

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

DRAFT RESOLUTION NO. 2012-xx

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PROTECTION PLAN
JUNE 2012

WHEREAS, in response to flood-related threats to people, property and the environment, the legislature enacted the Central Valley Flood Protection Act of 2008 (Statutes of 2007, Chapter 364, SB5) (2008 Act) and several other legislative acts; and

WHEREAS, the Legislature also passed Senate Bill 17 and Assembly Bill 5 (Statutes of 2007, Chapters 365 and 366, SB 17 and AB 5) which renamed the former State Reclamation Board to the Central Valley Flood Protection Board (Board) (California Water Code (CWC) § 8521); and

WHEREAS, the 2008 Act directs the Department of Water Resources (DWR) to prepare a Central Valley Flood Protection Plan (CVFPP) by January 1, 2012, and directs the Board to adopt the 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 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 CVFPP shall be updated in subsequent years ending in 2 and 7 (CWC § 9612).

Further, the 2008 Act declares that the CVFPP should reflect a systemwide approach to protecting the lands currently protected from flooding by existing facilities of the SPFC (CWC § 9603).

Further, the 2008 Act declares that DWR shall prepare, as part of the CVFPP planning process, a State Plan of Flood Control Descriptive Document (CWC § 9614).

Further, the 2008 Act declares that DWR shall prepare, as part of the CVFPP planning process, a Flood Control System Status Report (CWC § 9614).

Further, the 2008 Act declares that the CVFPP shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the SPFC, and wherever feasible, meet multiple objectives including each of the following:

- (1) Reduce the risk to human life, health, and safety from flooding, including protection of public safety infrastructure.
- (2) Expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to either reduce flood flows or convey floodwaters away from urban areas.
- (3) Link the flood protection system with the water supply system.
- (4) Reduce flood risks in currently non-urbanized areas.
- (5) Increase the engagement of local agencies willing to participate in improving flood protection, ensuring a better connection between state flood protection decisions and local land use decisions.
- (6) Improve flood protection for urban areas to the urban level of flood protection.
- (7) Promote natural dynamic hydrologic and geomorphic processes.
- (8) Reduce damage from flooding.
- (9) Increase and improve the quantity, diversity, and connectivity of riparian, wetland, flood plain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.
- (10) Minimize the flood management system operation and maintenance requirements.
- (11) Promote the recovery and stability of native species populations and overall biotic community diversity.
- (12) Identify opportunities and incentives for expanding or increasing use of floodway corridors.
- (13) Provide a feasible, comprehensive, and long-term financing plan for implementing the CVFPP.
- (14) Identify opportunities for reservoir reoperation in conjunction with groundwater flood storage (CWC § 9616).

Further, the 2008 Act declares that the CVFPP shall provide a description of the probable impacts of 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 (CWC § 9614 (f)).

Further, the 2008 Act declares that the CVFPP shall provide an evaluation of the 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 indentified in subdivision (H) to within its design standard (CWC § 9614(g)).

Further, the 2008 Act declares that the CVFPP shall include a list of facilities recommended to be removed from the SPFC, including the reasoning and any recommended actions associated with removal (CWC § 9614(h)).

Further, the 2008 Act declares that the CVFPP shall provide a description of 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 (CWC § 9614(i)).

Further, the 2008 Act declares that the CVFPP shall provide a description of 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 (9614(j)).

Further, the 2008 Act declares that neither the CVFPP nor anything in this part shall 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 (CWC § 9603).

Further, the 2008 Act declares 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); and

WHEREAS, the Board has given assurances to the U.S. Army Corps of Engineers (USACE) that the State of California (State) will maintain and operate federal flood control works in accordance with federal law pursuant to (CWC) § 8708; and

WHEREAS, the State has a fundamental interest in public safety, economic stability, and environmental sustainability (CWC §§ 12578, 12579); and

WHEREAS, in accordance with CWC §§ 12578-12580 and 8532-8533, the State has a primary interest in managing and controlling flood waters for the protection of life and property and other public interests, and building and maintaining flood management facilities along the Sacramento and San Joaquin Rivers and their tributaries to preserve the welfare of residents and landowners within reclaimed overflow basins in the Central Valley; and

WHEREAS, the facilities and works of the State Plan of Flood Control (SPFC) are part of an aging system constructed incrementally over a period of more than 100 years primarily to protect agricultural lands, and its performance is impaired by a lack of stable funding, deferred maintenance, changes in regulations and societal priorities, and imprudent development in deep floodplains; and

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

WHEREAS, riverine habitats and ecosystem functions along Central Valley rivers have been degraded over time and little of the historical riparian forests that once lined valley streams remains with much of this remaining habitat growing on, within or close to, the SPFC facilities; and

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 Public Resources Code) which authorized \$800,000,000 for flood control projects; and

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 \$4.9 billion to be invested in flood and related water management improvements in the State, including DWR's FloodSAFE planning program (which formulated the CVFPP) and Early Implementation Projects to improve facilities of the SPFC in urban areas in advance of the CVFPP; and

WHEREAS, the Board has an interest in articulating a vision for the CVFPP that is consistent with the Board's goals of controlling flooding along the Sacramento and San Joaquin Rivers and their tributaries in cooperation with the USACE; cooperating with various agencies of the federal, State and local governments in establishing, planning, constructing, operating, and maintaining flood control works; and maintaining the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments. Elements of this vision include:

- a. Recognition that the structural components for flood protection in the Central Valley are part of a system, and changes that necessarily enlarge the capacity of the system must ensure that all stakeholders get better together.
- b. Planned improvements will include system-wide improvements as well as specific actions for the urban and small communities, the ecosystem, and the rural areas.
- c. Recognition that system-wide improvements must be developed on a parallel track with the implementation of regional and local improvement.
- d. An understanding that the CVFPP is a framework to improve flood protection and the environment through implementing a combination of conceptual alternatives. The framework, if implemented by all stakeholders working together, would improve levees, provide better management of floodwaters, reduce maintenance costs, and lower flood stages in parts of the system.
- e. The CVFPP should provide a roadmap to guide not only DWR and the stakeholders over the next five years in developing specific engineering and environmental proposals for acceptable regional plans, but also for the subsequent five-year up-dates of the CVFPP.
- f. The California State Legislature re-defined the SPFC for the Sacramento and San Joaquin River Systems to include three levels of flood protection for the Central Valley, which are urban, small communities, and rural/agriculture. These three levels of flood protection are incorporated into this plan.
- g. Although the CVFPP contains only a general vision for the rural and agricultural areas, it is contemplated that as the regional initiative for implementation begins this general vision will become more specific and quantifiable.
- h. Recognition of the adverse impact that flood control system improvements have had over the years to the environment and the need for the CVFPP to integrate ecosystem restoration where smartly designed projects will not only mitigate their own impacts, but will also encourage a fragile ecosystem to recover and flourish.
- i. Although the purpose of the CVFPP is to promote and foster life safety and the protection of property, the CVFPP must also provide encouragement and financial incentives to regional

and local agencies to thoughtfully and carefully include ecosystem restoration as an important and integrated component to planned improvements.

- j. The project concepts and options referred to in the CVFPP will require significant additional regional planning, feasibility studies, public outreach, and extensive input from local stakeholders.
- k. Specific projects will also have to be specifically approved by the Board and the USACE.
- l. Specific projects will have to comply with all Federal and State environmental requirements which give all governmental agencies and the general public the opportunity to comment; and

WHEREAS, in preparing the 2012 CVFPP and consistent with CWC § 9612(f) and 9615, DWR engaged local, regional, and federal flood management agencies (i.e., USACE, U.S. Fish and Wildlife Service, Federal Emergency Management Agency (FEMA), National Marine Fisheries Service, etc.) owners and operators, interest groups, and members of the public to assist in identifying problems, developing plan goals, identifying the range of management actions to be considered in the CVFPP and reviewing and commenting on draft content for the CVFPP as summarized in Volume I, Attachment 5 – Engagement Record of the 2012 CVFPP; and

Further, the 2008 Act makes declarations relating to the implementation of the CVFPP, including a mandate that DWR shall develop a recommended schedule and funding plan to implement the recommendations of the CVFPP. To develop the recommended schedule and funding plan, the department may collaborate with local and federal agencies (CWC § 9620); and

WHEREAS, in addition to the 2008 Act, the 2007 flood legislation consists of Assembly Bill 162, Assembly Bill 70, Assembly Bill 2140, and Assembly Bill 156 to strengthen the link between local land use decisions and regional flood management.

Further, the requirements specified in the 2007 flood legislation vary depending on location: State of California, Sacramento-San Joaquin Drainage District, and Sacramento-San Joaquin Valley.

Further, to assist local compliance with the complex requirements in the 2007 flood legislation, DWR prepared the Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities to provide guidance to local land use authorities in complying with the provisions of the 2007 flood legislation.

Further, the 2008 Act states that after the Board's adoption of the CVFPP, local cities and counties located within the Sacramento-San Joaquin Valley have specific obligations to amend their general plans and zoning ordinances (see Gov't Code §§ 65302.9 and 65860.1).

Further, Gov't Code §§ 65865.5, 65962, 66474.5 require that all cities and counties within the Sacramento-San Joaquin Valley make finding related to the urban level of flood protection for urban and urbanizing areas and the national Federal Emergency Management Agency (FEMA) standard in non-urbanized areas before:

- Entering into a development agreement for a property;

- Approving a discretionary permit or entitlement for any property development or use, or approving a ministerial permit that would result in construction of a new residence;
- Approving a tentative map or parcel map for a subdivision.

Further, the 2008 Act states that an urban level of flood protection is required for urban and urbanizing areas within the flood hazard zone, and within the Sacramento-San Joaquin Valley defined in California Government Code § 65007(g).

Further, the 2008 Act states “Urban level of flood protection” to mean the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources (California Government Code § 65007(l) and CWC § 9602(i)).

Further, California Government Code § 65007 paragraphs (j) and (k) provide definitions for urban and urbanizing areas, respectively, as follows:

“Urban area” means a developed area in which there are 10,000 residents or more.

“Urbanizing area” means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

Further, DWR developed the *Draft Urban Level of Flood Protection Criteria* through a public engagement process to assist cities in counties in making findings related to the urban level of flood protection, as required by the 2008 Act, specifically Gov’t Code § 65007(l).

Further, the *Urban Levee Design Criteria* contains pertinent engineering criteria for cities and counties to use if levees and floodwalls are used to provide an urban level of flood protection; these criteria are incorporated by reference into the *Draft Urban Level of Flood Protection Criteria*; and

WHEREAS, the Board and DWR signed a Memorandum of Agreement (MOA) on December 19, 2008 that affirmed their intent to cooperatively develop and implement integrated flood management programs in the Central Valley that provide the maximum public safety benefit, and defined their programmatic and administrative relationship while preserving their independent authorities and jurisdiction; and

WHEREAS, in accordance with the MOA the Board has authority to review and approve non-flood control improvements that may encroach on the SPFC and flood management improvements affecting the SPFC, analyzing how such improvements may affect the integrity of the SPFC, including project-induced changes to hydraulics and flow frequency relationships and their impacts on public safety. The Board must secure USACE approval for any improvements; and

WHEREAS, in accordance with the MOA, DWR supports the Board’s projects and studies with the USACE for developing and implementing flood management projects throughout the Central Valley. DWR negotiates project cooperation and study agreements with the USACE and local flood agencies and submits them to the Board for approval. DWR coordinates the preparation of

National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA) and other environmental documents for Board adoption. DWR administers the Delta Levee Maintenance Program and the State Flood Inspection Program and reports results to the Board; and

WHEREAS, in developing the CVFPP, DWR identified a primary goal and four supporting goals. The primary goal of the CVFPP is to improve flood risk management, which means to reduce the chance of flooding, and 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. Supporting goals are to improve operations and maintenance; promote ecosystem functions; improve institutional support; and promote multi-benefit projects; and

WHEREAS, in developing the CVFPP, DWR formulated and evaluated three preliminary approaches highlighting different ways to focus future flood management investments and CVFPP goals. These approaches are: Achieve State Plan of Flood Control Design Flow Capacity; Protect High Risk Communities; and Enhance Flood System Capacity. These approaches are explained and analyzed in Section 2 of the CVFPP; and

WHEREAS, after completing a comparison of approaches, DWR concluded that while the Enhance Flood System Capacity Approach best meets and exceeds the CVFPP goals, this approach is not implementable since it requires the highest level of investment and significant institutional changes; and

WHEREAS, DWR developed and recommends adoption of the State Systemwide Investment Approach (SSIA), an approach that combines the strengths of each of the preliminary approaches into a single approach. This approach is explained and analyzed in Section 3 of CVFPP; and

WHEREAS, as described in Section 1.6 of the CVFPP, plan formulation was a multiple-step process and was prepared in coordination with local flood management agencies, the Board, the USACE, and other federal, state and local agencies; and

WHEREAS, as described in CVFPP § 1.6.1 and Attachment 5, Engagement Record DWR initiated a multi-year public participation planning process to solicit input from partners, interested parties, local governments, tribal entities and the public in general. This process informed the development of the CVFPP.

Further, after the delivery of the draft CVFPP to the Board, DWR participated in numerous meetings with elected officials, organizations, interested parties and affected communities, including _____, _____, _____; and

WHEREAS, DWR delivered the following documents to the Board:

- The *State Plan of Flood Control Descriptive Document* in 2010, in coordination with USACE and local maintaining agencies, to describe the facilities, lands, and modes of operation (CWC § 9614).
- The *Flood Control System Status Report* in 2011, in coordination with USACE and local maintaining agencies, using available information and interim results from ongoing investigations, to provide a system-level review of conditions of SPFC facilities (CWC § 9614).
- The *2012 Public Draft Central Valley Flood Protection Plan* and Volume I, Attachments 1 – 6 on December 30, 2011 including: Attachment 1, Legislative Reference; Attachment 2, Conservation Framework; Attachment 3, Documents Incorporated by Reference; Attachment 4, Glossary; Attachment 5, Engagement Record; and Attachment 6, Contributing Authors and Work Group Members List; and

WHEREAS, at the direction of the Board, Board staff engaged in a review of the technical analyses employed by DWR in the development of the CVFPP, including: Hydrology; Reservoirs; Riverine Channel Evaluations; Estuary Channel Evaluations; System Levee Performance; Flood Damage; Life Risk; Regional Economics; Benefit Assessment; Cost Estimates; Climate Change; and Groundwater Recharge Opportunities.

Further, 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 CVFPP; and

WHEREAS, Board staff reviewed the CVFPP Conservation Framework that describes how environmental stewardship is integrated into flood management activities, found in Attachment 2. Components include: Supporting Documentation for Conservation Framework; Regional Advance Mitigation Planning; Riverine Ecosystems; Fish Passage; Vegetation Data; Existing Conservation Objectives from Other Plans; Floodplain Restoration Regional Permitting; and

WHEREAS, CWC § 9612(c) and (d) required the Board to hold at least two hearings to receive comments on the draft CVFPP; and

WHEREAS, CWC § 9612(d) states that the Board may make changes to the draft CVFPP to resolve issues raised in the hearings or to respond to comments received by the Board, with a requirement to publish any proposed changes at least two weeks prior to adopting the CVFPP; and

WHEREAS, DWR presented and highlighted key elements of the Public Draft 2012 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; and

WHEREAS, the Board solicited public comments on the CVFPP at its monthly meeting on February 24, 2012; and

WHEREAS, DWR, as lead agency under the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”), prepared a Draft Program Environmental Impact Report (DPEIR) on the CVFPP, (SCH No. 20101020, March 6, 2012) for a 45 day public review period that ended on April 20, 2012; and

WHEREAS, DWR presented the DPEIR to the Board at its monthly meeting on March 23, 2012; and

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

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 final 2012 CVFPP, and discussed the proposed structure of an adoption package; and

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 publically discussed the proposed adoption package; and

WHEREAS, the Board held a special Board meeting on May 11, 2012 to further review and discuss a draft CVFPP adoption package, and to seek further public comments; and

WHEREAS, the Board held its regular monthly Board meeting on May 25, 2012 to further review and discuss the draft CVFPP adoption package; and

WHEREAS, the Board held 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

WHEREAS, DWR, as lead agency, prepared a Final Program Environmental Impact Report (FPEIR) (SCH No. 2010102044 on June XX, 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 XX, 2012, and intends to file a Notice of Determination with the State Clearinghouse; and

WHEREAS, the Draft and Final Program Environmental Impact Reports are incorporated herein by reference and available at the Board or DWR offices; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

The above recitals are true and correct.

1. The Board adopts the 2012 CVFPP (DWR, June 2012) in substantially the form attached to the resolution, including
 - a) State Plan of Flood Control Descriptive Document (DWR, November 2010);
 - b) Flood Control System Status Report (DWR, December 2011);
 - c) Volume I, Attachment 1, Legislative Reference (DWR, June 2012);
 - d) Volume I, Attachment 2, Conservation Framework (DWR, June 2012);
 - e) Volume I, Attachment 3, Documents Incorporated by Reference (DWR, June 2012);
 - f) Volume I, Attachment 4, Glossary (DWR, June 2012);
 - g) Volume I, Attachment 5, Engagement Record (DWR, June 2012);
 - h) Volume I, Attachment 6, Contributing Authors and Work Group Members List (DWR, June 2012).

It is further resolved that,

2. The Board finds that the CVFPP, with the supporting documents attached to this resolution, substantially meet the requirements and intents of the Central Valley Flood Protection Act of 2008; and
3. The Board recommends no substantial changes to the CVFPP; and
4. The Board endorses the CVFPP's recommended approach, the SSIA; and
5. The Board finds that the SSIA identified the most promising elements of each of the three preliminary approaches and best captures the State's vision for flood management in the Central Valley for a sustainable flood management system that provides a high degree of public safety, promotes long-term economic stability, and supports restoration of compatible riverine and floodplain ecosystems; and
6. The Board finds that SSIA helps achieve the 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.
7. The Board finds that the CVFPP is a long-term planning document prepared at a conceptual level, and does not authorize or approve any site-specific ground-disturbing actions or construction activities; and
8. The Board finds that site-specific improvements will only occur to the SPFC as part of future implementation of the CVFPP and after post-adoption regional planning and feasibility studies have been conducted in coordination with the Board, local flood management and maintaining agencies, the USACE; and interested parties and stakeholders.
9. The Board finds that DWR, in preparing the draft CVFPP, utilized the best available scientific data and information to evaluate a range of conceptual, preliminary approaches including repairing existing SPFC facilities to within their design standards, focusing flood system improvements on protecting public safety and populations at risk, and enhancing overall flood system capacity and ecosystem functions. DWR found that no single

preliminary approach fully achieved the primary and supporting plan goals and satisfied the requirements of the Central Valley Flood Protection Act of 2008.

It is further resolved that the Board adopts the CVFPP recognizing several substantive issues were raised by the public and stakeholders during the Board's public commenting and hearing processes, including the following:

10. Inclusion of bypass expansion and new bypasses in the CVFPP, including the potential Sutter Bypass expansion, Yolo Bypass expansion, new Feather to Butte bypass, and new Paradise Cut bypass. Certain maps in the CVFPP representing potential bypass expansions are conceptual in nature and do not represent actual boundaries of any project; and
11. Agricultural land conversion and potential effects of the CVFPP on agricultural lands and production, including the sustainability of rural-agricultural economies; and
12. Levels of flood protection targeted in the 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 standards; and
13. New requirements for cities and counties (Statutes of 2007, Chapter 364, SB5) related to the urban level of flood protection that come into effect upon CVFPP adoption, including information and criteria needed for local cities and counties to make findings; and
14. Maintenance and repair of existing flood management system facilities, versus construction of new facilities; and
15. 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; and
16. Desire for a vision statement summarizing the overall intent of the CVFPP and SSIA; and
17. Formulation and selection of the State Systemwide Investment Approach, including rationale for and cost-effectiveness of the approach; and
18. The potentially high cost of the SSIA including financing, federal cost-sharing, and local ability to pay for improvements; and
19. Suggestions that new reservoir flood storage should be included in the State Systemwide Investment Approach; and
20. Consideration of the Sacramento-San Joaquin Delta (Delta) in the CVFPP, including the potential for hydraulic impacts to the Delta and flood protection for Delta lands not protected by SPFC facilities; and
21. Need for policies or guidance addressing the potential hydraulic impacts of the CVFPP, including impacts associated with repairing existing SPFC; and
22. Level of engagement in CVFPP development of stakeholders, including land owners and other interested parties, and how these stakeholders will be engaged following adoption of the CVFPP; and
23. 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; and
24. Use and prioritization of available and future funds to implement the CVFPP including allocation to achieve public safety goals in both urban and non-urban areas, and consideration of economic feasibility.

It is further resolved that the Board adopts the CVFPP with the understanding that:

25. The Board has the authority and jurisdiction necessary to conduct post-adoption activities related to the CVFPP including participating with DWR in regional planning, basin-wide and project-specific feasibility studies, and project-level environmental compliance to refine CVFPP elements and physical features; issuing permits; acquiring lands and easements; executing cost-sharing agreements; and other activities needed to update and implement the CVFPP; and
26. Future processes and activities will occur which will ensure public and stakeholder participation as the high-level proposals expressed in the current CVFPP will be further studied at regional, basinwide, and project-specific levels of detail to determine whether or not they are indeed necessary, feasible, and fundable as future alterations or additions to the CVFPP. These future processes include but are not limited to:
 - a. DWR will complete a Central Valley Flood System Conservation Strategy, expanding on the Conservation Framework attached to the CVFPP, to describe long-term, systemwide conservation objectives and actions associated with the flood management system.
 - b. Pursuant to CWC § 9620(c) DWR will prepare a recommended schedule and funding plan to implement the CVFPP.
 - c. Upon adoption of the plan, 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 2012 Central Valley Flood Protection Plan.
 - d. The Board, in coordination with DWR, USACE, local agencies and the public will initiate basin-wide feasibility studies for the Sacramento and San Joaquin River Basins to evaluate and refine the conceptual system improvement elements described in the CVFPP, including bypass expansion and new bypasses. This may 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.
 - e. In accordance with the authority and jurisdiction of the Board to approve or deny any flood management improvement project affecting any element 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 CVFPP.
 - f. In conducting post-adoption implementation activities associated with the CVFPP, DWR will work with the Board on other ongoing projects and programs in the Central Valley to identify mutual objectives and complementary project elements and improve the efficiency of outreach and engagement with stakeholders and the public.
 - g. Implementation of multi-benefit elements of the CVFPP, including elements to restore ecosystem functions and habitats within the flood management system, shall not be implemented in a manner that negatively effects the function of the SPFC or increases flood risks to people and property.

- h. DWR will continue to make investments in new data, analysis tools, and systemwide benefit policies to support refinement of the physical elements of the CVFPP, assess the feasibility of project-specific implementation actions, and local planning efforts.
 - i. DWR, in partnership with the USACE, is in the process of developing new flood hydrology that accounts for the potential effects of climate change, as well as new sea level rise information. As part of CVFPP development, DWR in coordination with the National Oceanic and Atmospheric Administration, National Weather Service, U.S. Geological Survey, USACE, and U.S. Department of Interior, Bureau of Reclamation, developed a threshold analysis approach for considering climate change in flood management planning. This threshold approach will be fully applied, supported by the new hydrology and sea level rise information, for the 2017 update to the CVFPP.
 - j. Although new reservoirs and reservoir expansion solely for the purpose of flood management are not included in the plan at this time, DWR will 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, this may be reflected in future updates to the CVFPP.
 - k. DWR will continue to provide guidance, criteria, 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.
 - l. Studies and analyses that result from implementation of the CVFPP will be shared with the USACE to be included in the Central Valley Integrated Flood Management Study (CVIFMS) scheduled for release in 2017. This coincides with the five-year up-date of the CVFPP and is consistent with the Administration's desire to minimize cost by maximizing cost sharing at all levels of government.
 - m. This CVFPP envisions collaborating with regional and local stakeholders to develop workable and implementable methods by which regional and local stakeholders can come together to develop regional plans which will drive implementation. The State/Regional/Local collaboration must also develop a mechanism to harmonize each regional plan so that the System as a whole is improved for all regions.
 - n. The collaboration envisioned in the CVFPP will establish regions populated with local agencies that will logically work together, but will also retain flexibility for cross-regional collaboration and modifications to the regions in the event that seems justified.
 - o. The collaboration also envisions the regional and local agencies taking the lead to develop the necessary goals and objectives to meet the State goals envisioned in the CVFPP, and to create a role for all stakeholders within the regional process which include representatives from water supply, conservation, and environmental interest as well as the flood control representatives.
27. For those deliverables and processes set forth in item 26 above, it is understood that DWR shall provide quarterly reports to the Board regarding schedules and progress.
28. The Board will provide a forum for DWR, local agencies, USACE, stakeholders and interested parties to prioritize and implement flood risk reduction projects and programs, consistent with the CVFPP, using remaining funding from Propositions 84 and 1E; and

29. These studies and analyses would then be fed into the Central Valley Integrated Flood Management Study (CVIFMS) that the USACE is doing and is scheduled for release in 2017. This coincides with the five-year up-date of this Plan and is consistent with the Administration's desire to minimize cost by maximizing cost sharing at all levels of government.
30. DWR has prepared Draft Urban Level of Flood Protection Criteria to assist cities and counties in making findings related to the urban level of flood protection. Pending completion of public review, DWR will revise the draft criteria, as appropriate, and make the criteria available to assist local cities and counties in making their findings; and
31. DWR, in coordination with flood management agencies and the public, has prepared Draft Urban Levee Design Criteria to establish engineering criteria for satisfying urban level of flood protection requirements; these draft criteria are available to the public on the DWR Web site; and
32. DWR will make existing technical data and analyses on flood conditions and risks available to cities and counties to support local planning; and
33. In accordance with its authority and jurisdiction, the Board 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 Government Code § 65302.1 (Statutes of 2007, Chapter 369, AB 162); and
34. DWR will collaborate with local maintaining agencies, in coordination with the Board and USACE, to develop rural levee repair standards or guidelines, as appropriate, to support cost-effective and sustainable rural flood protection improvements; and
35. DWR, in coordination with the Board, will develop appropriate policies and guidance for the consideration of potential temporary or permanent hydraulic impacts associated with incremental implementation of projects consistent with the CVFPP; and
36. The CVFPP shall be updated by DWR and adopted by the Board every five years, in subsequent years ending in 2 and 7, documenting progress made in refining and implementing the CVFPP; and
37. The State Plan of Flood Control Descriptive Document shall be updated by DWR every five years, in subsequent years ending in 2 and 7.

CEQA Findings

CEQA findings will be drafted by Board staff for consideration by the Board once staff receives and reviews the Final Program Environmental Impact Report 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