

AMENDED IN SENATE APRIL 9, 2007

AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 5

Introduced by Senator Machado

December 4, 2006

An act to amend Section 65584.04 of, and to add Sections 65302.7, 65302.9, 65405, 65962, 65962.1, 65962.2, 66474.10, and 66474.11 to, the Government Code, to add Section 50465 to the Health and Safety Code, to add Section 21151.9.5 to the Public Resources Code, and to add Article 8 (commencing with Section 8724) to Chapter 3 of Part 4 of Division 5 of the Water Code, relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as amended, Machado. Flood management.

(1) The existing Disaster Preparedness and Flood Prevention Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and sale of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. That existing act requires the compilation of a state plan of flood control.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and sale of bonds in the amount of \$5,388,000,000 to fund projects and expenditures relating to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts.

This bill would make legislative findings and declarations regarding the necessity of developing a comprehensive integrated flood policy and flood management program that addresses all aspects of flood management, clarifying the roles and responsibilities of the state, local flood management agencies, cities and counties, developers, and property owners as part of an integrated flood policy, and integrating the flood-related funding authorized by those bond acts with the integrated flood policy and flood management program.

(2) The Department of Water Resources performs various flood control activities throughout the state. Existing law authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River and San Joaquin River, their tributaries, and related areas.

This bill would require the department, on or before January 1, in years ending in 0 and 5, to prepare the Sacramento-San Joaquin River Flood Management System Plan. The bill would require the board, on or before March 31, in years ending in 0 and 5, to adopt the plan.

The bill would require the plan to include specified components, including a description of the Sacramento-San Joaquin River Flood Management System, as described, a description of the performance of the system and challenges to modifying the system to provide appropriate levels of flood protection, and findings and recommendations with regard to structural and nonstructural projects that, upon completion, will significantly reduce flood risks within the Sacramento and San Joaquin Rivers drainage. The department would be required to include in the plan evaluations of the methods for improving the performance of the system, the structural improvements necessary to bring each of the facilities of the State Plan of Flood Control for the Central Valley, as defined, to within its design standard, methods for providing an urban level of flood protection to urbanized areas, and methods for reducing flood risks in nonurbanized areas.

Upon the adoption of the plan by the board, specified facilities would be deemed to be part of the system and the board would be required to take action necessary to remove certain facilities from the State Plan of Flood Control for the Central Valley. The department would be required to prepare, and the board to adopt, a schedule of implementation for recommended actions.

The bill would also require local governments, by an unspecified date, to revise the local general plan to adequately address flood risks, to collaborate with local flood agencies to develop and provide technical

information and support to identify parcels that may be protected by the plan or other flood management facilities, to collaborate with the state and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas, to develop funding mechanisms to finance local flood responsibilities, and to provide public notice of specific areas that may be protected by a flood control facility or that are located in a flood hazard area, as specified, thereby creating a state-mandated local program.

The bill would also require local governments, by an unspecified date, to explicitly address flood risks in approvals for all projects located in flood hazard zones, and deny approval or require reasonable mitigation or building standards for any project located in an area protected by flood control facilities that do not meet specified designated performance standards or the increased level of protections. The bill would also require local governments, by an unspecified date, to explicitly address flood risks in any environmental impact report, land evaluation and site assessment, negative declaration, mitigated negative declaration, or other environmental review documents filed pursuant to the California Environmental Quality Act. Each county is also required, by an unspecified date, to collaborate with the cities within its jurisdiction to develop flood emergency plans, thereby creating a state-mandated local program.

(3) The Planning and Zoning Law requires at least 2 years prior to a scheduled revision of a local government's housing element that each council of governments, or delegate subregion, as applicable, develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to specified provisions. That law requires that the methodology be consistent with specified objectives that include, among other things, a determination of the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

The bill would provide that the determination of available land suitable for urban development may exclude lands where the flood management infrastructure designed to protect the jurisdiction is not

adequate to avoid the risk of flooding such that the development of housing would be impractical due to cost or other considerations.

(4) Existing law requires the Building Standards Commission to receive proposed building standards from state agencies for consideration in an annual code adoption cycle, as specified.

This bill would require the Department of Housing and Community Development, in consultation with the Office of the State Architect, the State Fire Marshal, and the Department of Water Resources, during the next annual building standards code adoption cycle conducted by the Building Standards Commission, after January 1, 2008, to consider whether to propose updated requirements to the code for construction in an area where flood levels are anticipated to exceed 3 feet for the 100-year flood event, as specified, and would require the Department of Housing and Community Development, if the department decides not to make a proposal to the Building Standards Commission, to explain in writing the reasons for its decision, and submit that explanation to the Legislature.

(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) To successfully improve state flood policy and reduce flood
- 4 risks, it is necessary to develop a comprehensive integrated flood
- 5 policy and flood management program that addresses all aspects
- 6 of flood management.
- 7 (b) Further, as part of an integrated flood policy, it is necessary
- 8 to clarify the roles and responsibilities of the state, local flood
- 9 management agencies, cities and counties, and developers and
- 10 other property owners.

1 (c) It is also necessary to integrate the flood-related funding
2 authorized by the Disaster Preparedness and Flood Prevention
3 Bond Act of 2006 (Chapter 1.699 (commencing with Section
4 5096.800) of Division 5 of the Public Resources Code) and the
5 Safe Drinking Water, Water Quality and Supply, Flood Control,
6 River and Coastal Protection Bond Act of 2006 (Division 43
7 (commencing with Section 75001) of the Public Resources Code)
8 with the integrated flood policy and flood management program.
9 As part of this integration of policy with financing, it is important
10 that cost-sharing rules for flooding be consistent statewide.

11 (d) In expending the bond funds, the priority should be to protect
12 current populations, public safety, and public safety infrastructure.

13 (e) Many urban populations have an inadequate level of flood
14 protection. At the 4th Biennial CALFED Science Conference 2006,
15 credible evidence was presented suggesting that a 500-year level
16 of flood protection is the minimum level of protection that should
17 be considered for urbanized areas.

18 (f) The integrated strategy for improving the level of flood
19 protection should include changes in land use and land use
20 planning. Changes in land use planning requirements should begin
21 as soon as practicable. The start date for these changes will be
22 dependent upon a number of events, including, but not limited to,
23 all of the following:

24 (1) When new flood risk maps are available.

25 (2) When the Department of Water Resources and the
26 Reclamation Board have completed their assessments of the current
27 performance of state flood control.

28 (3) When the Department of Water Resources and the
29 Reclamation Board have amended the state plan of flood control
30 to add or remove facilities.

31 (4) When the Department of Water Resources and the
32 Reclamation Board have identified and adopted a schedule for
33 implementing structural and nonstructural improvements to the
34 state plan of flood control that improve the operation of the system
35 and reduce flood risk systemwide.

36 (5) When the Department of Water Resources, local flood
37 management agencies, and cities and counties have identified and
38 adopted a schedule for implementing structural and nonstructural
39 improvements to the state plan of flood control that improve the
40 operation of the system and reduce flood risk systemwide.

1 *SEC. 2. Section 65302.7 is added to the Government Code, to*
2 *read:*

3 65302.7. *Following the adoption of the Sacramento-San*
4 *Joaquin River Flood Management System Plan, pursuant to Article*
5 *8 (commencing with Section 8724) of the Water Code, each city,*
6 *county, or city and county shall, by _____, following the completion*
7 *and dissemination of the new Department of Water Resources*
8 *flood risk and depth of flooding maps, revise the general plans of*
9 *the city, county, or city and county, to adequately address flood*
10 *risks for all new development, including, but not limited to, new*
11 *residential subdivisions, consistent with the requirements of*
12 *Sections 65302.9, 65405, 66474.10, and 66474.11, Section*
13 *21151.9.5 of the Public Resources Code, and Sections 2728,*
14 *2728.1, and 2728.2 of the Water Code.*

15 *SEC. 3. Section 65302.9 is added to the Government Code, to*
16 *read:*

17 65302.9. *Consistent with the adoption of the Sacramento-San*
18 *Joaquin River Flood Management System Plan, pursuant to Article*
19 *8 (commencing with Section 8724) of the Water Code, each city,*
20 *county, or city and county shall develop and provide technical*
21 *information and support by collaborating with local flood agencies*
22 *to identify parcels that may be protected by the state plan of flood*
23 *control or other flood management facilities, and, if known, the*
24 *extent of the protection.*

25 *SEC. 4. Section 65405 is added to the Government Code, to*
26 *read:*

27 65405. *Consistent with the adoption of the Sacramento-San*
28 *Joaquin River Flood Management System Plan, pursuant to Article*
29 *8 (commencing with Section 8724) of the Water Code, each city,*
30 *county, or city and county shall provide public notice of specific*
31 *areas that may be protected by a flood control facility or that are*
32 *located in a flood hazard area, including, information on where*
33 *residents can obtain further information about degree of protection,*
34 *recommended flood insurance in such areas, and advising residents*
35 *on the consequences of failing to have insurance in the event of a*
36 *flood.*

37 *SEC. 5. Section 65584.04 of the Government Code is amended*
38 *to read:*

39 65584.04. (a) *At least two years prior to a scheduled revision*
40 *required by Section 65588, each council of governments, or*

1 delegate subregion as applicable, shall develop a proposed
2 methodology for distributing the existing and projected regional
3 housing need to cities, counties, and cities and counties within the
4 region or within the subregion, where applicable pursuant to this
5 section. The methodology shall be consistent with the objectives
6 listed in subdivision (d) of Section 65584.

7 (b) (1) No more than six months prior to the development of a
8 proposed methodology for distributing the existing and projected
9 housing need, each council of governments shall survey each of
10 its member jurisdictions to request, at a minimum, information
11 regarding the factors listed in subdivision (d) that will allow the
12 development of a methodology based upon the factors established
13 in subdivision (d).

14 (2) The council of governments shall seek to obtain the
15 information in a manner and format that is comparable throughout
16 the region and utilize readily available data to the extent possible.

17 (3) The information provided by a local government pursuant
18 to this section shall be used, to the extent possible, by the council
19 of governments, or delegate subregion as applicable, as source
20 information for the methodology developed pursuant to this section.
21 The survey shall state that none of the information received may
22 be used as a basis for reducing the total housing need established
23 for the region pursuant to Section 65584.01.

24 (4) If the council of governments fails to conduct a survey
25 pursuant to this subdivision, a city, county, or city and county may
26 submit information related to the items listed in subdivision (d)
27 prior to the public comment period provided for in subdivision
28 (c).

29 (c) Public participation and access shall be required in the
30 development of the methodology and in the process of drafting
31 and adoption of the allocation of the regional housing needs.
32 Participation by organizations other than local jurisdictions and
33 councils of governments shall be solicited in a diligent effort to
34 achieve public participation of all economic segments of the
35 community. The proposed methodology, along with any relevant
36 underlying data and assumptions, and an explanation of how
37 information about local government conditions gathered pursuant
38 to subdivision (b) has been used to develop the proposed
39 methodology, and how each of the factors listed in subdivision (d)
40 is incorporated into the methodology, shall be distributed to all

1 cities, counties, any subregions, and members of the public who
2 have made a written request for the proposed methodology. The
3 council of governments, or delegate subregion, as applicable, shall
4 conduct at least one public hearing to receive oral and written
5 comments on the proposed methodology.

6 (d) To the extent that sufficient data is available from local
7 governments pursuant to subdivision (b) or other sources, each
8 council of governments, or delegate subregion as applicable, shall
9 include the following factors to develop the methodology that
10 allocates regional housing needs:

11 (1) Each member jurisdiction's existing and projected jobs and
12 housing relationship.

13 (2) The opportunities and constraints to development of
14 additional housing in each member jurisdiction, including all of
15 the following:

16 (A) Lack of capacity for sewer or water service due to federal
17 or state laws, regulations or regulatory actions, or supply and
18 distribution decisions made by a sewer or water service provider
19 other than the local jurisdiction that preclude the jurisdiction from
20 providing necessary infrastructure for additional development
21 during the planning period.

22 (B) The availability of land suitable for urban development or
23 for conversion to residential use, the availability of underutilized
24 land, and opportunities for infill development and increased
25 residential densities. The council of governments may not limit
26 its consideration of suitable housing sites or land suitable for urban
27 development to existing zoning ordinances and land use restrictions
28 of a locality, but shall consider the potential for increased
29 residential development under alternative zoning ordinances and
30 land use restrictions. *The determination of available land suitable*
31 *for urban development may exclude lands where the flood*
32 *management infrastructure designed to protect that land is not*
33 *adequate to avoid the risk of flooding such that the development*
34 *of housing on that land would be infeasible because of cost or*
35 *other considerations. Information from the Reclamation Board,*
36 *the Army Corps of Engineers, or other sources may be used to*
37 *support determinations made pursuant to this subparagraph.*

38 (C) Lands preserved or protected from urban development under
39 existing federal or state programs, or both, designed to protect

1 open space, farmland, environmental habitats, and natural resources
2 on a long-term basis.

3 (D) County policies to preserve prime agricultural land, as
4 defined pursuant to Section 56064, within an unincorporated area.

5 (3) The distribution of household growth assumed for purposes
6 of a comparable period of regional transportation plans and
7 opportunities to maximize the use of public transportation and
8 existing transportation infrastructure.

9 (4) The market demand for housing.

10 (5) Agreements between a county and cities in a county to direct
11 growth toward incorporated areas of the county.

12 (6) The loss of units contained in assisted housing developments,
13 as defined in paragraph (8) of subdivision (a) of Section 65583,
14 that changed to non-low-income use through mortgage prepayment,
15 subsidy contract expirations, or termination of use restrictions.

16 (7) High-housing costs burdens.

17 (8) The housing needs of farmworkers.

18 (9) The housing needs generated by the presence of a private
19 university or a campus of the California State University or the
20 University of California within any member jurisdiction.

21 (10) Any other factors adopted by the council of governments.

22 (e) The council of governments, or delegate subregion, as
23 applicable, shall explain in writing how each of the factors
24 described in subdivision (d) was incorporated into the methodology
25 and how the methodology is consistent with subdivision (d) of
26 Section 65584. The methodology may include numerical weighting.

27 (f) Any ordinance, policy, voter-approved measure, or standard
28 of a city or county that directly or indirectly limits the number of
29 residential building permits issued by a city or county shall not be
30 a justification for a determination or a reduction in the share of a
31 city or county of the regional housing need.

32 (g) In addition to the factors identified pursuant to subdivision
33 (d), the council of governments, or delegate subregion, as
34 applicable, shall identify any existing local, regional, or state
35 incentives, such as a priority for funding or other incentives
36 available to those local governments that are willing to accept a
37 higher share than proposed in the draft allocation to those local
38 governments by the council of governments or delegate subregion
39 pursuant to Section 65584.05.

1 (h) Following the conclusion of the 60-day public comment
2 period described in subdivision (c) on the proposed allocation
3 methodology, and after making any revisions deemed appropriate
4 by the council of governments, or delegate subregion, as applicable,
5 as a result of comments received during the public comment period,
6 each council of governments, or delegate subregion, as applicable,
7 shall adopt a final regional, or subregional, housing need allocation
8 methodology and provide notice of the adoption of the
9 methodology to the jurisdictions within the region, or delegate
10 subregion as applicable, and to the department.

11 *SEC. 6. Section 65962 is added to the Government Code, to*
12 *read:*

13 *65962. Following the adoption of the Sacramento-San Joaquin*
14 *River Flood Management System Plan, pursuant to Article 8*
15 *(commencing with Section 8724) of the Water Code, each city,*
16 *county, or city and county shall, by _____, explicitly address flood*
17 *risks in approvals for all projects located in flood hazard zones,*
18 *consistent with revisions to the general plan required by Section*
19 *65302.7.*

20 *SEC. 7. Section 65962.1 is added to the Government Code, to*
21 *read:*

22 *65962.1. Following the adoption of the Sacramento-San*
23 *Joaquin River Flood Management System Plan, pursuant to Article*
24 *8 (commencing with Section 8724) of the Water Code, each city,*
25 *county, or city and county shall, after _____, deny approval or*
26 *require feasible mitigation or building standards for any project*
27 *located in an area protected by flood control facilities that do not*
28 *meet the design performance standards specified in Section 8727*
29 *of the Water Code.*

30 *SEC. 8. Section 65962.2 is added to the Government Code, to*
31 *read:*

32 *65962.2. Following the adoption of the Sacramento-San*
33 *Joaquin River Flood Management System Plan, pursuant to Article*
34 *8 (commencing with Section 8724) of the Water Code, each city,*
35 *county, or city and county shall, after _____, deny approval or*
36 *require appropriate mitigation or building standards for any*
37 *project located in an area protected by flood control facilities that*
38 *do not meet the increased level of protection as determined*
39 *pursuant to Section 8727 of the Water Code.*

1 SEC. 9. Section 66474.10 is added to the Government Code,
2 to read:

3 66474.10. Following the adoption of the Sacramento-San
4 Joaquin River Flood Management System Plan, pursuant to Article
5 8 (commencing with Section 8724) of the Water Code, each city,
6 county, or city and county shall, after _____, deny approval or
7 require feasible mitigation or building standards for any project
8 located in an area protected by flood control facilities that do not
9 meet the design performance standards specified in Section 8727
10 of the Water Code.

11 SEC. 10. Section 66474.11 is added to the Government Code,
12 to read:

13 66474.11. Following the adoption of the Sacramento-San
14 Joaquin River Flood Management System Plan, pursuant to Article
15 8 (commencing with Section 8724) of the Water Code, each city,
16 county, or city and county shall, after _____, deny approval or
17 require appropriate mitigation or building standards for any
18 project located in an area protected by flood control facilities that
19 do not meet the increased level of protection as determined
20 pursuant to Section 8727 of the Water Code.

21 SEC. 11. Section 50465 is added to the Health and Safety Code,
22 to read:

23 50465. In the next annual building standards code adoption
24 cycle conducted by the Building Standards Commission, that begins
25 after January 1, 2008, the department, in consultation with the
26 Office of the State Architect, the State Fire Marshal, and the
27 Department of Water Resources, shall consider whether to propose
28 for adoption and approval by the Building Standards Commission
29 of updated requirements to the code for construction in an area
30 where flood levels are anticipated to exceed three feet for the
31 100-year flood event. If the department makes a proposal to the
32 commission, the commission shall take action in that annual
33 building standards code adoption cycle to adopt and approve or
34 to not adopt and approve the proposal. If the department decides
35 not to make a proposal, the department shall explain in writing
36 the reasons for its decision, and shall submit that explanation to
37 the Legislature.

38 SEC. 12. Section 21151.9.5 is added to the Public Resources
39 Code, to read:

1 21151.9.5. *Following the adoption of the Sacramento-San*
 2 *Joaquin River Flood Management System Plan, pursuant to Article*
 3 *8 (commencing with Section 8724) of the Water Code, each city,*
 4 *county, or city and county shall, by _____, explicitly address flood*
 5 *risks in any environmental impact report, land evaluation and site*
 6 *assessment, negative declaration, mitigated negative declaration,*
 7 *or other environmental review documents.*

8 ~~SEC. 2.~~

9 SEC. 13. Article 8 (commencing with Section 8724) is added
 10 to Chapter 3 of Part 4 of Division 5 of the Water Code, to read:

11
 12 Article 8. Sacramento-San Joaquin River Flood Management
 13 System
 14

15 8724. Unless the context requires otherwise, the definitions
 16 set forth in this section govern the construction of this article.

17 (a) “Plan” means the Sacramento-San Joaquin River Flood
 18 Management System Plan.

19 (b) “State Plan of Flood Control for the Central Valley” has the
 20 meaning set forth in subdivision (j) of Section 5096.805 of the
 21 Public Resources Code.

22 (c) “System” means the Sacramento-San Joaquin River Flood
 23 Management System described in Section 8725.

24 8725. The Sacramento-San Joaquin River Flood Management
 25 System comprises all of the following:

26 (a) The facilities of the State Plan of Flood Control for the
 27 Central Valley as that plan may be amended pursuant to this article.

28 (b) Any existing dam, levee, or other flood management facility
 29 that is not part of the State Plan of Flood Control for the Central
 30 Valley that the board determines, pursuant to this article, does one
 31 or more of the following:

32 (1) Provides significant systemwide benefits for managing flood
 33 risks within the Sacramento and San Joaquin Rivers drainage.

34 (2) Protects urban areas within the Sacramento and San Joaquin
 35 Rivers drainage.

36 (c) Structural and nonstructural projects that are adopted by the
 37 board pursuant to this article and designed to reduce flood risks
 38 within the Sacramento and San Joaquin Rivers drainage.

1 8725.5. (a) The department shall prepare, and the board shall
2 adopt, the Sacramento-San Joaquin River Flood Management
3 System Plan in accordance with this article.

4 (b) On or before January 1, in years ending in 0 and 5, the
5 department shall submit the proposed plan to the board.

6 (c) The board shall hold at least two hearings to receive
7 comments on the proposed plan. At least one hearing shall be held
8 in the Sacramento Valley and at least one hearing shall be held in
9 the San Joaquin Valley. The board shall also accept comments in
10 writing with regard to the proposed plan.

11 (d) The board may make changes to the proposed plan to resolve
12 issues raised in the hearings or to respond to comments received
13 by the board. The board shall publish its proposed changes to the
14 proposed plan at least two weeks before adopting the plan.

15 (e) On or before March 31, in years ending in 0 and 5, the board
16 shall adopt the plan.

17 8726. The preparation of the plan pursuant to this article is not
18 subject to the California Environmental Quality Act (Division 13
19 (commencing with Section 21000) of the Public Resources Code).

20 8726.5. The department or the board may appoint one or more
21 advisory committees to assist in the preparation of the plan.

22 8727. The plan shall include all of the following:

23 (a) A description of the Sacramento-San Joaquin River Flood
24 Management System.

25 (b) A description of the performance of the system and the
26 challenges to modifying the system to provide appropriate levels
27 of flood protection, and findings and recommendations with regard
28 to structural and nonstructural projects that, upon completion, will
29 significantly reduce flood risks within the Sacramento and San
30 Joaquin Rivers drainage.

31 (c) A description of the facilities of the State Plan of Flood
32 Control for the Central Valley, including all of the following:

33 (1) The precise location and a brief description of each facility,
34 a description of the population and property protected by the
35 facility, the system benefits provided by the facility, if any, and a
36 brief history of the facility, including the year of construction,
37 major improvements to the facility, and any failures of the facility.

38 (2) The design performance of each facility.

39 (3) A description and evaluation of the performance of each
40 facility, including the following:

1 (A) An evaluation of failure risks due to each of the following:

2 (i) Overtopping.

3 (ii) Under seepage.

4 (iii) Structural failure.

5 (iv) Seismic events.

6 (v) Other sources of risk that the department or the board
7 determines are applicable.

8 (B) A description of any uncertainties regarding performance
9 capability, including uncertainties arising from the need for
10 additional engineering evaluations or uncertainties arising from
11 changed conditions such as changes in estimated channel
12 capacities.

13 (d) A description of each existing dam that is not part of the
14 State Plan of Flood Control for the Central Valley that provides
15 either significant systemwide benefits for managing flood risks
16 within the Sacramento and San Joaquin Rivers drainage or protects
17 urban areas within the Sacramento and San Joaquin Rivers
18 drainage, including all of the following information:

19 (1) The precise location and a brief description of each facility,
20 a description of the population and property protected by the
21 facility, and a brief history of the facility, including the year of
22 construction, major improvements to the facility, and any
23 uncontrolled releases of the facility.

24 (2) The standard project flood event upon which the flood
25 operation rules were based.

26 (3) A description of downstream conditions upon which the
27 flood operation rules were based, including estimated channel
28 capacities, level of urban development, and other conditions that
29 the department or the board determines to be relevant.

30 (4) A description of changes in downstream conditions since
31 the flood operation rules were established.

32 (e) A description of each existing levee and other flood
33 management facility not described in subdivision (d) that is not
34 part of the State Plan of Flood Control for the Central Valley that
35 provides either significant systemwide benefits for managing flood
36 risks within the Sacramento and San Joaquin Rivers drainage or
37 protects urban areas within the Sacramento and San Joaquin Rivers
38 drainage, including all of the following:

39 (1) The precise location and a brief description of each facility,
40 a description of the population and property protected by the

1 facility, the system benefits provided by the facility, if any, and a
2 brief history of the facility, including the year of construction,
3 major improvements to the facility, and any failures of the facility.

4 (2) The design performance of each facility.

5 (3) A description and evaluation of the performance of each
6 facility, including the following:

7 (A) An evaluation of failure risks due to each of the following:

8 (i) Overtopping.

9 (ii) Under seepage.

10 (iii) Structural failure.

11 (iv) Seismic events.

12 (v) Other sources of risk that the department or the board
13 determines are applicable.

14 (B) A description of any uncertainties regarding performance
15 capability, including uncertainties arising from the need for
16 additional engineering evaluations or uncertainties arising from
17 changed conditions such as changes in estimated channel
18 capacities.

19 (f) A description of the probable impacts of projected climate
20 change, projected land use patterns, and other potential flood
21 management challenges on the ability of the system to provide
22 adequate levels of flood protection.

23 (g) An evaluation of both structural and nonstructural methods
24 for improving systemwide performance of the system. The
25 evaluation shall include a prioritized list of recommended actions
26 necessary to improve the performance of the system.

27 (h) An evaluation of the structural improvements necessary to
28 bring each of the facilities of the State Plan of Flood Control for
29 the Central Valley to within its design standard.

30 (1) The evaluation shall include a prioritized list of
31 recommended actions necessary to bring each facility not identified
32 in paragraph (2) to within its design standard.

33 (2) The evaluation shall include a list of facilities recommended
34 to be removed from the State Plan of Flood Control for the Central
35 Valley. For each facility recommended for removal, the evaluation
36 shall identify both of the following:

37 (A) The reasons for proposing the removal of the facility from
38 the State Plan of Flood Control for the Central Valley.

1 (B) Any additional recommended actions associated with
2 removing the facility from the State Plan of Flood Control for the
3 Central Valley.

4 (i) (1) An evaluation of both structural and nonstructural
5 methods for providing an urban level of flood protection to
6 currently urbanized areas. The evaluation shall include a prioritized
7 list of recommended actions to improve urban flood protection.

8 (2) For purposes of this subdivision, “urban level of flood
9 protection” means that level of protection necessary to protect
10 against both of the following:

11 (A) A “___ flood,” which means a hypothetical flood
12 representing ___.

13 (B) A ___ percent probability of flooding in any one year.

14 (j) An evaluation of both structural and nonstructural methods
15 for reducing flood risks in currently nonurbanized areas. The
16 evaluation shall include a prioritized list of recommended actions
17 to reduce these flood risks.

18 (k) An evaluation of both structural and nonstructural methods
19 for improving public trust resources and beneficial uses of flood
20 water where these improvements also contribute to reducing flood
21 risks.

22 (l) The prioritization of recommended actions required under
23 this section shall be based on the following criteria:

24 (1) The likelihood of failure by the levee or facility.

25 (2) The current population protected by the levee or facility.

26 (3) The public safety infrastructure protected by the levee or
27 facility. For purposes of this paragraph, “public safety
28 infrastructure” means the street and highway evacuation routes,
29 hospitals, and other public safety infrastructure necessary to
30 respond to a flood emergency.

31 (4) The willingness of local agencies to participate in
32 implementing the proposed action.

33 (m) Wherever feasible, the recommended actions in the plan
34 shall be designed to meet multiple objectives, including each of
35 the following:

36 (1) Reducing the risk to human life, health, and safety from
37 flooding.

38 (2) Promoting natural dynamic hydrologic and geomorphic
39 processes.

40 (3) Reducing damages from flooding.

1 (4) Increasing and improving the quantity, diversity, and
2 connectivity of riparian, wetland, flood plain, and shaded riverine
3 aquatic habitats, including agriculture and the ecological values
4 of these lands.

5 (5) Minimizing the flood management system operation and
6 maintenance requirements.

7 (6) Promoting the recovery and stability of native species
8 populations and overall biotic community diversity.

9 (n) For the purposes of preparing the plan, the department shall
10 collaborate with the United States Army Corps of Engineers and
11 the owners and operators of flood management facilities.

12 8727.5. Upon adoption of the plan by the board, all of the
13 following apply:

14 (a) The facilities identified pursuant to subdivisions (d) and (e)
15 of Section 8727 shall be deemed to be part of the system.

16 (b) The board shall take all actions necessary to remove facilities
17 identified pursuant to paragraph (2) of subdivision (h) of Section
18 8727 from the State Plan of Flood Control for the Central Valley.

19 (c) The department shall prepare, and the board shall adopt, a
20 schedule of implementation for all of the recommended actions.
21 The schedule shall include a proposed funding plan.

22 8728. *Consistent with the adoption of the Sacramento-San*
23 *Joaquin River Flood Management System Plan, pursuant to Article*
24 *8 (commencing with Section 8724) of the Water Code, each county*
25 *shall collaborate with cities within its jurisdiction to develop flood*
26 *emergency plans.*

27 8728.1. *Consistent with the adoption of the Sacramento-San*
28 *Joaquin River Flood Management System Plan, pursuant to Article*
29 *8 (commencing with Section 8724) of the Water Code, each city,*
30 *county, or city and county shall collaborate with the state and*
31 *local flood management agencies to provide relocation assistance*
32 *or other cost-effective strategies for reducing flood risk to existing*
33 *economically disadvantaged communities located in nonurbanized*
34 *areas.*

35 8728.2. *Consistent with the adoption of the Sacramento-San*
36 *Joaquin River Flood Management System Plan, pursuant to Article*
37 *8 (commencing with Section 8724) of the Water Code, each city,*
38 *county, or city and county shall collaborate with the state and*
39 *local flood management agencies to develop funding mechanisms*
40 *to finance local flood responsibilities.*

1 *SEC. 14. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

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