

**STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD
DRAFT RESOLUTION NO. 2012-25
PROVIDING THE BOARD'S VISION FOR AND
ADOPTION OF THE 2012 CENTRAL VALLEY FLOOD PROTECTION PLAN
AND PROVIDING A FRAMEWORK FOR INTERPRETATION AND
IMPLEMENTATION OF THE PLAN
JUNE 2012**

HISTORY:

A. WHEREAS, The history of the Sacramento Valley flood system is chronicled by Robert Kelley in *Battling the Inland Sea*. The earliest levees in the Sacramento River basin were originally constructed by landowners to prevent the flooding of swamp and overflow areas in order to convert these lands to agricultural use. These levees failed repeatedly, in part due to channel aggradation from hydraulic mining debris. In response, levees were strengthened and raised close to the main channel to concentrate floodwaters in order to scour mining debris from river channels for both navigation and flood control. As early as the 1860's however, a Colusa newspaper publisher named Will S. Greene argued that it was not possible to contain entire floods in a single channel between the levees and instead advocated for a bypass system to safely accommodate large flood flows. In a report to the State legislature in 1880, William Hammond Hall, the first State Engineer, also recognized that large floods could not be contained within a single channel between the levees and argued that "floods will occasionally come which must be allowed to spread" into bypasses and flood basins; and

B. WHEREAS, While the prevailing view from about 1870 to about 1910 was that Sacramento River floodwaters could be contained between the Sacramento River levees, and the State's Dabney Commission Report of 1905 proposed continued use of the Sacramento River as the main "single channel" conveyance, it also proposed that water be allowed to flood out of the river onto agricultural lands when flood flows were too high. The Dabney Commission was based on a flood flow of about 250,000 cubic feet per second (cfs) near Rio Vista. The Dabney Commission Report was never adopted however; and

C. WHEREAS, Recently installed river gages indicated that the floods of 1907 and 1909 each produced a flow of about 600,000 cfs which was far in excess of the flow that could be contained by the Sacramento River levees; and

D. WHEREAS, The U.S. Army Corps of Engineers' (USACE) Jackson Plan of 1910 was based on the 1907 and 1909 floods with peak flows of about 600,000 cfs and recommended a coordinated river and bypass system, as had been promoted by Colusa resident Will S. Green. The purposes were to (1) allow conversion of valley swamp and overflow lands to agriculture; (2) improve commercial navigation, and (3) maintain river velocities sufficient to transport soil,

sand, and rock that were being washed down into valley rivers as a result of hydraulic gold mining in the Sierra Nevada. In 1917 Congress authorized the Jackson Plan as the Sacramento River Flood Control Project (SRFCP). The levees were typically constructed of material dredged from the river bottom and shaped into a specified geometry, which resulted in relatively inexpensive, but unreliable levees; and

E. WHEREAS, The Jackson Plan has worked well to reduce the frequency and damage associated with flooding. Construction of reservoirs with flood control storage in the second half of the 20th Century increased the ability of the system to pass flood flows larger than originally envisioned. Although the Jackson Plan would have been perceived as a success by early 20th Century landowners it does not meet society's expectations today; and

F. WHEREAS, Flood management in the San Joaquin Valley began with the construction of levees to reclaim fertile tule lands and to protect against out-of-bank flows; and

G. WHEREAS, The Flood Control Act of 1944 authorized the Lower San Joaquin River and Tributaries Project. The project included constructing levees on the San Joaquin River downstream of the Merced River, Stanislaus River, Old River, Paradise Cut, and Camp Slough. Construction began on the Lower San Joaquin River and Tributaries Project in 1956. This project included construction of New Hogan Dam on the Calaveras River, New Melones Dam on the Stanislaus River, and Don Pedro Dam on the Tuolumne River. New Melones Dam was later reauthorized for construction under the Flood Control Act of 1962. The Chowchilla and Eastside Bypasses were constructed by the State as part of the Lower San Joaquin River Flood Control Project; and

H. WHEREAS, The Flood Control Act of 1944 also authorized construction of Isabella (Kern River), Success (Tule River), Terminus (Kaweah River), and Pine Flat (Kings River) dams in the Tulare Lake Basin. Following major flooding in 1955 construction of levees and bypasses on the San Joaquin River upstream of the Merced River was authorized. From 1962 to 1963 Congress authorized construction of Buchanan Dam on the Chowchilla River and Hidden Dam on the Fresno River, and authorized federal participation in the cost of New Exchequer Dam on the Merced River. In addition to flood protection all of these reservoirs provide water supply for irrigation uses and, in some cases, hydropower generation. The 2008 legislation as described below that required preparation of the Central Valley Flood Protection Plan (CVFPP) did not include the Tulare Basin as a part of the CVFPP. Significant flood flows are diverted from the Kings River to the San Joaquin River at Mendota Pool occur during large flood events; and

I. WHEREAS, Several smaller flood management projects have been developed in the Sierra Nevada foothills on San Joaquin River tributaries. These projects generally consist of dry dams constructed to protect downstream metropolitan areas and nearby agricultural lands. The Merced County Stream Group Project was constructed to restrict flood flows on several streams to non-damaging levels from the foothill line to the City of Merced. Farmington Dam on Little Johns Creek provides flood protection for intensely developed agricultural lands below the dam, the City of Stockton, and the rural towns of Farmington and French Camp; and

J. WHEREAS, The very large 1986 and 1997 storms pushed the total flood system – levees, bypasses and reservoirs – to maximum capacity. Some levees failed and areas were flooded. In 1997 some reaches of the Sacramento and San Joaquin systems were pushed beyond their capacity resulting in numerous levee breaks and substantial flooding. If the flood control reservoirs had not been in place the peak flow at the mouth of the Sacramento River is estimated to have been about one million cfs, and there would likely have been many more levee breaks and widespread flooding; and

FLOOD RISK:

K. WHEREAS, The primary flood control challenges facing the Sacramento and San Joaquin River Basins are insufficient levee integrity and insufficient capacity to handle large rain floods, and in the San Joaquin Basin, prolonged snowmelt runoff events; and

L. WHEREAS, Flood risks in the Central Valley are among the highest in the nation, putting the people of California and their economic livelihoods at risk (CWC § 9601); and

AGRICULTURE:

M. Agriculture in the Sacramento and San Joaquin River Basins provides substantial economic and societal benefits to the region, the nation, and the world, providing vast quantities of food and fiber. Many specialty crops produced in the valley are grown only in a few other places in the world. Agriculture provides substantial open space and habitat. This agricultural economy needs to be protected whenever possible; and

DEGRADATION OF HABITATS:

N. WHEREAS, Riverine habitats and ecosystem functions along Central Valley rivers have been degraded over time. Upstream reservoirs further altered the natural hydrology, and levees constructed adjacent to the active channel hydraulically severed millions of acres of floodplain habitat from rivers that were essential for fish and wildlife now actively protected under State and federal law. Roughly four percent of the historical riparian forests that once lined valley streams remain today. Much of this remaining habitat is growing on, within, or close to facilities of the State Plan of Flood Control (SPFC); and

LEVEE REQUIREMENTS FOR URBAN AREAS:

O. WHEREAS, While a relatively small percentage of levee-protected area in the Central Valley is urban, substantial damage would result if these urban levees failed. In response to this and other flood-related threats to people, property, and the environment the Legislature passed various acts and required that, in order to allow additional development, urban areas must have at least the following levels of protection by 2025:

a) A probability of levee failure of 0.5 percent or less per year for urban areas of more than 10,000 residents, and

b) A probability of levee failure of 1 percent or less per year for communities with less than 10,000 residents; and

FUNDING AND LEGISLATIVE ACTS:

P. WHEREAS, In 2006 the people of California approved Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Section 1, Division 43 PRC) which authorized \$800,000,000 for flood control projects; and

Q. WHEREAS, In 2006 the people of California approved Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Statutes of 2006, Chapter 33, AB 140), authorizing approximately \$4.09 billion to be invested in flood and related water management improvements; and

R. WHEREAS, The Central Valley Flood Protection Act of 2008 (Statutes of 2007, Chapter 364, SB5) (2008 Act) was enacted, directing the Department of Water Resources (DWR) to prepare a proposed CVFPP by January 1, 2012, and directs the Central Valley Flood Protection Board (Board) to adopt a final CVFPP (“adopted CVFPP”) by July 1, 2012 (CWC § 9612(b)).

Further, the 2008 Act declares that the Board shall hold at least two hearings to receive comments on the proposed CVFPP, and that the Board shall accept written comments on the proposed CVFPP (CWC § 9612(c)).

Further, the 2008 Act declares that the Board may make changes to the proposed CVFPP to resolve issues raised in the hearings or to respond to comments received by the Board, and that the Board shall publish its proposed changes to the proposed CVFPP at least two weeks before adopting the CVFPP (CWC § 9612(d)).

Further, the 2008 Act declares that the adopted CVFPP shall be updated in subsequent years ending in 2 and 7 (CWC § 9612(e)); and

S. WHEREAS, The 2008 Act declares that the adopted CVFPP shall be a descriptive document reflecting a systemwide approach to protecting the lands currently protected from flooding by existing facilities of the SPFC.

Further, The adopted CVFPP shall provide a description of: (a) both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the SPFC; while accomplishing other multiple benefits; (b) probable impacts of projected climate change, projected land use patterns, and other potential flood management challenges on the ability of the system to provide adequate levels of flood

protection; (c) both structural and nonstructural methods for providing an urban level of flood protection to current urban areas and a list of recommended next steps to improve urban flood protection; and (d) structural and nonstructural means for enabling or improving systemwide riverine ecosystem function including, but not limited to, establishment of riparian habitat and seasonal inundation of available flood plains where feasible.

Further, The adopted CVFPP shall provide an evaluation of structural improvements and repairs necessary to bring each of the facilities of the SPFC to within its design standard. The evaluation shall include a prioritized list of recommended actions necessary to bring each facility not identified in CWC § 9614(h) to within its design standard; and include a list of facilities recommended to be removed from the SPFC, including the reasoning for and any recommended actions associated with removal; and

T. WHEREAS, The 2008 Act declares that the adopted CVFPP shall not be construed to expand the liability of the State for the operation or maintenance of any flood management facility beyond the scope of the SPFC and that neither the development nor the adoption of the CVFPP shall be construed to constitute any commitment by the State to provide, to continue to provide, or to maintain at, or to increase flood protection to, any particular level (CWC § 9603(a)); and

U. WHEREAS, In addition to the 2008 Act, the 2007 flood legislation consists of (AB) 162, (AB) 70, (AB) 2140, and (AB)156 to strengthen the link between local land use decisions and regional flood management; and specified that requirements vary depending on location within California, the Sacramento-San Joaquin Valley, and the Sacramento-San Joaquin Drainage District; and

CENTRAL VALLY FLOOD PROTECTION PLAN:

V. WHEREAS, DWR released its proposed CVFPP (Public Draft entitled "2012 Central Valley Flood Protection Plan" published in December 2011). DWR's proposed CVFPP is a general framework or roadmap, rather than an engineering proposal for specific construction. Given the complexity and scope of the CVFPP it will take additional time for DWR to size and finalize the engineering and hydrologic aspects of the CVFPP, and

W. WHEREAS, In developing the proposed CVFPP, DWR identified a primary goal and four supporting goals. The primary goal is to improve flood risk management, which means to reduce the chance of flooding, damages once flooding occurs, and improve public safety, preparedness, and emergency response, through identifying, recommending, and implementing structural and non-structural projects and actions that benefit lands currently receiving protection from facilities of the SPFC; and formulating standards, criteria, and guidelines to facilitate implementation of structural and nonstructural actions for protecting urban areas and other lands of the Sacramento and San Joaquin River Basins and the Delta. The supporting goals are: (1) improve operations and maintenance; (2) promote ecosystem functions; (3) improve institutional support; and (4) promote multi-benefit projects; and

X. WHEREAS, As described in Section 1.6 of the proposed CVFPP plan formulation was a multi-step process and was prepared in coordination with local flood management agencies, the Board, federal agencies (i.e., USACE, U.S. Fish and Wildlife Service, Federal Emergency Management Agency (FEMA), National Marine Fisheries Service, etc.), local and tribal governments, owners and operators, partners, stakeholders and interest groups, and the general public (*see* Volume I, Attachment 5); and

Y. WHEREAS, In developing the proposed CVFPP, DWR formulated and evaluated three preliminary approaches highlighting different ways to focus future flood management investments and address CVFPP goals. These approaches are: (1) Achieve State Plan of Flood Control Design Flow Capacity; (2) Protect High Risk Communities; and (3) Enhance Flood System Capacity (*see* Section 2 of the proposed CVFPP); and

Z. WHEREAS, DWR developed and recommends adoption of the State Systemwide Investment Approach (SSIA), an approach that draws from the strengths of each of the preliminary approaches (*see* Section 3 of proposed CVFPP); and

AA. WHEREAS, DWR's proposed CVFPP includes (a) levee improvements, and (b) increased system capacity such as expanding existing bypasses; modifying some bypass weirs; reoperating reservoir storage and operations; and modifying Folsom Dam; and

BB. WHEREAS, The proposed CVFPP would provide the following benefits: a) Levee improvements would lower the likelihood of flooding area protected by levees; b) Increased system capacity, such as expanded bypasses or reservoir reoperation would provide flood benefits to both urban and rural areas by (1) lowering the water surface elevation of floodwater against levees, recognizing that water pressure is a main driver for several levee failure mechanisms, and (2) by providing additional capacity to handle larger floods. c) With levee improvements and the increased system capacity in a very large flood, there will be a greater likelihood of containing the floodwaters within the system rather than having levees fail, resulting in uncontrolled flooding of urban and rural lands. In smaller floods the elevation of floodwater against the levees would be lower, which would reduce the likelihood of urban and rural levee failures; and

VEGETATION MANAGEMENT POLICY:

CC. WHEREAS, There are certain "legacy" levees along waterways in the Sacramento and San Joaquin River Basins that have woody vegetation on or near the levee. In some cases this was a design feature while in others, maintenance practices have resulted in woody vegetation being left to grow on, and in some cases be planted on, portions of these levees, with the general caveat that vegetation should not prevent visual inspection of the levee, appropriate maintenance, or flood fight emergency operations; and

DD. WHEREAS, The USACE has always had policies limiting vegetation on certain levees, those vegetation-prohibition policies have not been consistently enforced, and the USACE itself

has, at times, planted such vegetation. Recently the USACE has issued an engineering technical letter (ETL) specifying that no woody vegetation may remain on federal-State levees or be within fifteen (15) feet of the landward levee toe. The cost of complying with the ETL would be substantial. If a levee does not meet the ETL standards, reconstruction of flood-damaged levees would not be eligible for federal reconstruction (Public Law 84-99) assistance. The USACE is currently requiring compliance with the ETL in projects that it sponsors or provides assistance for. It has also required compliance with the ETL for modifications of project levees in the CVFPP planning area; and

EE. WHEREAS, Many flood protection interests, including DWR and the Board, have objected to the adoption and implementation of the ETL. DWR, here, as part of the proposed CVFPP, is proposing a different levee-vegetation policy for “legacy” levees in the Sacramento and San Joaquin River Basins in light of the historical practice, which would allow some of the existing woody vegetation to remain. This proposed policy modification would remain in place to provide time for scientific studies to determine whether vegetation removal or attrition is appropriate and the best use of limited funds; and

FF. WHEREAS, The California Department of Fish and Game has sued the USACE alleging violation of the National Environmental Policy Act and the federal Endangered Species Act in the issuance of the ETL. Bipartisan legislation has been recently introduced in Congress to require further federal review of the ETL.

PUBLIC MEETINGS AND HEARINGS:

GG. WHEREAS, At the direction of the Board its staff engaged in a review of (1) the technical analyses conducted by DWR in the development of the proposed CVFPP; and (2) the proposed CVFPP Conservation Framework that describes how environmental stewardship is integrated into flood management activities; and

HH. WHEREAS, DWR presented and highlighted key elements of the proposed CVFPP to the Board at its monthly meeting on January 27, 2012, at which time the Board also described its process for reviewing the technical documents and accepting public comments. The Board solicited recommendations of focus topics for Board review of the proposed CVFPP at its monthly meeting on February 24, 2012; and

II. WHEREAS, DWR, as lead agency under the CEQA, PRC § 21000 *et seq.*, prepared a Draft Program Environmental Impact Report (DPEIR) on the CVFPP, (SCH No. 2010102044, March 6, 2012) for a 45 day public review period that ended on April 20, 2012 and DWR presented the DPEIR to the Board at its monthly meeting on March 23, 2012; and

JJ. WHEREAS, The Board, as a responsible CEQA agency in the preparation of the DPEIR, held four joint public hearings with DWR on April 5 (Sacramento), 6 (Marysville), 9 (Stockton) and 11 (Woodland) to accept comments on the draft PEIR, hear further public comments on the

proposed CVFPP, hear a report by Board staff on their technical review of the proposed CVFPP, documents incorporated by reference, and attachments; and

KK. WHEREAS, The public comments fell into five general categories: (1) project definition; (2) system and local improvements, (3) participation by stakeholders; (4) implementation, and (5) secondary but related issues. Public comments were focused on the following key issues:

a) Inclusion of bypass expansion and new bypasses in the proposed CVFPP, including the potential Sutter Bypass expansion, Yolo Bypass expansion, new Feather to Butte Bypass, and new Paradise Cut Bypass. Certain maps in the proposed CVFPP representing potential bypass extensions are conceptual in nature but generated substantial concern that actual alignments had been proposed.

b) Agricultural land conversion and potential effects of the proposed CVFPP on agricultural lands and production, including the sustainability of rural-agricultural economies.

c) Levels of flood protection targeted in the proposed CVFPP for urban and non-urban areas, including potential effects on local maintaining agency operations and maintenance responsibilities, eligibility for emergency repair funding, federal funding for rural improvements, and the need for rural levee repair and improvement standards.

d) New urban level of flood protection requirements for cities and counties that come into effect upon CVFPP adoption, including information and criteria needed for local cities and counties to make findings.

e) Maintenance, repair and rehabilitation of existing flood management system facilities, versus construction of new facilities.

f) Integration of water supply, ecosystem restoration, recreation, and other benefits into flood management system improvements, including the need for objectives to measure the success of integration and concern for potential land use and public safety implications.

g) Desire for a vision statement summarizing the overall intent of the adopted CVFPP and SSIA.

h) Formulation and selection of the SSIA, including rationale for and cost-effectiveness of the approach.

i) The potentially high cost of the SSIA including financing, federal cost-sharing, and local ability to pay for improvements.

j) Suggestions that new reservoir flood storage should be included in the SSIA.

k) Consideration of the Sacramento-San Joaquin Delta (Delta) in the proposed CVFPP, including the potential for hydraulic impacts to the Delta and flood protection for Delta lands not protected by SPFC facilities.

l) Need for policies or guidance addressing the potential hydraulic impacts of the proposed CVFPP, including impacts associated with repairing existing SPFC.

m) Level of engagement in proposed CVFPP development of stakeholders, including land owners and other interested parties, and how these stakeholders will be engaged following adoption of the CVFPP.

n) Proposal for and timing of post-adoption activities (such as regional planning and basinwide feasibility studies), including the role of the USACE in these activities and coordination with other, ongoing projects and programs in the Central Valley.

o) Use and prioritization of available and future funds to implement the adopted CVFPP including allocation to achieve public safety goals in both urban and non-urban areas, and consideration of economic feasibility.

p) The need for increased flexibility for small communities and rural-agricultural areas in complying with FEMA's standards applicable to special flood hazard areas; and

LL. WHEREAS, During the public hearings Board staff reported on its findings regarding the completeness and adequacy of technical analysis, including its conclusion that DWR used well established standards of engineering and scientific practice in the preparation of the proposed CVFPP; and

MM. WHEREAS, The Board held a public workshop with DWR on April 20, 2012 to discuss key issues raised by the public, to consider how these issues might be addressed in the adopted CVFPP, and discussed the proposed structure of an adoption package; and

NN. WHEREAS, The Board held its regular monthly Board meeting on April 27, 2012 and received a summary report from Board staff on public comments received to date, received a report from DWR on the Regional Planning Process, and publicly discussed the proposed adoption package; and

OO. WHEREAS, The Board publicly discussed the adoption package to seek further public comments at various meetings, including: a special Board meeting on May 11, 2012; the Board's regular monthly meeting on May 25, 2012 (continued on June 1 and June 8, 2012); and a special Board meeting on June 15, 2012 to authorize the proposed CVFPP adoption package, and to post the adoption package on the Board's public web site for a two-week period per CWC § 9612(d); and

PP. WHEREAS, DWR, as lead agency, prepared a Final Program Environmental Impact Report (FPEIR) (SCH No. 2010102044 on June _____, 2012, certified the FPEIR and CEQA findings, mitigation measures, a Mitigation Monitoring and Reporting Program (MMRP), a Statement of Overriding Considerations pursuant to CEQA and the CEQA Guidelines (incorporated herein by reference) on June _____, 2012, and intends to file a Notice of Determination with the State Clearinghouse. The DPEIR and FPEIR are incorporated herein by reference and available at the Board or DWR offices; and

QQ. WHEREAS, The Board reviewed the findings of its staff, documents and correspondence in its file, and environmental documents prepared by DWR.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. RESOLVED, That the above recitals are true and correct.

GOALS:

2. RESOLVED, That the Board hereby adopts the primary goal and four supporting goals, as described in Whereas W. for the CVFPP previously proposed by DWR and by this resolution the Board is also adopting a specific vision for the CVFPP that is consistent with those goals and the Board's goals of: (1) managing flood risk along the Sacramento and San Joaquin Rivers and their tributaries in cooperation with the USACE; (2) cooperating with various agencies of the federal, State and local governments in establishing, planning, constructing, operating, and maintaining flood control works; (3) and maintaining the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments.

VISION STATEMENT:

3. RESOLVED, That the Board's vision for the CVFPP is to:|

- (a) Have as first priority the protection of life and property by reducing both the probability and consequences of flooding.
- (b) Protect life and property in urban and rural areas by assuring that the existing system is properly maintained and managed.
- (c) Protect life and property in urban and rural areas by improving reliability and expanding the capacity of the existing system to provide a margin of safety in the event of larger flood events.
- (d) Cooperate with various federal, State, and local agencies and stakeholders to manage flood risk.

(e) Restore ecosystem function to promote the recovery and stability of native species and overall biotic diversity and provide for recreation.

(f) Promote economic sustainability in urban and rural areas.

TECHNICAL FINDINGS:

4. RESOLVED, That the Board finds that the adopted CVFPP meets the requirements and intents of the 2008 Act.

5. RESOLVED, That the Board finds that DWR, in preparing the proposed CVFPP, utilized well-established standards of engineering practice, and best available scientific data and methodologies to evaluate a range of conceptual, preliminary approaches including modifying existing SPFC facilities to achieve their design standards, focusing flood system improvements on protecting public safety and populations at risk, and enhancing overall flood system capacity and ecosystem functions.

6. RESOLVED, That the Board finds that the SSIA identified the most promising elements of each of the three preliminary approaches.

7. RESOLVED, That the Board finds that SSIA helps achieve the Board's vision for flood management in a balanced manner through responsible investment of public funds, commensurate with flood risks, in projects that integrate multiple benefits, where feasible, in proactive SPFC maintenance and residual risk management, and through wise management of floodplains protected by the SPFC.

8. RESOLVED, That the Board finds that the USACE is often an essential partner for flood protection repairs and improvements for the communities in the Sacramento and San Joaquin River Basins.

9. RESOLVED, That the Board finds that the adopted CVFPP will be used as a long-term planning document acting as the framework for (1) regional plans to be prepared by local agencies and stakeholders under a DWR sponsored process (2) systemwide improvement plans to be prepared by DWR, with stakeholder input, in consideration of regional plans; and (3) other local, regional, and basinwide plans to be prepared by USACE and / or DWR, and that the adopted CVFPP does not authorize or approve any site-specific ground-disturbing actions or construction activities.

10. RESOLVED, That the Board finds that in addition to local benefits, existing and expanded bypasses provide systemwide benefits. Therefore, systemwide flood control beneficiaries should contribute to the cost of providing systemwide benefits including but not limited to bypass modifications. The Board also believes that to the extent that bypass modifications are considered prior to the adoption of the 2017 CVFPP, such modifications should be focused on

the furthest downstream bypasses on the systems, such as the Yolo and proposed Paradise Cut Bypasses.

AMENDMENT AND ADOPTION:

11. RESOLVED, That the Board, in consideration of public comment, amends and adopts the proposed CVFPP, including the documents listed in Resolved 24, based on the following framework that will guide implementation of the adopted CVFPP:

(a) The Board will exercise its authority and jurisdiction in partnership with DWR to conduct post-adoption planning and implementation, and provide a public forum for, activities related to the adopted CVFPP including participating with DWR in regional planning, basinwide and project-specific feasibility studies, and project-level environmental compliance to refine adopted CVFPP elements and physical features; issuing permits; acquiring lands and easements; executing cost-sharing agreements; and other activities needed to update and implement the adopted CVFPP.

(b) Future processes and activities will occur which will continue to ensure meaningful public and stakeholder participation as the high-level proposals expressed in the adopted CVFPP are further studied at regional and systemwide levels of detail to determine whether or not they will improve flood management, and are feasible and fundable. The use of different lists of stakeholders in this Resolution is not intended to present the exclusive list of stakeholders who may be interested in a particular issue, and the ordering of the list is not intended to indicate that one stakeholder group is more significant than another.

(c) The Board intends to provide a forum, through the establishment of one or more advisory committees or other group pursuant to CWC § 9612(f), to discuss guidelines that prioritize and implement flood risk reduction projects and programs, consistent with the adopted CVFPP, using remaining funding from Propositions 84 and 1E and any further sources of funding identified.

(d) The Board will designate an advisory committee or other group to develop specific, measurable, achievable, results oriented and time-bound conservation objectives for consideration by the Board for possible inclusion in the adopted CVFPP and the Conservation Strategy.

(e) DWR anticipates completing a draft Central Valley Flood System Conservation Strategy not later than 2014, expanding on the Conservation Framework attached to the adopted CVFPP, to describe long term, systemwide conservation objectives and covered actions associated with the flood management system.

(f) Pursuant to CWC § 9620(c), DWR will prepare a recommended schedule and funding plan in 2013 to implement the recommendations of the adopted CVFPP, and DWR, by December 31, 2012, will brief the Board as to how it intends to collaborate with local, State and federal agencies on the development of the recommended schedule and funding plan.

(g) DWR intends to provide funding, to be cost shared by local agencies, to implement urban, small community, and rural levee repairs and improvements consistent with the adopted CVFPP.

(h) The Board will create an advisory committee, or other appropriate group, working with DWR, local maintaining agencies, interested stakeholders, and USACE, to develop rural levee criteria for repair of damage and deficiencies, and an associated funding plan for cost effective and sustainable modifications. The Board intends for draft criteria to be available by July 1, 2013.

(i) The Board should, consistent with the CVFPP, seek to preserve rural agricultural landscapes, minimize the loss of agricultural production by using agriculture to achieve habitat values, i.e. "working landscapes", and minimize the impacts to adjacent landowners from construction of flood system improvements that include newly created habitat.

(j) DWR, in coordination with the Board, USACE, local agencies and the public will initiate basinwide feasibility studies for the Sacramento and San Joaquin River Basins (in time to inform the 2017 CVFPP update) to evaluate and refine the conceptual system improvement elements described in the adopted CVFPP, including bypass expansion and new bypasses. These are likely to include the formation of one or more working groups to identify potential implementation challenges and solutions, potential effects on local and regional land uses and economies, and specific multi-benefit objectives for system elements.

(k) In accordance with the authority and jurisdiction of the Board to approve or deny any flood management improvement project affecting any facility of the SPFC, the Board will review identified project-specific implementation actions, and associated environmental review and compliance documents, as appropriate, identified through post-adoption planning activities associated with the adopted CVFPP.

(l) In conducting post-adoption implementation activities associated with the adopted CVFPP, DWR will work with the Board on other ongoing projects and programs in the Central Valley to identify mutual objectives, complementary project elements, and improve the efficiency of outreach and engagement with stakeholders and the public.

(m) Wherever feasible, improvements to the SPFC should be implemented in accordance with CWC § 9616 and provide for multiple benefits through projects designed to improve public safety while achieving other benefits, such as restoration of ecosystem functions and habitats within the flood management system.

(n) DWR will continue to make investments in new data, analysis tools, and systemwide benefit policies to support refinement of the physical elements of the adopted CVFPP, and assess the feasibility of project-specific implementation actions and local planning efforts.

(o) DWR will conduct additional analyses to evaluate the effects of climate change and the effectiveness of various flood system improvements of the SSIA to accommodate future flood flows and sea level rise, for use in the basinwide feasibility studies.

(p) The proposed CVFPP includes the Folsom Dam Joint Federal Project, the Folsom Dam Water Control Manual Update Project, the Folsom Dam Raise Project, the Yuba-Feather Rivers Joint Project for Forecast Coordinated Operations (FCO), and FCO for other reservoirs. These projects will have the effect of increasing and / or improving the use of the reservoir storage space for flood management. In addition to these projects DWR will (1) consider reservoir reoperations, expansions or modifications, including those proposed by local or regional entities, and (2) continue to consider flood management as an objective of its ongoing multi-benefit surface storage investigations and systemwide reoperation studies. Should these related efforts by DWR identify flood management as a component of a feasible reservoir storage project, such project may be proposed for implementation under the adopted CVFPP and / or may be reflected in future updates to the adopted CVFPP.

(q) DWR will continue to provide guidance, criteria, data, analyses and technical support to assist cities and counties in making findings related to the urban level of flood protection and related land use planning requirements that come into effect upon adoption of the CVFPP to assist them to meet their statutory deadlines. The Board encourages DWR to provide preliminary 100- and 200-year floodplain mapping of areas protected by SPFC facilities to cities and counties by July 1, 2013 to allow cities and counties to meet their statutory deadlines.

(r) Studies and analyses that result from implementation of the adopted CVFPP will be included in the 2017 update of the CVFPP and will be shared with the USACE to be considered in the Central Valley Integrated Flood Management Study scheduled for release at the same time, consistent with the State's goal to maximize federal and local cost sharing.

(s) DWR will sponsor regional flood management planning efforts which will develop regional plans that present stakeholder perspectives of flood management priorities for each region, the results of which will be coordinated between regions and integrated into or consistent with the basinwide plans. Regional planning should create a role for all interested stakeholders including representatives from agricultural, cities and counties, conservation, environmental, landowner, and water supply interests as well as the flood control representatives. DWR shall post up to date information on the regional planning process on its Central Valley Flood Management Planning Program website at www.water.ca.gov/cvfmp/documents.cfm.

(t) The Board intends to (i) participate in each regions' planning process by providing a representative for each region who can participate in regional meetings and act as a liaison between the regional planning process and the Board, and (ii) hold hearings to allow the Board to evaluate the content of the different regional plans, consider the interplay of the various regional plans, consider the coordination and integration of the regional plans with and into the basinwide feasibility studies, and provide a public forum for stakeholder comments. The Board will engage

in the development and integration of the regional and basinwide plans in a manner consistent with this Resolution.

(u) Regional planning efforts should include a focus on managing the river corridors covered by the CVFPP to reduce flood risk and promote ecosystem function, and should build on the existing river corridor management efforts, including those efforts in the Sacramento and San Joaquin River basins which have had some success.

(v) The Board desires to support viable, cost effective and locally supported repair and improvement projects, but may not support projects that physically interfere with systemwide improvements in the adopted CVFPP.

(w) The Board will partner with State and local agencies to work with FEMA and Congress to seek needed regulatory reform and reduced insurance rates for rural and small communities located in the FEMA floodplain to assure continued economically viable agricultural operations.

(x) The Board intends, in cooperation with DWR, to reach out to State and federal agencies and departments to ensure coordination between the CVFPP and other major water and conservation-related programs in the Sacramento and San Joaquin River Systems.

(y) For those deliverables and processes set forth in items (a) through (x) above, it is understood that DWR shall provide quarterly reports to the Board regarding schedules and progress.

12. RESOLVED, That the Board will consider whether to adopt as part of the CVFPP the Draft Urban Level of Flood Protection Criteria (ULOP) and the Urban Levee Design Criteria (ULDC) six-months after their public release, not earlier than November 14, 2012. The Board will not adopt the ULOP and ULDC as part of the CVFPP until participating in a group of representatives from cities, counties, DWR staff and other stakeholders, in an effort to resolve concerns, guide implementation, and incorporate any changes necessitated through legislation to the ULOP and ULDC.

13. RESOLVED, That the Board may adopt interim updates to the CVFPP consistent with any requirements of CEQA.

14. RESOLVED, That the Board, in accordance with its authority and jurisdiction, will review and provide comments on proposed amendments to the safety elements of general plans within the Sacramento and San Joaquin Drainage District relating to: (1) uses of land and policies in areas subject to flooding; and (2) methods and strategies for flood risk reduction and protection pursuant to CGC § 65302(g) (Statutes of 2007, Chapter 369, AB 162).

15. RESOLVED, That nothing in the proposed CVFPP, its appendices, or the adopted CVFPP is intended to change the Board's existing standard for the evaluation of hydraulic impacts. The Board has consistently applied this standard and found no adverse hydraulic impacts are

associated with levee strengthening which does not change the alignment, height, or geometry of the levee.

16. RESOLVED, That DWR, in coordination with the Board, USACE, and other stakeholders, intends to develop appropriate policies or guidance for the consideration of potential temporary or permanent hydraulic impacts associated with incremental implementation of projects consistent with the CVFPP.

17. RESOLVED, That urban, small community, and rural areas that desire to reduce their flood risk may pursue levee alterations or other improvements and other changes when not inconsistent with the CVFPP.

18. RESOLVED, That the adopted CVFPP shall be updated by DWR and considered for adoption by the Board every five years, in subsequent years ending in 2 and 7, documenting progress made in refining and implementing the CVFPP.

19. RESOLVED, That DWR shall update the Flood Control System Status Report concurrently with the adopted CVFPP in 2017, and in subsequent years ending in 1 and 6.

20. RESOLVED, That DWR shall update the State Plan of Flood Control Descriptive Document as necessary by agreement between the Board and DWR as facilities are added to or removed from the SPFC.

21. RESOLVED, That to the extent that changes in law or administrative rules affect implementation of the adopted CVFPP, the adopted CVFPP will be implemented consistent with such changed laws and administrative rules.

22. RESOLVED, That the State and some of California's congressional delegation have serious concerns about the impacts of the USACE policy that would require removal of all woody vegetation from federal-State levees. These concerns may be resolved by the courts, federal legislation, or an administrative resolution with the USACE – or may not be.

DWR's proposed levee vegetation management strategy, as proposed in the CVFPP and Conservation Framework, would (1) reject the USACE's woody vegetation policy; (2) not allow woody vegetation on new levees, (3) permanently allow woody vegetation on the lower portion of the waterside of levees with existing woody vegetation, (4) temporarily allow other existing woody vegetation to remain on the rest of the levee until the end of the natural life of the existing woody vegetation, and (5) require that woody vegetation be managed to assure visibility and accessibility: visibility for inspection of levee status and accessibility for maintenance, repair, and flood-fighting.

This Resolution approves the proposed CVFPP as an interim strategy, but amends it to allow, by exception, vegetation on levees if appropriate and consistent with public safety needs.

DWR and the Board will work with the State Department of Fish and Game, the State Department of Parks and Recreation, appropriate federal agencies, local maintaining agencies, and other stakeholders to further develop a more comprehensive State levee vegetation management strategy following the completion of engineering and scientific studies of the effects of woody vegetation on levees.

If the USACE levee vegetation policy becomes non-operative, the Board also intends to revisit DWR's proposed levee vegetation management strategy.

CAVEATS:

23. RESOLVED, That the following caveats are included:

- a) It is expected that appropriate flood risk reduction projects will continue to be made during post-adoption regional and basinwide planning efforts.
- b) Given the uncertainty of federal funding and approval in the current economic climate, other mechanisms may need to be utilized to make timely and cost-effective flood risk reduction improvements.
- c) In an area with a willing and able local agency, that agency can carry out CVFPP basinwide improvements.
- d) Evaluation of the implications of climate change should be consistent with current science, but it should be recognized that climate change will likely continue beyond 2100.
- e) The Board has serious concerns that the enlargement of the Cherokee Canal (a) would have adverse, unmitigated hydraulic effects on downstream landowners, and (b) is unlikely to be found economically feasible. In addition, the Board is aware of existing facility capacity limitations in the Cherokee Canal attributed to its original design, further diminished by channel vegetation and sediment management challenges, possibly compromising critical flood protection at the local level. The Board thus advises DWR to consider more localized facility improvements, and that if an enlargement is to be considered further, DWR must fully and carefully evaluate the hydraulic and economic effects with considered public input.
- f) It is recognized that implementation of specific projects and programs is dependent on funding.
- g) The CVFPP is a planning document and it is intended to guide subsequent studies, planning, public outreach, environmental review, and decision-making processes relating to individual projects and program elements. Nothing in the CVFPP, this Resolution, or in other actions taken by the Board to adopt the CVFPP represents a commitment to later carry out or approve any such projects and program elements, nor does the adoption of the CVFPP foreclose the development of alternatives as part of the environmental review of any such projects and program elements.

The implementation of individual projects and program elements shall occur in compliance with all applicable laws and regulations and the terms of this Resolution.

DOCUMENTS INCLUDED IN THE ADOPTED CVFPP:

24. RESOLVED, That the adopted 2012 Central Valley Flood Protection Plan includes the following documents:

- a) The contents of this *Resolution 2012-25*;
- b) The Public Draft entitled "*2012 Central Valley Flood Protection Plan*" in the form published by DWR in December 2011, as modified by this Resolution 2012-25 and the Errata discussed in 24 (f) below, and including all the structural and environmental components described in the December 2011 document;
- c) The *State Plan of Flood Control Descriptive Document* (DWR, November 2010), as modified by this Resolution 2012-25 and the Errata discussed below;
- d) The *Flood Control System Status Report* (DWR, December 2011), as modified by this Resolution 2012-25 and the Errata discussed below;
- e) The following attachments to the Public Draft of the 2012 CVFPP, as modified by this Resolution 2012-25 and the Errata discussed below:
 1. Volume I, Attachment 1, *Legislative Reference* (DWR, June 2012);
 2. Volume I, Attachment 2, *Conservation Framework* (DWR, June 2012);
 3. Volume I, Attachment 3, *Documents Incorporated by Reference* (DWR, June 2012) [1];
 4. Volume I, Attachment 4, *Glossary* (DWR, June 2012);
 5. Volume I, Attachment 5, *Engagement Record* (DWR, June 2012), Draft Errata to the Public Draft 2012 Central Valley Flood Protection Plan and Volume I, Attachments 1 – 6 (DWR, May 2012)
 6. Volume I, Attachment 6, *Contributing Authors and Work Group Members List* (DWR, June 2012)
- f) *Errata to the Public Draft 2012 Central Valley Flood Protection Plan and Volume 1, Attachments 1-6* (DWR, June _____, 2012, which modifies the Public Draft of the CVFPP and Volume 1, Attachments 1-6.
- g) *Public Comment Record*, commencing January _____, 2012 through June _____, 2012.

[1] Volume 1, Attachment 3 provides a summary of four documents that are either linked with the proposed CVFPP through legislative requirements or related management policies that adoption of the CVFPP will trigger, but not the documents themselves. These documents are the *State Plan of Flood Control Descriptive Document* (DWR, 2010), *Flood Control System Status Report* (DWR, 2011), *Draft Urban Level of Flood Protection Criteria* (DWR, 2012) and *Urban Levee Design Criteria*, (DWR, 2012).

25. RESOLVED, Not withstanding Section 1.6.5 of the CVFPP as changed by the Errata discussed in 24 (a) and (f) above, that the adopted 2012 Central Valley Flood Protection Plan does not include any portion of Attachments 7, 8 or 9 contained in Volumes III, IV and V of the Public Draft of the CVFPP.

CEQA FINDINGS:

CEQA findings will be drafted by Board staff for consideration by the Board once staff receives and reviews the FPEIR from DWR.

Findings Regarding Significant Impacts

(placeholder)

Findings Regarding Significant and Unavoidable Impacts

(placeholder)

Findings Regarding Significant Impacts that can be reduced to Less Than Significant

(placeholder)

Statement of Overriding Considerations

(placeholder)

CUSTODIAN OF RECORD:

The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Board offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

This resolution shall constitute the written decision of the Board in the matter of adopting the 2012 CVFPP.

PASSED AND ADOPTED by vote of the Board on _____, 2012

William Edgar
President

Jane Dolan
Secretary