant to NEPA) for the Pajaro River Project be conclusively presumed to satisfy the requirements of CEQA and the issuance of any permit, funding, or other project approval.
- Flood control projects along the Pajaro River and its tributaries are subject to the exemptions listed in AB 876 provided all criteria listed below apply to the components of the projects to which they are applicable:
  - Increase the level of flood protection for disadvantaged communities, as specified.
  - Receive an Engineering With Nature designation under the USACE program.
  - Incorporate habitat and groundwater recharge enhancements through EcoFIP analysis and implementation.
  - Incorporate BMPs to control erosion and runoff from construction activities.
  - Incorporate visual surface water monitoring to detect and correct accidental discharge of construction-related pollutants.
  - Do not involve disposal or placement of flood-delivered sediments into waters of the state or at locations or in a manner where sediments may be washed into waters of the state by rainfall or runoff.
  - Avoid causing a violation of applicable water quality standards.



Pajaro River FRM



# Gaps in the puzzle

- Current Project:
  - Pajaro River Flood Risk Management (FRM) Project
- Future Projects:
  - Pajaro River-Salsipuedes Creek Confluence Area Restoration Project
  - Pajaro Bridge to Bay Project
  - Pajaro BIRDS (Bridge Infrastructure Resilient Design Study) Project

Confluence Area

Pajaro BIRDS

Bridge to Bay



# Regulatory Reform

A starting point for proposed language for CWA 404(f):

404(f)(1)(c) reads (and should be edited similar to proposed language in red underline):

**(C)** for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches, or the maintenance of a flood control facility whose performance criteria are established by a federal, State, or locally approved Operations and Maintenance Plan or Drainage Master Plan;

And 404(f)(2) reads (and should be edited similar to proposed language in red underline):

**(2)**Any discharge of dredged or fill material into the navigable waters incidental to any activity having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced, unless such change in use, flow, circulation, or reach reduction is an objective of new infrastructure that protects life and property and that which must be operated and maintained in accordance with a federal, State, or locally approved Operations and Maintenance Plan or Drainage Master Plan, shall be required to have a permit under this section.

I think this means we also have to add a definition for “Flood Control Facility”, which we could introduce as:

Flood Control Facility: Watercourses, drainage channels, conduits, ditches, canals, water storage facilities, pumping plants, levees, buildings and structures or other capital facilities for the management and disposal of waters constructed, operated, and maintained to protect life and property.

Questions?



# Federal Updates

## Federal Updates

### I. FEMA

- I. Director David Richardson resigned Nov 17, 2025. Karen Evans now interim (FEMA Chief of Staff)
- II. FEMA Advisory Committee Meeting Dec 11 to present draft final report – comments will be due Dec 31<sup>st</sup>
- III. Could follow recommendations incorporated into draft FEMA Act Legislation- (HR4669 Graves Bill)
  - I. Make FEMA a cabinet level agency
  - II. public assistance grants front loaded instead of reimbursement based
  - III. categorical permissions for SHPO
  - IV. Block grants to states in lieu of BRIC
  - V. Shift more responsibilities to the states, reward proactive states

### II. WOTUS Rule Released – Consistent with US Supreme Court Sackett Decision

- I. Narrows federal jurisdiction – now only relatively permanent waters
- II. Only wetlands with continuous connection to permanent waters
- III. Excludes ditches, cropland, and waste transport systems
- IV. **USACE/EPA requesting comments regarding further exclusions for stormwater control facilities – **Recommend that you send comments supporting exclusion of stormwater facilities.**** (See Section IV.C.5 of Proposed Rule in Federal Register – **[Comments due by Jan 5.](#)** EPA-HQ-OW-2025-0322

## Federal Updates

### III. WRDA

- I. Congress is considering limiting new policy/law as USACE is delayed in implementing past WRDAs
- II. WRDA has been delayed by government shutdown. Check with local congressional delegation – may have until January to submit – must go through congressional offices
- III. WRDA Hearing next week in House

### IV. USACE

- I. ASA focus on streamlining permitting / mitigation banking opportunities
- II. New 404 Nationwide Permits – ASA asking for ideas
- III. 35% Design for Feasibility Studies
- IV. Real Estate Reform
- V. 408 and 404 permits – how are they going?
- VI. Potential 214 agreement concerns – particularly on 404 side
- VII. Potential refocus of construction funding on Dam Safety only due to construction/backlog
- VIII. Induced Flooding – Idecker Case

### V. USFWS/NMFS

- I. New ESA Rulemaking – Changes to HARM (remove habitat impacts), Critical Habitat (focus on existing habitat, not potential), Threatened Species Reform (require case by case evaluations) – **Comments due Dec 22, 2025**
- II. **FWS–HQ–ES–2025–0039 (Section 4) – Listing and Habitat Changes referenced above**
- III. **FWS–HQ–ES–2025–0044 (Section 7) – Redefines Environmental Baseline, Reasonable and Prudent, Effects of the Action**

#### IV. US EPA

- I. Each Agency now has their own NEPA rules – skinned up, but differing within Agencies
- II. HR3898 – PERMIT Act – Merges several CWA reform bills into single bill in House T&I (Westerman)
  - I. 10 Year NPDES Permits
  - II. Compensatory mitigation reforms
  - III. Tighter timelines for permit decisions
- III. HR 4776 SPEED Act – approved by House NR Committee Nov 20- Moving to House Rules
  - I. Eliminate NEPA where state equivalent
  - II. Limit new data requests
  - III. Restrict scope to proximate issues
  - IV. 6 month review periods, 150-day appeals

#### *State Updates*

- I. CDFW
  - I. Continued discussions with seven counties/CEAC group
- II. State Legislation
  - I. AB1313 – Statewide Commercial Stormwater Permit – Now 2-year bill – Was an effort to establish new NPDES permits for big box stores and other large commercial properties
  - II. SB601 – Waste Discharge - Now 2-year bill – was a “Trump Proofing” effort to create a new category of state regulated “nexus waters” to offset changes to WOTUS.

# Questions, Comments and Complaints

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