

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 144

Introduced by Senator Pan

(Coauthors: Assembly Members Gallagher and McCarty)

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 amended, 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:

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

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

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

34 (d) The full scope of the work necessary to provide the Natomas
35 Basin with at least a 200-year level of flood protection is described
36 in an engineering report prepared in 2010 by the United States
37 Army Corps of Engineers (Corps) for the American River
38 Watershed, Common Features Project, Natomas Basin. This report,

1 which outlines the steps the Corps will take to complete the work
2 in Natomas initiated by the state and SAFCA, was transmitted to
3 Congress by the Chief of Engineers of the Corps in December
4 2010 and adopted by Congress as part of the Water Resources
5 Reform and Development Act of 2014 (Public Law 113-121).

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

14 SEC. 2. Section 12670.14 of the Water Code is amended to
15 read:

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

22 (a) The project for flood control in the Natomas and North
23 Sacramento areas adopted and authorized by Congress in Section
24 9159 of the Department of Defense Appropriations Act of 1993
25 (Public Law 102-396) substantially in accordance with the
26 recommendations of the Chief of Engineers in the report entitled
27 “American River Watershed Investigation” dated July 1, 1992.

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

1 by the 2010 final feasibility study for the American River
2 Watershed, Common Features Project, Natomas Basin, adopted
3 by Congress in Section 7002 of the Water Resources Reform and
4 Development Act of 2014 (Public Law 113-121).

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

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

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