

## 2007 Legislative Actions (10-22-2007)

### Flood Management

#### **AB 5 (Wolk) Flood management (Chapter 366)**

This bill requires local agencies responsible for project levees to prepare annual reports describing the condition of the levees and requires the preparation of local flood safety plans. The bill also requires the Department of Water Resources (DWR) to prepare a schedule for mapping areas at risk of flooding in the Sacramento and San Joaquin River drainages; requires DWR to prepare a flood control system status report for the State Plan of Flood Control and to advise the Legislature, prior to December 31, 2008, of the schedule for completing the report; requires DWR to provide a written notice to each property owner whose property lies within a levee flood protection zone; requires DWR to prepare maps for levee flood protection zones designating lands where flood levels would exceed three feet if a project levee failed; and requires DWR to develop cost-sharing formulas for allocating Proposition 1E and Proposition 84 funds to local agencies for repairs and improvements of project facilities. The bill establishes the Central Valley Flood Protection Board at nine members including two ex-officio members who chair the Senate and Assembly water policy committees.

#### **AB 70 (Jones) Flood liability (Chapter 367)**

This bill provides that a city or county may be required to contribute its fair and reasonable share for property damage caused by a flood under certain circumstances including where a court finds the city or county actions increased state exposure to liability for property damage, the increased liability exposure was a result of the city or county unreasonably approving new development, the new development was approved in an undeveloped area, the undeveloped area was protected by a state flood control project that was not already designated for development, or the city or county failed to comply with applicable duties and requirements set forth in existing law.

#### **AB 156 (Laird) Flood control (Chapter 368)**

This bill requires DWR to prepare a schedule for mapping areas at risk of flooding; prepare a status report on the State Plan of Flood Control; requires notification of property owners of flooding hazards; requires preparation of maps for levee flood protection zones; requires local agencies to prepare reports on the condition of project levees in their jurisdiction; requires local agencies to adopt flood safety plans as a condition for receiving state funds for levee upgrades; allows DWR to participate in the design of environmental enhancements associated with federal flood control projects and in the construction of environmental enhancements for which the state is authorized to participate; clarifies maintenance area formation procedures; and provides specified exemptions from Public Works Board and Office of Administrative Law approval for emergency levee repairs.

#### **AB 162 (Wolk) Land use: water supply (Chapter 369)**

This bill requires that the land use element of a city or county general plan identify areas subject to flooding as identified by floodplain maps prepared by the Federal Emergency Management Agency (FEMA) or DWR; requires that the conservation element identify rivers

and other waters, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and storm water management the next time local officials revise the housing element after January 1, 2009; and requires the safety element, upon revision of the housing element after January 1, 2009, to identify flood hazard zones and establish policies to minimize flood risk for new development. The bill also requires cities and counties to consult with the Central Valley Flood Protection Board when revising the safety element.

**SB 5 (Machado) Flood management (Chapter 364)**

This bill requires DWR to prepare the Central Valley Flood Protection Plan to include floodplain maps, a status report on the flood control system, and an assessment of the structural integrity of the system. In addition, the bill requires local governments, by a specified date, to revise general plans to address flood risks, collaborate with local flood agencies to identify parcels that may be protected by a flood protection plan or other flood management facilities, develop funding mechanisms to finance local flood responsibilities, and notify property owners about flood risk and flood insurance. In addition, development permits and agreements and subdivision maps must include provisions for urban areas to achieve a 200-year level of flood protection by 2025.

**SB 17 (Florez) Flood protection (Chapter 365)**

This bill renames the Reclamation Board the Central Valley Flood Protection Board, recasts various provisions of law regarding its operations, membership and prescribed duties, adds evidentiary hearing provisions, adds conflict of interest requirements for board members, requires a report on the status of the State Plan of Flood Control, requires the board to write a strategic flood protection plan, and requires the board to review and comment on local and regional land use plans.

**Water Resources Policy**

**AB 26 (Nakanishi) Flood control: natural community conservation plan**

This bill would require the Department of Fish and Game and The Reclamation Board to prepare a natural community conservation plan for flood control projects located in the Sacramento and San Joaquin Drainage District and to prepare a long-term streambed alteration agreement. The bill would exempt from streambed alteration agreements and notice provisions a flood control or flood management activity identified in any implementation agreement for the plan. Held in Assembly Appropriations Committee.

**AB 41 (La Malfa) Water resources: bond proceeds**

This bill would declare legislative intent that funds derived from Propositions 1E and 84, consistent with voter intent, be expended in the most cost-efficient and effective manner to address the critical lack of adequate surface water storage in California. The bill specifically identifies the Temperance Flat and Sites Reservoir projects as holding the greatest promise for providing new surface storage. In addition, the bill would exempt the construction of these facilities from CEQA requirements. Held in Assembly Natural Resources Committee.

**AB 1404 (Laird) Water measurement information (Chapter 675)**

This bill requires DWR, the State Water Resources Control Board (SWRCB), and the Department of Public Health to coordinate the collection, management, and use of agricultural and urban water measurement information provided to each agency and prepare and submit a report to the Legislature by January 1, 2009, evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database.

**AB 1420 (Laird) Water demand management measures: grant and loan funds (Chapter 628)**

This bill requires the terms and eligibility for any grant or loan to an urban water supplier awarded or administered by DWR, the SWRCB, or the California Bay-Delta Authority (CBDA) be conditioned on the implementation of the water demand management measures described in urban water management plans. In addition, the bill would specify the programs and projects eligible for grants and loans, would require the development of grant and loan criteria, and would establish a standard of excellence for water conservation.

**AB 1489 (Huffman and Wolk) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.**

This bill would require the Secretary for Resources to prepare and submit to the Legislature an annual report of Proposition 84 expenditures, would require DWR to develop guidelines for integrated regional water management (IRWM) plan grants, and would require DWR to conduct a groundwater management plan study. Held in Senate Appropriations Committee.

**AB 1507 (Emmerson) Alluvial Fan Task Force**

This bill would require DWR to establish the Alluvial Fan Task Force to review the state of knowledge regarding alluvial fan floodplains and to prepare recommendations relating to alluvial fan floodplain management. DWR would be authorized to enter into an interagency agreement with an appropriate agency to oversee the task force. The task force would be required to develop a model ordinance on alluvial fan flooding and prepare and submit a specified report to the Legislature not later than December 30, 2008. These duties would be required to be carried out only to the extent funding is made available for those purposes from the federal government or private sources. The expenditure of state funds would only be permitted as a condition of receiving federal funds. Held in Assembly Appropriations Committee.

**SB 6 (Oropeza) Flood control**

This bill would require the land use, open-space, safety, and conservation elements of a local agency general plan to identify areas subject to flooding based on existing climate predictions regarding ocean levels and would require a local agency to deny approval for a subdivision if its design is likely to increase flood risk based on existing climate predictions. Held in Senate Local Government Committee.

**SB 8 (Kuehl) California Bay-Delta Authority Act (Vetoed)**

This bill would have included environmental justice among the prescribed program elements of the CALFED Bay-Delta Program. The bill would have required the program implementing agencies, both individually and collectively, to implement the environmental justice program element.

**SB 27 (Simitian) Clean Drinking Water, Water Supply Security and Environmental Improvement Act of 2007**

This bill would enact the Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2007 and would require the Secretary for Resources, on or before January 1, 2008, to begin implementing certain actions on behalf of the Sacramento-San Joaquin River Delta including investing in emergency preparedness, funding projects to aid sustainability in the delta, identifying critical levees to be strengthened and commencing delta restoration projects. Held in Assembly Water, Parks and Wildlife Committee.

**SB 34 (Torlakson) User fees and assessments: Sacramento-San Joaquin Delta flood control (Vetoed)**

Existing law requires the Secretary for Resources, in collaboration with the Secretary for Business, Transportation and Housing, to develop a strategic plan to achieve a sustainable Sacramento-San Joaquin Delta. The plan is to include a strategic financing plan. This bill would have required the strategic financing plan for the delta to include recommendations with respect to imposing fees under a beneficiaries pay principle.

**SB 59 (Cogdill) Reliable Water Supply Bond Act of 2008.**

This bill would require the Secretary of State to submit the Reliable Water Supply Bond Act of 2008 to voters for approval to finance specified water storage projects, Sacramento-San Joaquin Delta sustainability projects, water use efficiency projects, and ecosystem restoration projects with General Obligation bonds in the amount of \$3.95 billion. Identifies Sites Reservoir and Temperance Flat Reservoir as the water storage projects to be constructed. Failed passage in Senate Natural Resources and Water Committee.

**SB 378 (Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006**

This bill would establish program implementation provisions for Proposition 1E and require that expenditures for levee repair and flood protection corridor projects done by DWR be deemed to be in response to an emergency for purposes of the Public Contract Code; require that inspections and evaluations of flood control projects include seismic evaluations; require DWR and the SWRCB to develop project solicitation and evaluation guidelines for the stormwater flood management grant program; and require DWR to develop project solicitation and evaluation guidelines for levee and flood protection corridor grant programs. Held in Assembly Water, Parks and Wildlife Committee.

**SB 732 (Steinberg) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.**

This bill would enact program implementation provisions for Proposition 84 and require DWR to study reoperation of flood management and water supply facilities to reduce flood risks; require DWR to develop a real-time flood forecasting model; specify various requirements for the expenditure of bond funds for nature education, nature research facilities and state and local parks; establish a sustainable communities council in state government; and require all agencies disbursing funds to develop project solicitation and evaluation guidelines. Held in Assembly Water, Parks and Wildlife Committee.

**SB 862 (Kuehl) Water resources (Vetoed)**

This bill would enact statutory changes governing DWR programs relating to state water supply planning, urban water management planning and agricultural water management planning. The bill also impacts activities of the State Water Resources Control Board and local

agencies.

**SB 1002 (Perata) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Vetoed)**

This bill would have appropriated \$500.49 million from various bond funds to DWR to fund stormwater flood management projects, feasibility studies for surface water storage facilities, delta levee failure risk reduction projects, relocation of Sacramento-San Joaquin Delta water intake facilities, local groundwater assistance grants, study reoperation of flood and water supply systems, update the California Water Plan, fund Delta habitat restoration projects, and fund projects to reduce ecosystem conflicts in the Delta. In addition, prior to commencing the Delta levee failure risk reduction projects, the approval of the California Bay-Delta Authority (CBDA) would have been required.