

**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 29<sup>th</sup>, 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**, 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
- I. WHEREAS**, the flood system in the Central Valley was severely tested during the 2017 winter storms and high water events; and

- J. WHEREAS**, over the past 10 years the State and local agencies have invested approximately four billion dollars (\$4,000,000,000) in the Central Valley flood system; and
- K. 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
- L. 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
- M. 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
- N. 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:**

- O. 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
- P. 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
- Q. 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
- R. 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

- S. 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
- T. WHEREAS**, the Board recognizes that the successful process utilized to obtain consensus among the various stakeholders for the development of the 2017 CVFPP Update should be continuously improved upon and utilized for future updates to the CVFPP; 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**, pursuant to the DWR Tribal Engagement Policy, updates and additions to the Public Resources Code resulting from Assembly Bill 52 (Gatto, 2014), and the California Environmental Quality Act, DWR consulted with the tribes, resulting in the addition of a Tribal Engagement section in the 2017 CVFPP Update; and
- W. WHEREAS**, the Board, at its workshop on August 11, 2017 approved the amended draft 2017 CVFPP Update adoption package, and directed that the amended 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
- X. 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 30<sup>th</sup>, 2016, the public review period ended on March 31, 2017; and
- Y. WHEREAS**, the Board, is the responsible agency under CEQA for the Supplemental Program Environmental Impact Report (SPEIR); and
- Z. WHEREAS**, the Board provided the forum for DWR's five public hearings in the Sacramento and San Joaquin Valleys to receive public comments on the DSPEIR; and
- AA. 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 4, 2017, and filed a Notice of Determination with the State Clearinghouse; and
- BB. 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; and

**CC. WHEREAS,** the Board reviewed the CEQA responsible agency findings of its staff, documents and correspondence in its file, and environmental documents prepared by DWR.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD FINDS:**

1. That the above recitals are true and correct.
2. That the 2017 CVFPP Update, as amended, and its attachments (1) the 2017 State Plan of Flood Control Descriptive Document Update, and (2) the 2017 Flood System Status Report together meet the requirements and intent of the 2008 Act for an update to the CVFPP.
3. That the information developed for the Conservation Strategy and further progressed by the Conservation Strategy Advisory Committee to the Board, while non-regulatory, 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. That the 2017 CVFPP Update 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. That 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. 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 2017 State Plan of Flood Control Descriptive Document Update in conjunction with the 2010 State Plan of Flood Control Descriptive Document
  - c. The 2017 Flood System Status Report
  - d. The 2016 Conservation Strategy and associated appendices (A-C and E-L), and Appendix D updated 2017
7. 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. 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. That the 2017 CVFPP Update is further adopted to describe policy actions necessary for successful implementation of the CVFPP.

#### **CEQA FINDINGS:**

10. That the Board, as a responsible agency, has independently reviewed the analyses in the DSPEIR (SCH No. 2010102044, December 2016) and the FSPEIR (SCH No. 2010102044, August 2017) which includes the DWR Lead Agency Findings of Fact, Mitigation Monitoring and Reporting Plan, and Statement of Overriding Considerations on the proposed 2017 CVFPP Update, and has reached its own conclusions.
11. Findings regarding Significant Impacts. Pursuant to CEQA Guidelines sections 15096(h) and 15091, the Board determines that the DWR Lead Agency Findings of Fact and Statement of Overriding Considerations, incorporated herein by reference, identify potential impacts of the 2017 CVFPP Update to the Central Valley's flood management system, before and after mitigation. Having reviewed the FSPEIR and DWR Findings, the Board makes its findings as follows:
  - a. Findings regarding Significant Impacts and Potentially Significant Impacts that can be reduced to Less Than Significant.

Environmental impacts of the project are identified in the FSPEIR and DWR's Findings as to those impacts, as required by CEQA and the CEQA Guidelines. In most cases, the findings are unchanged from the PEIR Findings of Fact. The findings made in the 2012 CVFPP PEIR Findings of Fact are unchanged for the following resources: Aesthetics; Air Quality; Climate Change; Energy; Geology, Soils, and Seismicity (Including Mineral and Paleontological Resources); Groundwater Resources; Hazards and Hazardous Materials; Hydrology; Land Use and Planning; Noise; Population, Employment, and Housing; Public Services; Recreation; Transportation and Traffic; Utilities and Service Systems; and Water Quality. In addition, findings made for Archeological and Built Environment Resources, as well as for impacts to human remains are unchanged. The Supplemental PEIR made minor updates to Agriculture and Forestry Resources; Biological Resources – Aquatic; Biological Resources – Terrestrial; Cultural and Historic Resources; and Groundwater Resources. Those minor updates do not change the findings made by DWR in its 2012 CVFPP PEIR Findings of Fact which were readopted by DWR, with modifications, as detailed in DWR's Findings of Fact, FSPEIR and MMRP.

As a responsible agency, the Board has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the CVFPP which it decides to carry out, finance, or approve. The Board confirms that it has reviewed the FSPEIR, DWR Lead Agency Findings of Fact, Statement of Overriding Considerations, and the MMRP, and finds that changes or alterations have been

required in, or incorporated into, the MMRP which substantially lessen such impacts. The mitigation measures are within the responsibility of another agency, DWR. The Board has confirmed that DWR has adopted and committed to implementation of the measures identified therein. Each of those mitigation measures applicable to those portions of the project which the Board will fund or approve is made a condition of the Board's approval. The Board agrees and confirms that there are no additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the CVFPP would have on the environment.

b. Findings Regarding Significant and Unavoidable Impacts.

The Board finds that the 2017 CVFPP Update may have significant, unavoidable impacts, as more fully described in the FSPEIR and the DWR Findings of Fact. Mitigation has been adopted for each of these potential impacts, although it does not reduce the impacts to less than significant. The Board finds that changes or alterations have been required in, or incorporated into, the MMRP which substantially lessens such impacts, as set forth more fully in the DWR findings.

The mitigation measures are within the responsibility of another agency, DWR. The Board has confirmed that DWR has adopted and committed to implementation of the measures identified therein. Each of those mitigation measures applicable to those portions of the project which the Board will fund or approve is made a condition of the Board's approval. The Board agrees and confirms that there are no additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the CVFPP would have on the environment. The Board also finds that the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, as discussed in more detail below in the Board's Statement of Overriding Considerations.

**12. Statement of Overriding Considerations.** Pursuant to CEQA Guidelines sections 15096(h) and 15093, the Board has balanced the economic, social, technological and other benefits described in the 2017 CVFPP Update against its significant and unavoidable impacts. The Board finds that the benefits of the 2017 CVFPP Update outweigh these impacts and they may, therefore, be considered "acceptable" under CEQA Guidelines.

The Board finds that there is an immediate need to protect the people and property at risk in the CVFPP area. The 2017 CVFPP Update describes potential improvements to the flood system that is intended to provide flood protection to a population of over 1.3 million people, major freeways, railroads, airports, water supply systems, utilities, and other infrastructure of statewide importance, including \$80 billion in assets (includes structural and content value and estimated annual crop production values). The California Central Valley consists of deep floodplains where, depending on the circumstances, flood depths could reach life-threatening levels. The health and safety benefits of the CVFPP, which would significantly reduce the risk of an uncontrolled flood in the California Central Valley that would result in a catastrophic loss of property and threat to residents, outweigh the remaining unavoidable significant impacts.

13. The Board directs the Executive Officer to take the necessary actions to prepare and file a Notice of Determination pursuant to CEQA for the Central Valley Flood Protection Plan, Final Supplemental Program Environmental Impact Report (SCH No. 2010102044).

#### **IMPLEMENTATION OF THE 2017 CVFPP UPDATE:**

14. 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, that additional funding is required to correct identified deferred maintenance issues, and that further funding is essential to continue to make vital improvements to California's aging flood system.
15. That the current annual funding of approximately \$31 million dollars for operation and maintenance activities of the State Plan of Flood Control is severely inadequate to meet the total required costs estimated in the 2017 CVFPP Update of \$131 million annually, which includes \$88 million for ongoing operation and maintenance needs and \$43 million for repair, rehabilitation, and replacement needs.
16. That the flood system lacks a clear identified sustainable funding source necessary to provide the level of service that California residents require.
17. That it is committed to supporting adequate funding at all levels for operations and maintenance of the existing system and specifically supports the study of the viability of a Sacramento-San Joaquin Drainage District Assessment.
18. That it 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.
19. 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 State Plan of Flood Control levee systems.
20. That it 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.
21. That the USACE is currently updating the federal guidelines contained in Engineering Technical Letter 1110-2-583 for levee vegetation management, which was not acceptable to the State of California and the stakeholders invested in the CVFPP. The Board acknowledges the USACE's process and will work with stakeholders and the USACE before and after federal levee vegetation management guidelines and policies are enacted to ensure the State's environmental and ecosystem interests are protected.

22. That it acknowledges the importance of all eight key policy issues identified in the 2017 CVFPP Update and will facilitate resolution of these interrelated 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.
23. That it 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
24. 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. Establish levels of service objectives for the performance of the State Plan of Flood Control, including 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 State Plan of Flood Control is modified through addition, removal, or repurposing of facilities
25. 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:**

- 26.** That 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 August 25, 2017

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William H. Edgar, President

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Jane Dolan, Secretary