



**Item #07-5-3
Action**

Flood Management Committee

April 30, 2007

Update on Flood Control Legislation

Issue: Staff is tracking eight flood control bills. Two bills in particular, AB 5 (Wolk) and SB 5 (Machado) are being closely monitored because current language in those bills would require state or local plans for flood control, which would affect development in flood-prone areas. A letter of support for AB 930 (Jones) addressing SAFCA authority is being recommended.

Recommendation: That the Flood Management Committee recommend that the Board authorize staff to write a letter of support for AB 930 (Jones) which would grant authority to SAFCA to acquire easements for flood control purpose.

Discussion: The Committee has directed staff to report on legislative activity related to eight of the 19 flood control bills. Staff was also directed to follow two other bills, AB 26 (Nakanishi) and SB 17 (Florez). A status report of these bills is included as Attachment A.

Key bills include AB 5, AB 162, and AB 1452 (Wolk) and SB 5 (Machado), which integrate land use planning with flood risk management. Generally, the bills would require the state to develop a plan of flood control, with which local general plans and flood control plans would have to be consistent. Jurisdictions would be required to notify property owners in the floodplain of the flood risks and level of protection, encourage the purchase of insurance, and require an emergency response plan. Jurisdictions would not be allowed to approve new development if a plan or findings by the local agency do not show that flood risk is being addressed and minimized. An urban level of flood protection of areas with 10,000 people or more is required, but not specified; however, it must be higher than a 100-year level of protection. While the authors have similar general objectives, the details of their approaches differ. Both authors are amending their bills and staff will update the committee on the latest versions at the meeting and highlight provisions of the bills that relate to components of the floodplain management strategy.

AB 930 (Jones) would grant authority to SAFCA to acquire flood easements in addition to its authority to acquire rights-of-way, impose assessments or special taxes, and issue bonds. Such authority would enable SAFCA to set aside land upstream for flood attenuation during high flows.

Approved by:

Mike McKeever
Executive Director

MM:DS:ts
Attachment

Key Staff: David Shabazian, Senior Planner, (916) 340-6231

POLICY AREA 3-FLOOD CONTROL

CA AB 5 **AUTHOR:** Wolk [D]
TITLE: Flood Protection
INTRODUCED: 12/04/2006
LAST AMEND: 04/17/2007
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
SUMMARY:
Requires the Department of Water Resources to prepare, and submit the Central Valley Flood Protection Plan for the Sacramento-San Joaquin Valley. Requires the department to transmit copies to local agencies in the valley. Requires the plan be updated every 5 years. Requires the plan to include a description of structural and nonstructural means for improving the performance and eliminating of flood protection facilities. Authorizes a local agency to prepare a local plan of flood protection.
STATUS:
04/25/2007 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass as amended to Committee on APPROPRIATIONS.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 26 **AUTHOR:** Nakanishi [R]
TITLE: Flood Control: Natural Community Conservation Plan
INTRODUCED: 12/04/2006
LAST AMEND: 03/19/2007
DISPOSITION: Pending
LOCATION: Assembly Second Reading File
SUMMARY:
Requires the Department of Fish and Game to enter into a planning agreement with the Reclamation Board to prepare a natural community conservation plan that encompasses the Sacramento and San Joaquin Drainage District to provide comprehensive management and conservation of multiple wildlife species. Exempts flood control or flood management activity identified in a plan implementation agreement from the notification and lake or streambed alteration agreement requirements.
STATUS:
04/24/2007 >From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass as amended to Committee on APPROPRIATIONS.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 41 **AUTHOR:** La Malfa [R]
TITLE: Water Resources: Temperance Flat Surface Water
INTRODUCED: 12/04/2006
LAST AMEND: 04/09/2007
DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:
Relates to the Temperance Flat Surface Water Storage Project and Site Reservoir. Relates to the Environmental Quality Act. Provides for various exemptions from requirements of the act regarding construction of the Temperance Flat Surface Water Storage Project and the Sites Reservoir.
STATUS:
04/09/2007 To ASSEMBLY Committee on NATURAL RESOURCES.
04/09/2007 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.
04/09/2007 In ASSEMBLY. Read second time and amended.
 Re-referred to Committee on NATURAL RESOURCES.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 70 **AUTHOR:** Jones [D]
TITLE: Flood Liability
INTRODUCED: 12/04/2006
LAST AMEND: 04/11/2007
DISPOSITION: Pending
LOCATION: Assembly Judiciary Committee
SUMMARY:
Relates to existing law that subjects a public entity or an employee of a public entity to liability for property damage or personal injury caused by or from floods or floodwaters. Subjects a local public agency to joint liability with the state to the extent that the local entity increases the state's exposure to liability for property damage by approving new development in a previously undeveloped area that is protected by a state flood control project.
STATUS:
04/11/2007 From ASSEMBLY Committee on JUDICIARY with author's amendments.
04/11/2007 In ASSEMBLY. Read second time and amended.
 Re-referred to Committee on JUDICIARY.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 156 **AUTHOR:** Laird [D]
TITLE: Flood Control
INTRODUCED: 01/18/2007
LAST AMEND: 04/16/2007
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Requires the Department of Water Resources to prepare, and the Reclamation Board to adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage. Requires the department to notify each landowner whose property is within a levee flood protection zone. Relates to flood control environmental enhancements. Authorizes the board or the department to establish a program of mitigation banking for the activities of the board or the department.
STATUS:
04/25/2007 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 162 **AUTHOR:** Wolk [D]
TITLE: Land Use: Water Supply
INTRODUCED: 01/22/2007
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:
Requires a city or county general plan to identify an annually review those areas covered by the general plan that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources.
STATUS:
04/24/2007 >From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 930 **AUTHOR:** Jones [D]
TITLE: Sacramento Area Flood Control Agency: Projects
INTRODUCED: 02/22/2007
LAST AMEND: 04/17/2007
DISPOSITION: Pending
FILE: 169
LOCATION: Assembly Third Reading File
SUMMARY:
Expands the definition of project under the Sacramento Area Flood Control Agency Act that grants to the Sacramento Flood Control Agency, the authority to impose assessments or special taxes, and issue bonds, to finance projects to include the acquisition of easements. Provides that

nothing in the act authorizes the agency to exercise the power of eminent domain outside of its boundaries.

STATUS:

04/26/2007 In ASSEMBLY. Read second time. To third reading.
PolicyArea: 3-FloodControl
Position: Watch

CA AB 1452

AUTHOR: Wolk [D]
TITLE: Central Valley Flood Protection
INTRODUCED: 02/23/2007
DISPOSITION: Pending
LOCATION: Assembly Appropriations Committee
SUMMARY:

Enacts the Central Valley Flood Protection Act of 2008. Prohibits the Reclamation Board from approving, and the Department of Water Resources from providing, funding for any flood protection project that narrows flood channels or reduces the capacity of the flood protection system in the Sacramento-San Joaquin Valley to convey water.

STATUS:

04/25/2007 In ASSEMBLY Committee on APPROPRIATIONS: To
Suspense File.
PolicyArea: 3-FloodControl
Position: Watch

CA SB 5

AUTHOR: Machado [D]
TITLE: Flood Management
INTRODUCED: 12/04/2006
LAST AMEND: 04/25/2007
DISPOSITION: Pending
LOCATION: Senate Rules Committee
SUMMARY:

Requires the Department of Water Resources to prepare the Sacramento-San Joaquin River Flood Management Plan and to adopt the plan. Requires the plan to include specified components relating to the river flood management system. Requires flood risks in approvals of projects in flood hazard zones. Requires specified local governments to amend the general plan to include related specified data, analysis, goals, and objectives and to develop funding mechanism to finance local flood responsibilities.

STATUS:

04/25/2007 In SENATE. Read second time and amended.
Re-referred to Committee on RULES.
PolicyArea: 3-FloodControl
Position: Watch
STATUS:

04/24/2007 >From SENATE Committee on NATURAL RESOURCES
AND WATER: Do pass to Committee on
APPROPRIATIONS.
PolicyArea: 3-FloodControl
Position: Watch

CA SB 276

AUTHOR: Steinberg [D]
TITLE: Folsom Dam Modification Project
INTRODUCED: 02/15/2007
LAST AMEND: 04/19/2007
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Adopts and authorizes, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, the project to modify Folsom Dam adopted and authorized by Congress is an unspecified provision of federal law, and as modified by an unspecified addendum to that prescribed report prepared by the Sacramento Area Flood Control Agency. Specifies the extent of state participation in that dam modification project.

STATUS:

04/23/2007 In SENATE. Read third time. Passed SENATE.
*****To ASSEMBLY.

PolicyArea: 3-FloodControl
Position: Support

CA SB 378

AUTHOR: Steinberg [D]
TITLE: Disaster Preparedness and Flood Prevention Act
INTRODUCED: 02/21/2007
LAST AMEND: 04/17/2007
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 05/07/2007 10:00 am
SUMMARY:

Requires expenditures for disaster preparedness and flood prevention projects to be deemed to be in response to an emergency, for purposes of the Public Contract Code. Requires all contracts for those projects to provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the contract completion date. Requires a bond funds grant program for existing or the construction of new levees that are part of the state plan of flood control comply with specified requirements.

STATUS:

04/24/2007 From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.

PolicyArea: 3-FloodControl
Position: Watch

CA SB 1002

AUTHOR: Perata [D]
TITLE: Water Quality, Flood Control, and Wildlife
INTRODUCED: 02/23/2007
LAST AMEND: 04/18/2007
DISPOSITION: Pending
FILE: 12
LOCATION: Senate Second Reading File
SUMMARY:

Appropriates funds from the Disaster Preparedness and Flood Prevention Bond Act of 2006 for essential emergency preparedness, and stormwater flood management projects. Appropriates funds from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 for grants for community drinking water systems and infrastructure improvements. Appropriates funds from the Safe, Clean, Reliable Water Supply Act for habitat for delta smelt and other pelagic fish species.

STATUS:
04/24/2007 >From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass as amended to Committee on APPROPRIATIONS.
PolicyArea: 3-FloodControl
Position: Watch