
CENTRAL VALLEY FLOOD PROTECTION BOARD

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July 25, 2017

To: All Parties Interested in the Adoption of the 2017 Central Valley Flood Protection Plan Update

Re: Board Resolution of Adoption for the 2017 Update

The attached Board Resolution draft will be considered by the Central Valley Flood Protection Board (Board) at its July 28, 2017 Workshop, beginning at 10:30 a.m. in the Sacramento Room Public Library, 828 I Street, 1st Floor West Room, Sacramento, CA 95814.

This draft represents the hard work of Board staff, with input from DWR staff and is intended to meet the legal requirements for adoption pursuant to the California Water Code. Additionally, this Resolution sets out the Board's priorities for implementation of the Plan and Update, such as the importance of finding a sustainable source of funding for operations and maintenance as well as improvement of the System. Another priority for the Board is continued support for the regional planning process, and to that end, the Resolution states that the Board will be providing a forum for local partners and others to participate in future Plan Updates as well as implementation programs.

We invite your comments at Friday's workshop, and look forward to continuing to work with all our partners as we move forward.

Leslie Gallagher
Executive Officer

**STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD
RESOLUTION OF ADOPTION NO. 2017-10
FOR ADOPTION OF THE 2017 CENTRAL VALLEY FLOOD PROTECTION PLAN
UPDATE**

BACKGROUND:

- A. WHEREAS**, the Central Valley Flood Protection Act of 2008 (2008 Act) directed that the Department of Water Resources (DWR) prepare a Central Valley Flood Protection Plan (CVFPP) to be adopted by the Central Valley Flood Protection Board (Board) by July 1, 2012 (CWC § 9612(b)); and
- B. WHEREAS**, the Board adopted the CVFPP, the State Plan of Flood Control Descriptive Document (DWR, 2010), and the Flood Control System Status Report (DWR, 2011) on June 29th, 2012 through Resolution No. 2012-25; and
- C. WHEREAS**, the 2008 Act directs that the CVFPP be updated in subsequent years ending in two (2) and seven (7) (CWC § 9612(e)); and
- D. WHEREAS**, DWR has prepared a 2017 update to the CVFPP pursuant to the requirements of the 2008 Act to further refine the CVFPP.

PROGRESS MADE SINCE THE ADOPTION OF THE 2012 CVFPP:

- E. WHEREAS**, after the adoption of the 2012 CVFPP, the Board and DWR began implementation of the 2012 CVFPP; and
- F. WHEREAS**, the Board established the Coordinating Committee to provide an essential public forum to receive input and to advance the implementation of the 2012 CVFPP; and
- G. WHEREAS**, the Board established the Conservation Strategy Advisory Committee to receive input from regional stakeholders and State and federal resource agencies, non-governmental organizations, and local maintaining agencies, in a concerted effort to implement the 2012 CVFPP; and
- H. WHEREAS**, the Board recognizes that robust stakeholder involvement was important in the implementation of the 2012 CVFPP; and
- I. WHEREAS**, to aid local agencies in implementation of recommendations of the 2012 CVFPP, State cost share programs were established, which have significantly improved flood risk management throughout the State Plan of Flood Control; and

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- J. WHEREAS**, the flood system in the Central Valley was severely tested during the 2017 winter storms and high water events; and
- K. WHEREAS**, over the past 10 years the State and local agencies have invested over four billion dollars (\$4,000,000,000) in the Central Valley flood system; and
- L. WHEREAS**, the facilities in which the State made those investments in partnership with local flood control agencies performed well in the 2017 winter storms and significant damages were avoided; and
- M. WHEREAS**, the Board recognizes that deficiencies to the flood system remain and additional investments are needed for sustained maintenance efforts, repairs, and to improve flood risk management for the people and property in the Central Valley; and
- N. WHEREAS**, State funding led to successful regional efforts which produced six Regional Flood Management Plans (RFMP). The RFMPs close the gap between State system-wide, basin-wide planning and regional flood planning efforts, help to focus local maintaining agencies regionally, foster communication and cooperation and also serve as the vehicle to create institutional documentation of historical knowledge to be utilized by future generations; and
- O. WHEREAS**, the Board strongly supports the continuation of funding for the RFMPs and their contribution to development of significant multi-benefit projects identified in the RFMPs, such as the Lower Elkhorn Basin Levee Setback in the Yolo Bypass.

PLAN DEVELOPMENT, PUBLIC HEARINGS AND WORKSHOPS:

- P. WHEREAS**, as described in Section 2.3 of the 2017 CVFPP Update, development of the attachments and supporting documents that informed the 2017 CVFPP Update was an iterative process led by DWR in coordination with local and regional flood agencies, the Board, federal agencies, local and tribal governments, partners, stakeholders and interest groups, and the general public; and
- Q. WHEREAS**, the Board provided the forum for DWR to present and highlight key elements of the proposed 2017 CVFPP Update at its monthly meetings beginning in November 2014; and
- R. WHEREAS**, at the direction of the Board, staff reviewed: (1) the technical analyses conducted by DWR in the development of the 2017 CVFPP Update; (2) the updates to the Flood System Status Report and the State Plan of Flood Control Descriptive Document, and (3) the 18 other supporting documents, which informed the development of the 2017 CVFPP Update, including the Basinwide Feasibility Studies, the Regional Flood Management Plans, and the Conservation Strategy; and
- S. WHEREAS**, the Board held five public hearings at multiple locations in both the Sacramento and San Joaquin Valleys to receive public comments on the proposed 2017 CVFPP Update, its attachments, and supporting documents; and

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- T. WHEREAS**, subsequent to the public hearings, the Board held nine public workshops covering various topics raised through public comments on the 2017 CVFPP Update and to direct changes to the 2017 CVFPP Update based on the public's and stakeholder's comments; and
- U. WHEREAS**, the Board recognizes and commends DWR's efforts to revise the 2017 CVFPP Update based on comments received by the Board from the public; and
- V. WHEREAS**, the Board, at its meeting on August 11, 2017 approved the draft 2017 CVFPP Update adoption package, and directed that the draft adoption package be made available to the public on the Board's web site for a two-week period pursuant to Water Code § 9612(d); and
- W. WHEREAS**, DWR, as lead agency under the California Environmental Quality Act (CEQA), PRC § 21000 et seq. and pursuant to a lead agency agreement, prepared a Draft Supplemental Program Environmental Impact Report (DSPEIR) on the 2017 CVFPP Update, (State Clearinghouse (SCH) No. 2010102044). DWR released the DSPEIR for public review on December 30th, 2016, the public review period ended on March 31, 2017; and
- X. WHEREAS**, the Board, is the responsible agency under CEQA for the Supplemental Program Environmental Impact Report (SPEIR); and
- Y. WHEREAS**, DWR held five public hearings in the Sacramento and San Joaquin Valleys to receive public comments on the DSPEIR; and
- Z. WHEREAS**, DWR, as lead agency, prepared a Final Supplemental Program Environmental Impact Report (FSPEIR) (SCH No. 2010102044, August 2017), certified the FSPEIR and CEQA Findings of Fact, a Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations pursuant to CEQA and the CEQA Guidelines (incorporated herein by reference) on August xx 2017, and filed a Notice of Determination with the State Clearinghouse. The DSPEIR and FSPEIR are incorporated herein by reference and available at the Board or DWR offices; and
- AA. WHEREAS**, the FSPEIR serves as the basis for program-level CEQA compliance for all discretionary actions by other State and local agencies necessary to implement the 2017 CVFPP Update. Adoption of the 2017 CVFPP Update by the Board is a programmatic discretionary action that can rely on the program-level FSPEIR. Consistent with the provisions of the CEQA Guidelines Section 15152(d), State or local agency discretionary actions on future projects shall be based upon the FSPEIR together with additional project-level environmental analysis and public comment for such projects not examined in detail in the FSPEIR; and
- BB. WHEREAS**, the Board reviewed the findings of its staff, documents and correspondence in its file, and environmental documents prepared by DWR.

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NOW, THEREFORE, BE IT RESOLVED THAT:

1. **RESOLVED**, that the above recitals are true and correct.
2. **RESOLVED**, that the Board finds that the 2017 CVFPP Update and its attachments (1) the 2016 State Plan of Flood Control Descriptive Document Update, and (2) the 2016 Flood System Status Report Update together meet the requirements and intent of the 2008 Act for an update to the CVFPP.
3. **RESOLVED**, that the Board finds that the information developed for the Conservation Strategy and further progressed by the Conservation Strategy Advisory Committee to the Board was essential to development of the refined SSIA in the 2017 CVFPP Update and assists with advancing the goals and desired societal outcomes of the 2017 CVFPP Update regarding ecosystem function and vitality.
4. **RESOLVED**, that the Board finds that the 2017 CVFPP Update together with the 2012 CVFPP will be used as a long-range plan for improving flood risk management in the Central Valley. The 2017 CVFPP Update does not authorize or approve any site-specific or ground-disturbing actions or construction activities.
5. **RESOLVED**, the 2017 CVFPP Update 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.

DOCUMENTS INCLUDED IN THE 2017 CVFPP UPDATE:

6. **RESOLVED**, that the 2017 Central Valley Flood Protection Plan Update includes the following documents:
 - a. The Public Draft entitled "2017 Central Valley Flood Protection Plan Update" in the form published by DWR in August 2017
 - b. The 2016 State Plan of Flood Control Descriptive Document Update
 - c. The 2016 Flood System Status Report Update
 - d. The 2016 Conservation Strategy
7. **RESOLVED**, that the 2017 CVFPP Update refines the programmatic vision for improving flood risk management in the Central Valley pursuant to the requirements of the 2008 Act.
8. **RESOLVED**, that the 2017 CVFPP Update defines the required level of investment and types of finance mechanisms needed to accomplish the goals, objectives, and societal outcomes of the 2008 Act.
9. **RESOLVED**, that the 2017 CVFPP Update is further adopted to describe policy actions necessary for successful implementation of the CVFPP.

CEQA FINDINGS: (TO BE INSERTED UPON CERTIFICATION BY DWR)

IMPLEMENTATION OF THE 2017 CVFPP UPDATE:

- 10. RESOLVED**, the Board recognizes that in order to successfully implement the 2017 CVFPP Update, essential and adequate funding is necessary to continue to operate and maintain the flood system, additional funding is necessary to correct identified deferred maintenance issues, and further funding is necessary to continue to make vital improvements to California's aging flood system; and
- 11. RESOLVED**, that the Board recognizes current annual funding of approximately \$31 million dollars for operation and maintenance activities of the SPFC is severely inadequate compared to the costs estimated in the 2017 CVFPP Update of \$131 million annually for future Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) and up to \$47 million annually for deferred OMRR&R; and
- 12. RESOLVED**, that the Board recognizes that the flood system lacks a clear identified sustainable funding source necessary to provide the level of service that California residents require; and
- 13. RESOLVED**, that the Board is committed to supporting adequate funding at all levels for operations and maintenance of the existing system and specifically supports further study of the viability of a Sacramento-San Joaquin Drainage District Assessment; and
- 14. RESOLVED**, that the Board is committed to implementation of the 2017 CVFPP Update, and will continue to provide a forum to work with DWR, the USACE, and key stakeholders and will establish processes for such coordination to work towards implementation following the guidance set forth in Section 4.5 of the 2017 CVFPP Update; and
- 15. RESOLVED**, that since the adoption of the 2012 CVFPP, the levee inspection reports provided by the USACE indicate severe levee maintenance deficiencies in over 90% of SPFC levee systems; and
- 16. RESOLVED**, that the Board is committed to working with the local maintaining agencies to correct these operation and maintenance deficiencies in order to obtain or regain eligibility in the Public Law 84-99 Rehabilitation Program; and
- 17. RESOLVED**, that the Board acknowledges the importance of all eight key policy issues identified in the 2017 CVFPP Update and will facilitate resolution of those policy issues with the understanding that the Board has identified funding and operation and maintenance of the flood system as the highest priorities to advance prior to the 2022 CVFPP Update; and

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18. RESOLVED, the Board will seek to identify and obtain the necessary funding for implementation of the 2017 CVFPP Update, including but not limited to:

- a. Operation and maintenance
- b. Flood system improvements
- c. Continued Regional Flood Management Planning efforts
- d. Chartering committees or focus groups

19. RESOLVED, that in addition to funding, and operation and maintenance, the Board has identified the following actions as important for the successful implementation of the 2017 CVFPP Update:

- a. Development of appropriate ecological and hydrological baselines
- b. Support for the funding and development of standardized criteria for the permitting process of multi-benefit projects
- c. Support a process by which resource agencies participate in early parallel review of proposed encroachments or flood system improvements
- d. Refinement of the process by which the SPFC can be modified through addition or removal of facilities

20. RESOLVED, that through this Resolution, the Board has set forth known and achievable goals, that if completed, will contribute to the goals of the 2017 CVFPP Update, including improving flood risk management in the Central Valley. The Board acknowledges through this Resolution that there are certain known factors that currently have unknown consequences, including climate change and resulting sea level rise. These consequences will become more apparent over time. Moving forward, the Board is committed to working with the flood management community to adjust to the ever-changing climate factors that affect the flood system and the people and property of the Central Valley.

CUSTODIAN OF RECORD:

21. The Board's custodian of the CEQA record is its Executive Officer located at 3310 El Camino Avenue, Suite 170, Sacramento, California 95821.

This resolution shall constitute the written decision of the Board in the matter of adopting the 2017 CVFPP Update.

PASSED AND ADOPTED by vote of the Board on , 2017

William H. Edgar, President

Jane Dolan, Secretary