

**Central Valley Flood Protection Board Meeting
November 18, 2016**

INFORMATIONAL BRIEFING

Adequate Progress Compliance Program

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BRIEFING SUMMARY

Overview

The purpose of this briefing is to provide the Board with information regarding staff development and implementation of the Senate Bill (SB) 5 Adequate Progress Compliance program outlined in the California Water Code (CWC) based on the 2007 flood risk reduction legislation. The briefing also includes an update on the status of local agency compliance with the requirements of the General Plan safety elements pursuant to Assembly Bill (AB) 162.

Background

In 2007, the California Legislature passed several bills (SB 5 and 17; and AB 5, 70, 156, and 162) to improve flood management in a sustainable way. The intent was to strengthen the linkage between local land use planning decisions and flood management practices with elements that address both the chance of flooding (e.g., improvements to reduce the probability that floods will occur) and the consequences when flooding occurs.

SB 5 (Chapter 364, Statutes of 2007) defines “urban level of flood protection” as the level of protection necessary to withstand flooding having a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources (DWR).

The Legislature passed several amendments to SB 5 including SB 1278 (Chapter 553, Statutes of 2012), AB 1965 (Chapter 554, Statutes of 2012), and AB 1259 (Chapter 246, 2013). These amendments provided additional clarification on SB 5, and directed DWR to release urban area floodplain maps by July 2, 2013 to provide information to cities and counties on projected water surface elevations in the event of failure of State Plan of Flood Control (SPFC) facilities during a 200-year flood event (CWC §9610(d)(1)). The 2012 legislation also extended the original compliance schedule for cities and counties to amend their General Plans and Zoning Ordinances, which in turn

began the timeline for implementing the urban level of flood protection provisions. The urban level of flood protection requirements apply once the General Plan and Zoning Ordinance amendments became effective, but no later than July 2, 2016. SB 5 and subsequent legislation collectively added or amended sections to the California Government Code, the Health and Safety Code, and the Water Code.

Jurisdictions of SB 5 and AB162

The jurisdictional footprint of SB 5 is the Sacramento-San Joaquin Valley, which is defined in California Government Code §65007(h) as “[a]ny lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow there from. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.”

The jurisdictional footprint of AB 162 is the Sacramento and San Joaquin Drainage District (SSJDD) boundary defined in CWC §8501. Section 9110 (f) of the CWC defines the SPFC to include the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project, and of flood control projects in the Sacramento River and San Joaquin River watersheds for which the Board or the DWR has provided the assurances of nonfederal cooperation to the United States, and those additional facilities identified in §8361.

SB 5 Compliance

In compliance with the July 2, 2016 statutory requirement of SB 5, this summer staff received documents related to adequate progress finding from four (4) agencies:

- Sacramento Area Flood Control Agency (SAFCA)
- Sutter Butte Flood Control Agency (SBFCA)
- City of Lathrop/City of Manteca/Reclamation District 17
- Reclamation District 2062

Staff reviewed the submitted adequate progress finding documents and provided compliance letters to these agencies last month.