

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

CENTRAL VALLEY FLOOD PROTECTION PLAN  
JUNE 2012

**HISTORY:**

**A. WHEREAS,** Most 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; and

**B. WHEREAS,** The prevailing view from about 1870 to about 1910 was that Sacramento River floodwaters could be contained between the Sacramento River levees. The State's Dabney Commission Report of 1905 proposed continued use of the Sacramento River as the main "single channel" conveyance, but 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; 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 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 20<sup>th</sup> 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 20<sup>th</sup> 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. As a system of private levees was developed to protect multiple land tracts, floodwaters would be redirected elsewhere, increasing the river stages and flood risk. The protection afforded by individual levees would also decrease over time due to increased stages of floodwaters constrained between the irregular and expanding levee system. The increasing flood danger led to competition between landowners to continually raise and strengthen levees to protect local lands; 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. Recreation facilities were also developed at several of these reservoirs, and the dams are operated, in part, to meet downstream fish and wildlife requirements; 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 with numerous levee breaks and substantial flooding resulting. If the flood control reservoirs had not been in place the peak flow at the mouth of the Sacramento River would 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 rainflood 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

**DEGRADATION OF HABITATS:**

**M. WHEREAS**, Riverine habitats and ecosystem functions along Central Valley rivers have been degraded over time, and roughly five 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

**LEEVE REQUIREMENTS FOR URBAN AREAS:**

**N. 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:**

**O. 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

**P. 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

**Q. 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)); and

*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)); and

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

**R. 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

**S. 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 either 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

**T. 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:**

**U. 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

**V. 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

**W. 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

**X. 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

**Y. 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

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

**AA. 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

### **PUBLIC MEETINGS AND HEARINGS:**

**BB. 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

**CC. 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

**DD. 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

**EE. 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

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

- c) 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.
- d) Maintenance, repair and rehabilitation of existing flood management system facilities, versus construction of new facilities.
- e) 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.
- f) Desire for a vision statement summarizing the overall intent of the adopted CVFPP and SSIA.
- g) Formulation and selection of the SSIA, including rationale for and cost-effectiveness of the approach.
- h) The potentially high cost of the SSIA including financing, federal cost-sharing, and local ability to pay for improvements.
- i) Suggestions that new reservoir flood storage should be included in the SSIA.
- j) 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.
- k) Need for policies or guidance addressing the potential hydraulic impacts of the proposed CVFPP, including impacts associated with repairing existing SPFC.
- l) 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.
- m) Proposal for and timing of post-adoption activities (such as regional planning and basin-wide feasibility studies), including the role of the USACE in these activities and coordination with other, ongoing projects and programs in the Central Valley.
- n) 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.
- o) 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

**GG. 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 or scientific practice in the preparation of the proposed CVFPP; and

**HH. 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

**II. 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

**JJ. 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, 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

**KK. 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

**LL. 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 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) controlling flooding 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:|

- (1) Have as first priority the protection of life and property by reducing both the probability and consequences of flooding.
- (2) Protect life and property in urban and rural areas by assuring that the existing system is properly maintained and managed.
- (3) 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.
- (4) Cooperate with various federal, State, and local agencies and stakeholders in delivering flood control services.



- (5) Restore habitat and provide recreational services.
- (6) 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 the best available scientific data and information to evaluate a range of conceptual, preliminary approaches including repairing 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 in consideration of regional plans; and (3) other local, regional, and basin-wide 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, basin-wide 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 systemwide and regional levels of detail to determine whether or not they are indeed necessary, feasible, and fundable.
- (c) The Board intends to provide a forum, through the establishment of one or more advisory committees pursuant to CWC § 9612(f), for DWR, local agencies, USACE, stakeholders and interested parties to develop and agree on guidelines to 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 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 will complete a draft Central Valley Flood System Conservation Strategy in 2013, 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) Upon adoption of the CVFPP, DWR, working with the Board, will engage local agencies, landowners, and other interested parties in regional planning to identify and refine local and regional implementation actions consistent with the adopted CVFPP. In addition to this planning process, 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, working with DWR, local maintaining agencies, interested stakeholders, and USACE, to develop rural levee repair and improvement criteria and an associated funding plan for cost effective and sustainable repairs and improvements. The Board intends for the advisory committee to produce draft criteria by July 1, 2013.
- (i) DWR, in coordination with the Board, USACE, local agencies and the public will initiate basin-wide feasibility studies for the Sacramento and San Joaquin River Basins (scheduled for completion by 2017) 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.
- (j) 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.
- (k) 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.
- (l) Wherever possible, 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.
- (m) 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.
- (n) 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.
- (o) 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 as 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.

- (p) 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.
- (q) 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.
- (r) DWR will sponsor regional flood management planning efforts which will develop regional plans that present local perspectives of flood management priorities for each region, the results of which will be harmonized between regions and integrated into the basin-wide plans. Regional planning should create a role for all interested stakeholders including representatives from conservation, environmental, landowner, and water supply interests as well as the flood control representatives.
- (s) 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.
- (t) 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.
- (u) The Board will partner with State and local agencies to work with FEMA and Congress to seek needed flexibility for rural and small communities located in the FEMA floodplain to assure continued economically viable agricultural operations.
- (v) For those deliverables and processes set forth in items (a) through (u) above, it is understood that DWR shall provide quarterly reports to the Board regarding schedules and progress.

**12. RESOLVED,** That the Board will consider adoption of 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.

**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 DWR, in coordination with the Board 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.

**16. RESOLVED**, That nothing in these policies or guidelines, or the proposed CVFPP and appendices, 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.

**17. RESOLVED**, That urban, small community, and rural areas that desire to reduce their flood risk may pursue levee alterations or other improvements.

**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 Board recognizes ongoing litigation and proposed legislation regarding levee vegetation policies may affect the implementation of the CVFPP's vegetation management strategy. Therefore, the Board or DWR may make changes in the ULDC or ULOP in light of subsequent review, this litigation, or legislation.

#### **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 systemwide planning efforts.
- b) Given the uncertainty of federal funding and approval in the current climate, other mechanisms may need to be utilized to make timely and cost-effective flood control improvements.

- c) In an area with a willing and able local agency, that agency can carry out CVFPP systemwide 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.

**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. *Implementing the Central Valley Flood Protection Plan, Regional Flood Management Planning, and Regional Planning Presentations* (PowerPoint slides and April 27, 2012 Meeting Transcript) to the Board (DWR, April 2012)
- h. *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**, Notwithstanding 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

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William Edgar  
President

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Jane Dolan  
Secretary