

# Congress of the United States

## Washington, DC 20515

March 19, 2021

Mr. Rob Fairweather  
Acting Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington, D.C. 20503

Mr. Taylor Ferrell  
Senior Official Performing the Duties of the Assistant Secretary of the Army (Civil Works)  
United States Army  
108 Army Pentagon  
Washington, D.C. 20310-0108

Dear Acting Director Fairweather and Mr. Ferrell,

We are writing to respectfully request funding in the President's FY 2022 Budget Proposal for Phase I and Phase II of the Lower San Joaquin River Flood Risk Management Project. The Army Corps of Engineers (Corps) is partnering with the San Joaquin Area Flood Control Agency (SJAFC) and the State of California to advance these critical flood damage reduction efforts. The specific funding requests are:

- **The Lower San Joaquin River Flood Risk Management Project, Phase I: \$35,000,000**
- **The Lower San Joaquin River Feasibility Study, Phase II: \$1,500,000**

### **Lower San Joaquin River Flood Risk Management Project, Phase I**

On July 31, 2018 the Chief of the Corps signed the Chief's Report for the preferred flood risk management plan for a large portion of the Stockton metropolitan area. That plan, which is now called the Lower San Joaquin River Flood Risk Management Project (project) will help protect an estimated 165,000 residents in this region and provide an estimated 84 percent reduction in expected annual property damage. The flood protection from this project will also increase the resilience of 262 critical infrastructure sites, 12 of which are considered essential to life safety. In particular, economic analysis shows this project will be a tremendous value to the federal taxpayer with a benefit to cost ratio of 7 to 1 at the statutory rate. The project was authorized by Congress and signed into law by the President on October 23, 2018 (P.L. 115-270, America's Water Infrastructure Act).

The project has received significant support in the previous four Corps Work Plans. The FY 2018, FY 2019, FY 2020, and FY 2021 Work Plans allocated a combined \$47.225 million in federal funding for the project, along with a coveted "New Start" construction designation in FY 2020. In September 2020, the Project Partnership Agreement with the Army Corps and State of California was executed. The nearly \$50 million in federal funds, in combination with the non-federal cost-share are covering the initial PED and construction segments of the project. In order for future elements of the project to be constructed on schedule, substantial federal investment will need to be provided in FY 2022 and successive fiscal years.

*To support further construction activities, we respectfully request that you include \$35 million in the Administration's FY 2022 Budget Proposal to continue to advance this critical project.*

#### Lower San Joaquin River Feasibility Study, Phase II

As recommended in the Chief's Report for the Lower San Joaquin River Feasibility Study (LSJRFS) and further instructed by Congress through section 1203 of P.L. 115-270, a critical second phase of this feasibility study is needed. As the Chief's Report clearly outlines, advancing the LSJRFS Phase II represents "continuing work under the existing study."

The study area designated in Phase II of the plan, called Mossdale Tract, was intended for incorporation as part of a single, unified LSJRFS. However, several years ago, the Corps signaled a concern that the area may potentially lie within a 100-year floodplain, depending upon how that floodplain is defined. If this was determined to be the case, Executive Order 11988, which discourages federal participation in the construction of flood mitigation measures in areas deemed to fall within a 100-year floodplain, would apply.

Several years have passed since the E.O. 11988 issue was raised by the Corps, and to date, the agency has yet to determine if the area falls in that floodplain. This inaction excluded the Mossdale Tract area from the LSJRFS Selected Plan (Phase I) and is why a Phase II study to develop flood mitigation proposals for this high at-risk area is urgently needed.

Advancing the LSJRFS Phase II is also needed to meet the requirements of a 2007 California State law (SB 5) for a 200-year level of flood protection of urban areas in the Central Valley by 2028. To understand the regional impact, the second phase of the LSJRFS will determine the feasibility of constructing flood control measures to protect:

- More than 50,000 residents in the Cities of Lathrop, Manteca and Stockton
- Lathrop's City Hall
- Police & Fire Stations and fire stations
- San Joaquin County Hospital
- San Joaquin County Jail
- Future Veterans Administration Hospital (broke ground in 2019)
- Numerous schools
- A children's home
- Interstate 5 (major North/South route which carries 115,000 vehicles per day)
- State Highway 120
- Railroads

It is critical that a Phase II study be continued to examine flood mitigation proposals for this highly populated, at-risk area as recommended by the Chief of Engineers and Congress. This is further supported by a recent USACE life risk safety assessment under the Floodplain Management Services program, which concluded that there would be significant loss of life in the Mossdale Tract area due to a flood if no project was built to protect the community.

*As such, we are requesting \$1.5 million be included in the Administration's Budget Proposal for FY 2022 to advance the continuation of Phase II of the LSJRFS as set forth in the Chief's Report for Phase 1.*

We greatly appreciate your consideration of these funding requests as both initiatives described above are critically important to protect our constituents against a major flood event. We look forward to working with you to advance both Phase I and Phase II of the Lower San Joaquin River flood projects and are happy to answer any questions you may have.  
Sincerely,

Jerry McNerney  
Member of Congress

A handwritten signature in black ink that reads "Josh Harder". The signature is written in a cursive, flowing style.

Josh Harder  
Member of Congress