

Senate Bill No. 144

CHAPTER 674

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

[Approved by Governor October 9, 2015. Filed with
Secretary of State October 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 144, 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.

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

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

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

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

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

(d) The full scope of the work necessary to provide the Natomas Basin with at least a 200-year level of flood protection is described in an engineering report prepared in 2010 by the United States Army Corps of Engineers (Corps) for the American River Watershed, Common Features Project, Natomas Basin. This report, which outlines the steps the Corps will take to complete the work in Natomas initiated by the state and SAFCA, was transmitted to Congress by the Chief of Engineers of the Corps in December 2010 and adopted by Congress as part of the Water Resources Reform and Development Act of 2014 (Public Law 113-121).

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

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

12670.14. The following projects in areas within the City of Sacramento and the Counties of Sacramento and Sutter are adopted and 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 or the Central Valley Flood Protection Board:

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

(b) The project for flood control along the American and Sacramento Rivers adopted and authorized by Congress in Section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104-303) substantially in accordance with the recommendations of the Chief of

Engineers in the report entitled “American River Watershed Project, California” dated June 27, 1996, as modified by Congress in Section 366 of the Water Resources Development Act of 1999 (Public Law 106-53), as further modified to include the project features necessary to provide a 200-year level of flood protection along the American and Sacramento Rivers and within the Natomas Basin as described in the Final Engineer’s Report dated April 19, 2007, adopted by the Sacramento Area Flood Control Agency, and as further modified by the 2010 final feasibility study for the American River Watershed, Common Features Project, Natomas Basin, adopted by Congress in Section 7002 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121).

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

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

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