

Introduced by Senator Pan

January 27, 2015

An act to amend Section 12670.14 of the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as introduced, Pan. Water development projects: Sacramento-San Joaquin watersheds.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. Existing law adopts and authorizes federally adopted and approved projects, including a 200-year level of flood protection in the Natomas Basin, in areas within the City of Sacramento and the Counties of Sacramento and Sutter. The projects are authorized at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the Department of Water Resources or the Central Valley Flood Protection Board, formerly known as the Reclamation Board.

This bill would describe the Natomas Basin flood protection project as further modified by a specified report adopted by Congress. The bill would make technical, nonsubstantive changes.

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

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

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:

1 (a) In April 2007, the Sacramento Area Flood Control Agency
2 (SAFCA) secured the support of property owners in the Sacramento
3 region for the imposition of a special benefit assessment to fund
4 the local share of the cost of the levee improvement projects along
5 the American and Sacramento Rivers, including the Natomas
6 Basin, and the project to modify Folsom Dam to provide the
7 Sacramento region with at least a 200-year level of flood protection
8 based on current estimates of the runoff likely to be produced by
9 such a flood event. Later that year, the Legislature passed Senate
10 Bill 276, enacted as Chapter 641 of the Statutes of 2007, which
11 modified existing state authorizations for these projects in order
12 to continue the historic federal-state-local cost-sharing partnership
13 governing the projects and ensure that project construction could
14 move forward as quickly as possible.

15 (b) Since 2007, more than one billion dollars (\$1,000,000,000)
16 in federal, state, and local funds has been expended on these
17 projects in a manner that has substantially increased the ability of
18 the existing flood control system to protect heavily urbanized areas
19 within the City of Sacramento and the Counties of Sacramento
20 and Sutter against very rare floods.

21 (c) Much of this work has occurred in the Natomas Basin where
22 SAFCA, with the state's financial assistance, has raised and
23 strengthened about 18 miles of the most vulnerable segments of
24 the perimeter levee system protecting the Natomas Basin. Because
25 of changes in federal and state engineering standards since 2007,
26 these improvements and the improvements needed for the
27 remainder of the perimeter levee system have greatly exceeded
28 the scope of the Natomas Project set forth in the Final Engineer's
29 Report dated April 19, 2007, which governed SAFCA's special
30 benefit assessment proceedings and informed the Legislature's
31 accompanying project authorization.

32 (d) The full scope of the work necessary to provide the Natomas
33 Basin with at least a 200-year level of flood protection is described
34 in an engineering report prepared in 2010 by the United States
35 Army Corps of Engineers (Corps) for the American River
36 Watershed, Common Features Project, Natomas Basin. This report,
37 which outlines the steps the Corps will take to complete the work
38 in Natomas initiated by the state and SAFCA, was transmitted to
39 Congress by the Chief of Engineers of the Corps in December

1 2010 and adopted by Congress as part of the Water Resources
2 Reform and Development Act of 2014 (Public Law 113-121).

3 (e) Consistent with its historic practice of providing state
4 approval for federally authorized projects affecting the State Plan
5 of Flood Control, the Legislature has determined that modification
6 of the 2007 state authorization for the Natomas Project is warranted
7 in order to enlarge the scope of the authorized project to match the
8 federal authorization without altering the federal-state-local cost
9 sharing made applicable to the project under the 2007 authorization.

10 SEC. 2. Section 12670.14 of the Water Code is amended to
11 read:

12 12670.14. The following projects in areas within the City of
13 Sacramento and the Counties of Sacramento and Sutter are adopted
14 and authorized at an estimated cost to the state of the sum that may
15 be appropriated by the Legislature for state participation upon the
16 recommendation and advice of the department or the ~~Reclamation~~
17 *Central Valley Flood Protection Board*:

18 (a) The project for flood control in the Natomas and North
19 Sacramento areas adopted and authorized by Congress in Section
20 9159 of the Department of Defense Appropriations Act of 1993
21 (Public Law 102-396) substantially in accordance with the
22 recommendations of the Chief of Engineers in the report entitled
23 “American River Watershed Investigation” dated July 1, 1992.

24 (b) The project for flood control along the American and
25 Sacramento Rivers adopted and authorized by Congress in Section
26 101(a)(1) of the Water Resources Development Act of 1996 (*Public*
27 *Law 104-303*) substantially in accordance with the
28 recommendations of the Chief of Engineers in the report entitled
29 “American River Watershed Project, California” dated June 27,
30 1996, as modified by Congress in Section 366 of the Water
31 Resources Development Act of ~~1999, and 1999~~ (*Public Law*
32 *106-53*), as further modified to include the project features
33 necessary to provide a 200-year level of flood protection along the
34 American and Sacramento Rivers and within the Natomas Basin
35 as described in the ~~final engineer’s report~~ *Final Engineer’s Report*
36 dated April 19, 2007, adopted by the Sacramento Area Flood
37 Control ~~Agency~~ *Agency*, and as further modified by the 2010 final
38 *feasibility study for the American River Watershed, Common*
39 *Features Project, Natomas Basin, adopted by Congress in Section*

1 *7002 of the Water Resources Reform and Development Act of 2014*
2 *(Public Law 113-121).*

3 (c) The project to modify Folsom Dam adopted and authorized
4 by Congress in Section 101(a)(6) of the Water Resources
5 Development Act of 1999, 1999 (*Public Law 106-53*), as described
6 in the United States Army Corps of Engineers Supplemental
7 Information Report for the American River Watershed Project,
8 California, dated March 1996, as modified by the report entitled
9 “Folsom Dam Modification Report, New Outlets Plan,” dated
10 March 1998, prepared by the Sacramento Area Flood Control
11 Agency, and as further modified by the Post-Authorization Change
12 Report, American River Watershed Project (Folsom Dam
13 Modification and Folsom Dam Raise Projects), dated March 2007,
14 adopted by Congress in Section ~~3023~~ 3029 of the Water Resources
15 Development Act of ~~2007~~ 2007 (*Public Law 110-114*).

16 (d) (1) The project for flood control, environmental restoration,
17 and recreation along south Sacramento County streams adopted
18 and authorized by Congress in Section ~~101(a)(7)~~ 101(a)(8) of the
19 Water Resources Development Act of 1999 (*Public Law 106-53*)
20 as described in the report of the Chief of Engineers entitled “South
21 Sacramento County Streams, California” dated October 6, 1998.

22 (2) Notwithstanding Section 12657, at the discretion of the
23 ~~Reclamation~~ *Central Valley Flood Protection* Board, the
24 Sacramento Area Flood Control Agency may provide, for the
25 project described in paragraph (1), the assurances of local
26 cooperation satisfactory to the Secretary of the Army, in accordance
27 with Section 12657, in lieu of assurances by the ~~Reclamation~~
28 *Central Valley Flood Protection* Board.

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