

CENTRAL VALLEY FLOOD PROTECTION BOARD

STATE OF CALIFORNIA  
THE NATURAL RESOURCES AGENCY

RESOLUTION NO. 2022-29

ADOPTING THE 2022 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 (California Water Code (CWC) § 9612(b)); and
- B. **WHEREAS**, the Board adopted the CVFPP, the State Plan of Flood Control (SPFC) Descriptive Document (DWR, 2010), and the Flood System Status Report (FSSR) (DWR, 2011) on June 29, 2012, through Resolution No. 2012-25; and
- C. **WHEREAS**, the 2012 CVFPP laid the framework of the State System-wide Investment Approach (SSIA) for flood risk management in California's Central Valley; and
- D. **WHEREAS**, the 2008 Act directs that the CVFPP be updated in subsequent years ending in two (2) and seven (7) (CWC § 9612(e)); and
- E. **WHEREAS**, the Board adopted the 2017 CVFPP Update, the SPFC Descriptive Document (DWR, 2017), the FSSR (DWR, 2017), and the 2016 Conservation Strategy and associated appendices (A-C and E-L) and Appendix D updated 2017 on August 25, 2017, through Resolution No. 2017-10; and
- F. **WHEREAS**, the 2017 CVFPP Update further refined the SSIA to detail the ongoing need for investments in flood risk reduction, addressed actions that prioritized a multi-benefit approach for flood risk reduction, and highlighted the need for ongoing maintenance of the existing flood management system; and
- G. **WHEREAS**, DWR has prepared a 2022 CVFPP Update pursuant to the requirements of the 2008 Act; and
- H. **WHEREAS**, confirming the State's standards for operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) for SPFC facilities, the Board adopted Resolution No. 2018-06. Resolution No. 2018-06 requires that local maintaining agencies (LMAs) make every effort to obtain eligibility in the United States Army Corps of Engineers (USACE) Public Law (PL) 84-99 Rehabilitation Program, or to develop a systemwide improvement framework approval to regain eligibility to the PL 84-99 Program; and

- I. **WHEREAS**, the Board passed Resolution No. 2021–15, on November 19, 2021, declaring the Board’s commitment to diversity, equity, and inclusion. This recognizes that all people of California’s Central Valley deserve equitable flood protection, regardless of ability, age, ethnicity, gender, race, religion, sexual orientation, socioeconomic status, or any social or cultural identifier; and
- J. **WHEREAS**, Governor Newsom directed state agencies through Executive Order N-10-19, signed April 29, 2019, to develop a Water Resilience Portfolio (WRP) to meet California’s water needs through the 21st century. The order identified seven principles on which to base this portfolio, the first two of which are: “prioritize multi-benefit approaches that meet several needs at once,” and “utilize natural infrastructure such as forests and floodplains,” in addition to others of which emphasize regional approaches, integrated solutions, and strong partnerships; and
- K. **WHEREAS**, the WRP emphasizes avoiding floodplain development and emphasizes widening channels and allowing rivers to spread out across natural floodplains as a way to reduce flood risk. Giving rivers this room to breathe aids in groundwater recharge, creates wildlife habitat, and recreational opportunities. The WRP emphasizes that traditional flood safety measures, such as strengthening and maintaining levees, remain important and are critical for urban areas and small communities; and
- L. **WHEREAS**, the WRP “Support[s] implementation of the Central Valley Flood Protection Plan and its ‘state systemwide investment approach’ to protect urban areas, small communities, and rural areas; improve operations and maintenance (O&M) of the flood system; better coordinate reservoir operations; improve flood emergency response system; and integrate natural systems into flood risk reduction projects”; and
- M. **WHEREAS**, the WRP Action 25.4 calls for the DWR, the Board, and local agencies to “update and refine the regional flood management strategy in the CVFPP to account for the projected impacts of climate change in order to protect vulnerable communities and infrastructure and restore floodplains along the San Joaquin River and its tributaries”; and
- N. **WHEREAS**, Governor Newsom reinforced and strengthened the direction of the 2022 CVFPP Update in his Nature Based Solutions Executive Order N-82-20 signed October 7, 2020, directing State agencies to advance multi-benefit approaches that protect and restore biodiversity while stewarding natural and working lands, building climate resilience, and supporting economic sustainability; and
- O. **WHEREAS**, Governor Newsom’s Nature Based Solutions Executive Order also directed State agencies to implement actions to increase the pace and scale of environmental restoration and land management efforts by accelerating the State’s process to approve and facilitate these projects, an effort furthered by the California Natural Resources Agency’s (CNRA) Cutting Green Tape initiative; and

- P. WHEREAS**, the climate change crisis is real and happening now, impacting California in unprecedented ways including intensifying wildfires; mud slides; floods and drought; sea level rise; and extreme heat, that threaten our economy, communities, public safety, and cultural and natural resources; and
- Q. WHEREAS**, while the State works to mitigate greenhouse gas emissions, actions must also be accelerated to enable the State to adapt and become more resilient to the impacts of climate change, including expanding nature-based solutions, (the use of sustainable land management practices to address environmental, social, and economic challenges); and
- R. WHEREAS**, DWR projections for the 2022 CVFPP Update of wetter, warmer future conditions estimate that runoff from a 1997-type event would significantly increase, with modeling suggesting a range of increases that could be 56% in the Sacramento River and 116% in the San Joaquin River. Additional projections of warmer, wetter future conditions for a simulated 200-year event predict peaks flows five times greater flowing towards the Sacramento-San Joaquin Delta from the San Joaquin River; and
- S. WHEREAS**, researchers at the University of California, Los Angeles, with support from DWR, recently investigated the physical characteristics of “plausible worst case scenario” extreme storm sequences capable of giving rise to “megaflood” or “ArkStorm” conditions using a combination of climate model data and high-resolution weather modeling.<sup>1</sup> They concluded that climate change has already doubled the likelihood of an event capable of producing catastrophic flooding, and that even larger future increases are likely due to continued warming. They further found that runoff in the future extreme storm scenario is 200% to 400% greater than historical values in the Sierra Nevada because of increased precipitation rates and decreased snow fraction; and
- T. WHEREAS**, projects to maintain or improve levels of flood protection are subject to overlapping and possible conflicting standards based on their original project designs, standards imposed by the Board’s regulations, standards required by State grant programs, regulations under the National Flood Insurance Program or other Federal Emergency Management Agency grant programs, and standards contained in USACE regulations and circulars; and
- U. WHEREAS**, the Board recognizes that the authorized performance levels for the SPFC were based on the best available information at the time, and that new information has been, and continues to be, developed suggesting that the SPFC largely does not provide an adequate level of protection, particularly in the San Joaquin Valley; and
- V. WHEREAS**, the Central Valley is one of the world's most productive agricultural regions, supporting a \$17 billion agricultural economy that stands out for diversity of commodities; and

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<sup>1</sup>Climate change is increasing the risk of a California megaflood. ScienceAdvances website.  
<https://www.science.org/doi/10.1126/sciadv.abq0995>

- W. WHEREAS,** the 2022 CVFPP Update recognizes that agriculture is critical for the economies, food security, and ways of life throughout the Central Valley and agricultural lands can support wise use of floodplains, groundwater recharge, and wildlife-friendly practices in multi-benefit flood risk reduction efforts; and
- X. WHEREAS,** State and LMAs carry out O&M duties to ensure the proper function of the SPFC, provide public safety and economic stability, and uphold the State’s legal assurances to the federal government to maintain SPFC project features, pursuant to CWC §8361 and §8370. Aging SPFC facilities, changing climate and severe extreme events, inadequate funding, and more stringent State and federal policies continue to challenge OMRR&R activities; and
- Y. WHEREAS,** in addition to the Board’s OMRR&R requirements, DWR received an increase of \$25 million annually for baseline funding to address OMRR&R activities, a portion of which is utilized for the Flood Maintenance Assistance Program (FMAP). DWR’s FMAP provides funding support to LMAs, and areas maintained by DWR pursuant to CWC §12878 to meet requirements outlined in USACE O&M manuals. Adequate O&M results in eligibility for USACE PL 84-99 (rehabilitation assistance) for federally authorized SPFC levees and facilities. FMAP funds are also utilized by DWR to complete deferred maintenance activities on facilities identified by the DWR’s statutory obligations pursuant to CWC §8361; and
- Z. WHEREAS,** the State has made significant investments that were increased in the last five years to support OMRR&R activities and deferred maintenance. Commensurate funding to enhance regulatory capacity (e.g., enforcement and permitting) to meet the Board’s regulatory obligations and to address encroachment violations have been challenging. More than 95% of the SPFC levee miles have failed USACE inspections, with unacceptable encroachments being the most significant factor; and
- AA. WHEREAS,** through the USACE’s System Wide Improvement Framework (SWIF) program, which allows the Board and LMAs to develop plans to reduce unacceptable USACE inspection items over time while remaining eligible for USACE PL 84-99 rehabilitation assistance, less than 50% of SPFC levee miles are now within systems deemed ineligible. The Board, in partnership with LMAs, has utilized the SWIF program to regain eligibility in USACE’s PL 84-99 program using existing funding, as well as FMAP funding to participate in the SWIF program; and
- BB. WHEREAS,** the Board is aware of the State’s mandated 200-year level of flood protection for urban and urbanizing areas, and encroachments deemed unacceptable by USACE inspections pose a significant risk to obtaining 200-year levee protection certification by 2025; and
- CC. WHEREAS,** the 2022 CVFPP Update calls for a total investment of \$25 billion to \$30 billion over 30 years; without adequate investment in the flood system, California

may expect as much as \$3.2 billion in damages within the Central Valley and 500 deaths on average per year by 2072; and

- DD. WHEREAS,** State investments have totaled approximately \$3.6 billion from 2007 to 2021 for Central Valley flood management including ongoing operations, maintenance and capital investments amounting to roughly \$240 million per year from the State; and
- EE. WHEREAS,** the current average annual State and local funding of approximately \$48 million for O&M activities of the SPFC remains well below the total required costs estimated in the 2022 CVFPP Update of \$88 million to \$108 million annually; and
- FF. WHEREAS,** the current average annual State funding of approximately \$22 million for deferred maintenance activities of the SPFC remains well below the total required costs estimated in the 2022 CVFPP Update of \$147 million to \$180 million per year; and
- GG. WHEREAS,** investments have increased since the adoption of the 2017 CVFPP Update, however invested sums remain well below the pace called for in the CVFPP’s investment strategy, which includes a total need of \$3.2 billion over the next five years of implementation, of which the State’s shared responsibility is between \$1.8 billion and \$2.8 billion over that period; and
- HH. WHEREAS,** more than 1.32 million people are at risk in SPFC floodplains, and that population is projected to grow to 1.7 million by 2072; and
- II. WHEREAS,** the 2022 CVFPP Update demonstrates significant progress toward the objectives set forth in previous plans, and at the same time reveals that the pace and scale of improvement—whether measured by the completion of planned projects, levels of investment, progress toward the Conservation Strategy’s Measurable Objectives, or any other metric—remains far short of the pace and scale called for in the Plan, a situation made even more urgent in light of the accelerating rate of climate change; and
- JJ. WHEREAS,** in addition to structural improvements, non-structural measures provide resiliency and flood risk reduction. For some communities, the cost of attaining Urban Level of Protection (ULOP) challenges timely compliance with the State’s requirement of 200-year level of flood protection for urban and urbanizing areas. The increasing cost of capital projects and the increase of extreme events requires greater emphasis on the wise use of floodplains. Relying on best available science and strategic land use planning to limit development in floodplains can reduce flood risk and protect the lives and property of Californians; and
- KK. WHEREAS,** the 2022 CVFPP Update assumes that urban development will be concentrated into areas with the 200-year urban level of protection in accordance with State law, but it was beyond the scope of the 2022 CVFPP Update to confirm whether, and to what extent, development is proceeding as so; and

- LL. WHEREAS**, in accordance with CWC §8609(a), the Board has mapped and is responsible for regulation of designated floodways throughout the Sacramento and San Joaquin River Basins to limit encroachments in, and to preserve the flow regimens of, floodways for the purpose of protecting public investments, lives, land use values, and improvements created in reliance upon historical flooding patterns pursuant to CWC §8609(a); and
- MM. WHEREAS**, the Board has initiated the process of gathering, reviewing, and organizing all available terrain data, hydraulic and hydrologic data, hydraulic models, and technical reports to modernize the Board’s Designated Floodway program. This program will update the designated floodway map boundaries and remediate thousands of unauthorized encroachments to align with the SPFC facilities and design standards; and
- NN. WHEREAS**, the Board, in coordination with DWR, exercises management and control over a growing portfolio of real estate property under the entity Sacramento and San Joaquin Drainage District (SSJDD), pursuant to CWC §8502; and
- OO. WHEREAS**, the Board currently manages approximately 27,000 acres in fee interest. This acreage is expected to increase, as the footprint of flood risk reduction projects, associated habitat restoration, compensatory mitigation, and enhancements increases. These acquisitions are expected to support the objectives and implementation of the 2022 CVFPP Update and to offset impacts from ongoing levee maintenance and construction. In addition to overseeing the flood protection system, as part of its property management role, the Board also oversees leases for State-owned lands for agricultural uses, natural resource extraction, and recreational habitat through the California Department of Fish and Wildlife (CDFW); and
- PP. WHEREAS**, various State initiatives focus on land management and land stewardship. Governor Newsom’s WRP establishes goals to expand habitat restoration and project investments to promote good land stewardship. The Governor’s Statement of Administrative Policy on Native American Ancestral Lands encourages opportunities to support California Tribes’ co-management of and access to natural lands that are within a Tribe’s ancestral land and under the ownership and control of the State. CNRA initiatives regarding State land use and management, such as Pathways to 30x30 and Natural and Working Lands Climate Smart Strategy, also focus on landscape-level land management strategies for State-owned lands; and
- QQ. WHEREAS**, in accordance with the Board’s jurisdiction over the SSJDD, the Board’s newly developed Abatement Program provides financial assistance to local governmental agencies to ensure proper maintenance and good stewardship of lands held under control of the SSJDD; and
- RR. WHEREAS**, the Board acknowledges the State’s levee vegetation management strategy is focused on improving public safety while protecting and enhancing

important and critical environmental resources, such as shaded riverine aquatic habitat; and

- SS. WHEREAS**, the State continues to implement a flexible and adaptive vegetation management strategy as initially described in the 2012 CVFPP; and
- TT. WHEREAS**, the Yolo Bypass Cache Slough (YBCS) Partnership was formed in 2016 among 16 State, local, and federal agency partners through a memorandum of understanding. The YBCS Partnership is an example of regional collaboration for planning and implementation of an integrated multi-benefit program; and
- UU. WHEREAS**, the YBCS Partnership formally endorsed its Vision document in 2022. The Partnership’s Vision is “local, state, and federal agencies and their stakeholders are jointly prioritizing and overcoming obstacles to implementing projects capable of delivering multiple benefits across a shared YBCS landscape. Flood risk management, fisheries and wildlife habitat, water supply, water quality, agricultural land preservation, and recreation are all part of collaborative planning for a vibrant future for the region’s residents, businesses, and ecosystem. The YBCS Partnership aims to transform a facility designed with a single project purpose into a landscape that can be used for all six of the Partnership’s priorities and benefit even more stakeholders.”; and
- VV. WHEREAS**, in October 2022, the YBCS Partnership Executive Committee, comprising executives from the 16 State, federal, and local agency partners, committed to conduct collaborative interagency strategic planning in the YBCS region and to resource (personnel and/or funding) recommended priority actions; and
- WW. WHEREAS**, the YBCS Partnership has been a foundation of collaborative planning between member agencies and interested parties to address the barriers to implementation of regionally beneficial projects and actions while balancing the competing needs and authorities within the region; and

#### **2022 CVFPP UPDATE PLAN DEVELOPMENT, PUBLIC HEARINGS, AND WORKSHOPS:**

- XX. WHEREAS**, the development of the appendices and supporting documents that informed the 2022 CVFPP Update was an iterative process led by DWR in coordination with the Board, local and regional flood agencies, federal agencies, local, and Tribal governments, partners, stakeholders and interest groups, and the general public; and
- YY. WHEREAS**, the 2022 CVFPP Update focuses on three key themes: climate resilience; performance tracking; and alignment with other State efforts. It continues to use new information, updated science, and innovative tools to better understand and develop priorities to improve flood risk management while adapting to the uncertainties of climate change; and

- ZZ.** **WHEREAS**, two new policy issues, (1) Climate Change and Flood System Resilience, and (2) Equity, were added to the 2022 CVFPP Update, totaling 10 policy issues related to flood management. The 2022 CVFPP Update contains recommendations to address these policy issues; and
- AAA.** **WHEREAS**, the Board provided the primary public forum for DWR to present and highlight key elements of the proposed 2022 CVFPP Update at its monthly business meetings; and
- BBB.** **WHEREAS**, at the direction of the Board, staff reviewed (1) the updates to the 2022 FSSR Update and the 2022 SPFC Descriptive Document Update, the 2022 Conservation Strategy Update, the Technical Analysis Summary Report, and (2) the six other supporting documents, which informed the development of the 2022 CVFPP Update; and
- CCC.** **WHEREAS**, the Central Valley's six Regional Flood Management Plan (RFMP) groups, funded by DWR, have provided key local perspective and involvement in the development of the CVFPP updates and the implementation of priorities and projects consistent with the goals and objectives identified in the CVFPP; and
- DDD.** **WHEREAS**, the 2022 CVFPP Update was developed in partnership with the six RFMP groups to describe accomplishments, challenges, and priorities within each region; and
- EEE.** **WHEREAS**, the Board's standing committees (the Coordinating Committee and Conservation Strategy Advisory Committee) continue to provide a public forum for State, federal, and local partners to share information and collaborate on the implementation of the CVFPP and the Conservation Strategy; and
- FFF.** **WHEREAS**, the Conservation Strategy Advisory Committee (Advisory Committee) met regularly beginning in late 2019 to coordinate with DWR on the development of the 2022 Conservation Strategy Update. The Advisory Committee identified several barriers to implementation of the Conservation Strategy goals. In July 2020, Advisory Committee Chairs, Board President Jane Dolan, and Board Secretary Brian Johnson, requested that Advisory Committee members form subgroups to develop recommendations that help inform the content of the Conservation Strategy Update; and
- GGG.** **WHEREAS**, to address key issues, the Advisory Committee formed the following subgroups: (1) Permitting, (2) Performance Tracking, and Advancing the Conservation Strategy Measurable Objectives, (3) Multi-benefit Project Implementation, and (4) Cross-Cutting Themes. The Advisory Committee submitted 79 recommendations to DWR in February 2021. These recommendations are contained in Appendix G of the Conservation Strategy and are considered an integral part of the 2022 Conservation Strategy Update, which is itself an integral part of the 2022 CVFPP Update; and



- HHH. WHEREAS**, key Advisory Committee recommendations include: coordinate between agencies on multi-benefit project funding and permitting; coordinate within agencies to navigate multi-benefit project implementation challenges; engage early and often with regulatory agencies to improve permitting and conservation outcomes; consider a programmatic approach to planning and implementing multi-benefit projects; consider impacts and benefits to regional agricultural sustainability and county tax base in multi-benefit project planning; support efforts to develop an agricultural stewardship/land planning tool to improve the agricultural outcome of multi-benefit flood management projects; fund and coordinate with the RFMPs; require that all proposed projects provide a comprehensive OMRR&R plan that describes those actions and costs in the project planning documentation; simplify and unify administrative and application requirements for State and potentially federal grants for funding multi-benefit projects; recommend language for future State bonds to provide flexibility needed to fund planning, implementation, and long-term monitoring and maintenance of multi-benefit projects; work toward standardization of permitting/mitigation and avoidance and mitigation measure requirements that can be applied to multi-benefit projects in recognition that these projects provide important habitat components as part of their project description; and
- III. WHEREAS**, the 2022 Conservation Strategy Update describes goals to promote ecosystem functions by integrating recovery and restoration into flood management activities. To achieve these goals, the 2022 Conservation Strategy identifies measurable objectives to identify habitats and species in need of recovery and associated stressors that could be addressed by implementation of habitat restoration, multi-benefit flood infrastructure improvement projects, and improved O&M practices in the flood system. Competing State requirements in the form of conservation and flowage easements pose a significant challenge to implementation of multi-benefit projects within the floodway, resulting in decreased contribution to the measurable objectives; and
- JJJ. WHEREAS**, pursuant to the Tribal Consultation policies adopted by the Board and DWR, including the CNRA Tribal Consultation Policy, 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 (CEQA), DWR as the CEQA lead agency conducted consultation with Tribes who responded to the request for consultation, resulting in an expanded engagement effort from the previous iteration of the CVFPP; and
- KKK. WHEREAS**, DWR and the Board conducted an extensive outreach and four informational meetings with interested Tribes prior to the release of the 2022 CVFPP Update, resulting in the inclusion of Tribal interests and perspectives into the public draft of the 2022 CVFPP Update. The State’s commitment to an early engagement framework, which included several pre–Assembly Bill 52 informational meetings, Government-to-Government consultation with interested Tribes, the development of a dedicated CVFPP Tribal website, contributed to enhanced engagement and opportunities for the Tribes to submit comments on the public draft of the 2022 CVFPP Update; and

- LLL. WHEREAS,** the public draft 2022 CVFPP Update was released on April 21, 2022, for a 45-day public review and comment period, the public draft SPFC Descriptive Document and the public draft FSSR were released on February 25, 2022, for a 63-day public review and comment period, and the public draft Conservation Strategy was released on December 10, 2021, for a 60-day public review and comment period; and
- MMM. WHEREAS,** the Board held three public hearings in both the Sacramento Valley and San Joaquin Valley to receive public comments on the public draft 2022 CVFPP Update, its appendices, and supporting documents; and
- NNN. WHEREAS,** subsequent to the public hearings, the Board held three public workshops covering various topics raised through public comments on the public draft 2022 CVFPP Update and to direct changes to the 2022 CVFPP Update based on Board direction, public, and interested parties' comments; and
- OOO. WHEREAS,** the Board recognizes that the successful process used to obtain consensus among the various interested parties for the development of the 2022 CVFPP Update should be continuously improved and used for future updates to the CVFPP; and
- PPP. WHEREAS,** the Board recognizes and commends DWR's efforts to revise the 2022 CVFPP Update based on comments received by the Board from the public; and
- QQQ. WHEREAS,** the 2022 CVFPP Update provides updated investment needs derived from refinements to the SSIA, including watershed-based approaches, floodplain transitory storage, groundwater recharge opportunities, and reservoir operations and management, actions that help address climate resilience needs in alignment with the Governor's WRP; and
- RRR. WHEREAS,** DWR, as lead agency under CEQA, PRC § 21000 et seq. and pursuant to a lead agency agreement, prepared Addendum Number (No.) 1 and an Errata to Addendum No.1 to the 2012 Program Environmental Impact Report (PEIR) for the 2022 CVFPP Update; and
- SSS. WHEREAS,** the Board, at its regular business meeting on October 28, 2022, directed that the amended adoption package be made available to the public on the Board's website for a two-week period pursuant to CWC § 9612(d). <http://cvfpb.ca.gov/cvfpp/>

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the above recitals are true and correct.
2. That the 2022 CVFPP Update, as amended, and its supporting documents (1) the 2022 SPFC Descriptive Document Update (2) the 2022 FSSR (3) the 2022 Conservation

Strategy Update, together meet the requirements and intent of the 2008 Act for an update to the CVFPP.

3. That the information developed for the 2022 Conservation Strategy Update and further progressed by the Conservation Strategy Advisory Committee to the Board, was essential to and integrated with the development in the 2022 CVFPP Update to advance the goals and desired societal outcomes of the combined 2022 CVFPP Update regarding ecosystem function and vitality.
4. That the 2022 CVFPP Update will be used as a long-range plan for improving flood risk management in the Central Valley. The 2022 CVFPP Update does not authorize or approve any site-specific or ground-disturbing actions or construction activities.
5. That the 2022 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. By statute, neither the development nor the adoption of the CVFPP constitutes a commitment by the State to provide, to continue to provide, or to maintain at, or to increase flood protection to, at any particular level.

#### **DOCUMENTS INCLUDED IN THE 2022 CVFPP UPDATE:**

6. That the 2022 CVFPP Update includes the following documents in the form published by DWR on November 4, 2022:
  - a. The 2022 Central Valley Flood Protection Plan Update and associated appendices (A-D)
  - b. The 2022 State Plan of Flood Control Descriptive Document Update and Appendix A
  - c. The 2022 Flood System Status Report Update and associated appendices (A through C)
  - d. The 2022 Conservation Strategy Update and associated appendices (A through H)
  - e. CEQA Addendum No. 1 and an Errata to Addendum No.1 to the 2012 Program Environmental Impact Report
7. That elements of previous CVFPP versions not revised by the 2022 CVFPP Update remain in effect.
8. That the 2022 CVFPP Update refines the programmatic vision for improving flood risk management in the Central Valley pursuant to the requirements of the 2008 Act.
9. That the 2022 CVFPP Update describes the required level of investment and types of funding mechanisms needed to accomplish the goals, objectives, and societal outcomes of the 2008 Act.

10. That the 2022 CVFPP Update is adopted, and that the Board further describes policy actions necessary for successful implementation of the CVFPP.

#### **CEQA FINDINGS:**

11. That the Board has independently reviewed the analyses in the Addendum No. 1 and an Errata to Addendum No.1 to the 2012 PEIR (Addendum No. 1) (SCH. NO. 2010102044, October 2022), and has reached its own conclusions.
12. Pursuant to CEQA Guidelines Section 15164(a) and 15091, the Board determines that the proposed modifications and refinements to the 2017 Supplemental PEIR (SPEIR) constitutes changes to the program but would not trigger any of the conditions in State CEQA Guidelines Section 15162(a), requiring a subsequent Environmental Impact Report (EIR). Therefore, an Addendum to the 2012 Program EIR, consistent with CEQA Guidelines Section 15164, is the appropriate CEQA document to evaluate the project and is consistent with the existing environmental record. Changes in circumstances and new information since the publication of the 2012 PEIR and the 2017 SPEIR were included in the Addendum No. 1. Having reviewed the Addendum No. 1 and an Errata to Addendum No.1 and pursuant to CEQA Guidelines Section 15096(h), the Board makes its findings as follows:

- a. Findings regarding proposed modifications and refinements to the 2012 PEIR:

Environmental impacts of the project are identified in the 2012 PEIR and 2017 SPEIR and DWR's Findings as to those impacts, as required by CEQA and the CEQA Guidelines. Findings made in the 2012 PEIR and 2017 SPEIR are unchanged. Modifications and refinements in the Addendum No. 1 involve alignment with other State efforts, performance tracking, and climate resilience. The Addendum No. 1 includes new information that was not known during the previous 2017 SPEIR that affect Air Quality, Biological Resources – Terrestrial, Climate Change and Greenhouse Gas Emissions, and Cultural and Historic Resources. The changes in circumstances and new information include changes to environmental and regulatory settings such as State and federal species lists and listing status and expanded definition of wetlands. The Addendum No. 1 also includes changes to the Cumulative Impacts section of the 2017 SPEIR to update the lists of closely related past, present, and foreseeable future projects considered in the impact analysis. The Errata to Addendum No. 1 includes several modifications to the Biological Resources, Cultural and Historic Resources, Cumulative Impacts, and References sections to the published text to the Addendum No. 1. As defined in CEQA Guidelines Section 15162, the new information discussed in these documents are not substantially important and does not result in any new or substantially more severe significant impacts or cumulative impacts. No changes to impact conclusions or changes in impact severity to either the 2012 PEIR or 2017 SPEIR would result from these modifications, refinements, changes in circumstances, and new information.

- b. Based upon Tribal consultation and Tribal comments received on the 2017 SPEIR and in accordance with recent DWR standards, DWR has decided to separate the analysis of Tribal Cultural Resources (TCRs) from Tribal Cultural Properties (TCPs). This change would result in new numbered impacts for certain TCRs and TCPs in the 2017 SPEIR; however, there are no changes to the actual impacts or impact analyses in the 2017 SPEIR. Rather than a single, combined impact discussion in the 2017 SPEIR, impacts related to TCRs and TCPs would be bifurcated into two separate discussions but without any changes to the impacts, impact analyses, nor add any newly feasible mitigation measures that were not previously discussed in the 2017 SPEIR.
- c. 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 Mitigation Monitoring and Reporting Plan (MMRP) (2017 SPEIR) 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.
- d. Findings regarding significant, unavoidable impacts, as described in the 2012 PEIR and 2017 SPEIR and the DWR Findings of Fact and justified by its Statement of Overriding Considerations, remain unchanged and were previously adopted by the Board's Resolution of Adoption 2012-25 and 2017-10.

#### **IMPLEMENTATION OF THE 2022 CVFPP UPDATE:**

- 13. That as California's Central Valley continues to have one of the highest flood risks in the country, with millions of people and billions of dollars of property at risk, as climate change has already increased and will continue to increase flood risk through the 21<sup>st</sup> Century, and as systemic drivers of inequity continue to persist, the Board and its partners must intensify their efforts to increase the pace and scale of implementation of the CVFPP.
- 14. That nature-based solutions and measures to increase system conveyance capacity and Central Valley river riparian corridors and floodplains have never been more important to implementing flood risk reduction, restoring ecosystems, giving rivers more room to breathe.

15. That the Board, DWR, local agencies, and interested parties undertook a planning process in December 2020 to develop the San Joaquin River Regional Flood Management Strategy (SJRFMS) in coordination with the 2022 Update of CVFPP in response to WRP Action 25.4.
16. That the SJRFMS will be critical for accelerating flood and related water resources planning and implementation related to the CVFPP, RFMPs, groundwater sustainability plans, WRP actions, forecast-informed reservoir operations, watershed planning studies and analysis, and other activities in a way that supports basin priorities.
17. That studies will continue to develop hydrology based on future climate scenarios, and this information will need to be considered to ensure that levels of flood protection are increased, or at least maintained, to meet federal, State, and local requirements to provide Central Valley communities with consistent and sufficient levels of protection.
18. That the Board, in coordination with DWR, will convene Central Valley flood protection interests to explore how these future modeled scenarios could be considered in (1) assessing whether the existing standards and guidance (including, but not limited to, the 1957 USACE Revised Profile Drawings for the Sacramento River and 1955 Profile Drawings for the San Joaquin River and its tributaries) still meet the original intent of flood protection, (2) whether the existing standards and guidance meet the current and future requirements of flood protection, and (3) making investments for flood protection improvements during the next five years to ensure that the 2027 CVFPP Update reflects the best available scientific information and includes a climate resilience policy that incentivizes shared federal, State, and local investments in multi-benefit flood system improvements which anticipate and mitigate against climate change and achieve the supporting goals of the CVFPP.
19. That the Board acknowledges more robust emergency response planning is necessary with its State and local agency partners to address the expected annual life loss and expected annual damages estimated to increase in future conditions in both the Sacramento and San Joaquin river basins under all climate change scenarios, and the Board supports additional investments in flood emergency response planning and training, exercising regional response scenarios, evacuation planning and providing flood first responders with the resources necessary to prepare for, respond to and recover from flood emergencies.
20. That the Board acknowledges that socially vulnerable populations will continue to face disproportionate flood risk and reduced capacity to be resilient and to cope, recover, or adapt from flood events and the Board will support DWR's efforts to examine how the SSIA will be further modified to address equity in flood risk reduction benefits provided by the SPFC.
21. That the Board acknowledges the 2022 CVFPP Update assumes development has been directed to areas that maintain an appropriate level of flood risk as described in the

2008 Legislation and invites a review by appropriate State or academic entities to assess the extent to which this assumption is valid.

22. That the Board will support DWR's efforts to examine whether or how the SSIA will be further modified to address climate resilience in the flood system.
23. That in order to successfully implement the 2022 CVFPP Update, essential and adequate State, federal, and local 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 management system in the Central Valley.
24. That the Board will, through the Coordinating Committee, work with DWR and local agencies to track implementation of the CVFPP, identify implementation champions, and remove obstacles that have prevented implementation challenges, to increase the pace and scale of implementation.
25. That the Board is currently developing the SSJDD Assessment District Feasibility Study to evaluate potential funding for maintenance of flood control structures and levees within the SPFC. This requires reutilizing the function of the existing SSJDD authorities and new legislation to amend the SSJDD statutes currently mandated in the CWC Division 5, Part 4 §8520-9142. Reutilizing the SSJDD Assessment District was identified in the 2017 and 2022 CVFPP Update as a potential funding source. The feasibility study will result in a Report of Findings, anticipated in 2023.
26. That the Board recognizes that the 2022 CVFPP Update investment strategy includes a total combined State, federal, and local need of \$3.2 billion over the next five years of implementation after adoption and estimates the State's shared responsibility between \$1.8 billion and \$2.8 billion of this need over that period, and that State and local flood management agencies need to be building capacity to expend the investments called for in the 2022 CVFPP Update.
27. That State funding of approximately \$3.6 billion for the Central Valley flood system from 2007 to 2021 is not on pace to meet the future need. At typical historic levels of investment, nearly half of the portfolio of recommended actions in the CVFPP could go unfunded at the end of the 30-year investment time frame, putting communities at unnecessary risk.
28. That the current average annual State and local funding of approximately \$48 million for O&M activities of the SPFC is inadequate to meet the total required costs estimated in the 2022 CVFPP Update of \$88 million to \$108 million annually.
29. That the current State average annual funding of approximately \$22 million for deferred maintenance activities of the SPFC is inadequate to meet the total required costs estimated in the 2022 CVFPP Update of \$147 million to \$180 million per year.

30. That the combined current State, federal, and local funding sources identified in the 2022 CVFPP Update do not provide a sustainable amount necessary for the level of service that California's Central Valley residents require.
31. The Board acknowledges the funding needs spelled out above and will work diligently with other State, federal, and local agencies to support sufficient funding.
32. The Board will continue to facilitate collaboration and resolution of interrelated competing State requirements to assist with implementation of the 2022 Conservation Strategy Update.
33. The Board suggests that the State's levee vegetation management strategy and the USACE's process for addressing vegetation on levees can achieve compatibility through a collaboratively developed and implementable procedure that incorporates science-based risk prioritization and environmental stewardship.
34. The Board will continue to work with DWR, LMAs and USACE to ensure the State's public safety, environmental, ecosystem, and economic interests are protected.
35. That the Board acknowledges to support implementation of 2022 CVFPP Update, including the 2022 Conservation Strategy Update. Board standards and guidance need to be modernized to reflect the Board's commitment to prioritizing systemwide improvements, multi-benefit projects, and projects that consider multi-benefit features.
36. That the Board acknowledges encroachment permits are not an appropriate approval method for all projects, including restoration, multi-benefit, and climate resilient projects that are consistent with the State's goals and objectives for a more resilient future. The Board will seek funding to update California Code of Regulations, Title 23, Waters, Division 1, to advance implementation of the 2022 CVFPP Update and 2022 Conservation Strategy Update through modernization of its encroachment permit regulations.
37. That the Board is an active participant in the YBCS Partnership. The work for advancing the goals of the Partnership includes coordination with Partnership members to develop appropriate hydraulic and ecosystem baselines for the YBCS region.
38. That the Board will continue to collaborate with YBCS Partnership agency members to advance the Partnership's Vision through necessary planning and permitting actions and continue to engage with interested parties and members of public about the advancements of the goals and objectives of the Partnership.
39. That consistent with the emphasis in the 2022 CVFPP Update on performance tracking, the Board reaffirms that flood managers need appropriate tools to help them understand when decisions are effective and when they are not and supports CVFPP components to ensure that an integrated framework to track and report desired outcomes of



investments will align across water management sectors, leading with flood management in the Central Valley.

40. The Board hereby commits to developing its relationships and partnerships with Tribes in the Sacramento and San Joaquin river basins and will strive to continue to participate in opportunities to educate and inform its staff and Board membership on collaboration with the Tribes and our member partners.
41. The Board hereby commits to annual updates to Tribal partners about ongoing projects, and an invitation is extended to Tribal partners to address the Board through future Government-to-Government meetings and informational meetings to develop communication and engagement protocols.
42. That the Board strongly supports the continuation of dedicated funding for the RFMPs and their contribution to continued identification, prioritization, and development of flood management projects and the Board will continue to collaborate with RFMPs to advance each RFMPs vision for flood safe regions through necessary planning and permitting actions and continue to engage with interested parties and members of public about the advancements of the goals and objectives of each RFMP.
43. That the Board will continue to convene the Coordinating Committee and Advisory Committees to coordinate on an implementation strategy to ensure the goals and policies of the CVFPP are advanced between planning cycles.
44. That the Board will utilize the Advisory Committee and Coordinating Committee to work collaboratively and identify strategies to optimize priority outcomes among flood risk management, ecosystem vitality, agriculture, recreation, and other benefits important to the regions.
45. That the Board will continue to support actions to sustain floodplain agriculture and avoid more intensely developed land uses, which recognizes the benefits provided to the State's goals for flood risk reduction, including, but not limited to, land use compatibility, reduced O&M costs, groundwater recharge, transitory storage, and providing habitat for wildlife.
46. That the Board will seek revisions to its regulations to streamline the authorization process for OMRR&R activities and ecosystem restoration projects to enable more effective implementation of programs focused on OMRR&R activities and ecosystem improvements.
47. In compliance with Board Resolution No. 2018-06, the Board continues to work with LMAs to make every effort to obtain and maintain eligibility in the USACE's PL 84-99 Rehabilitation Program. The Board acknowledges that State funding through the FMAP program has been used for developing acceptable SWIF plans. However, the Board is fully aware that a significant component of compliance with PL 84-99 is reduction of hazardous and non-compliant encroachments, which is a Board responsibility. The

Board intends to pursue all avenues available to decrease unacceptable encroachments, including additional resources, increased enforcement capacity, and wider use of the Board's Delegated Enforcement Authority Program.

48. That the Board is committed to working with the LMAs to correct O&M deficiencies to obtain, regain and maintain eligibility in the PL 84-99 Rehabilitation Program.
49. That the Board will seek additional funding and resources to resolve unacceptable encroachments throughout the SPFC within disadvantaged communities, rural communities, urbanizing communities, and urban communities to allow compliance with State mandates for non-urban, urbanizing, and urban level of protection requirements.
50. That the Board supports early participation and parallel review by other resource agencies of proposed encroachments or flood system improvements.
51. That the Board will review and seek refinement of the process by which the SPFC is modified through addition, removal, or repurposing of facilities.
52. That the Board acknowledges the importance of 10 key policy issues identified in the 2022 CVFPP Update and will facilitate resolution of these interrelated policy issues with the understanding that the Board has identified climate change resiliency and reviewing design standards and their role in updating performance levels for the flood system, are among the most important policies to address prior to the 2027 CVFPP Update.
53. That the Board will work with DWR, other State and federal agencies, and the Central Valley flood management community to identify and obtain the necessary resources and funding for implementation of the 2022 CVFPP Update, including, but not limited to:
  - a. Further refinement of hydrology scenarios in response to climate change;
  - b. Assessing and updating system performance levels based on hydrology scenarios in response to climate change;
  - c. Flood system improvements to meet existing requirements and projects designed to also address future hydrology forecasts;
  - d. OMRR&R activities;
  - e. Flood Emergency Response Planning;
  - f. Continued Regional Flood Management Planning efforts; and
  - g. Updating Board regulations as described in California Code of Regulations, Title 23, Waters, Division 1.
54. That the Board is committed to implementation of the 2022 CVFPP Update and will strive to work with, CNRA, DWR, CDFW, Department of Conservation, Department of Parks and Recreation, Wildlife Conservation Board, USACE, local flood

management agencies, and other interested parties and will establish processes for such coordination, prioritization, and action, to advance implementation.

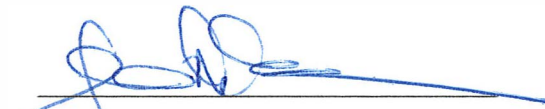

55. That through this Resolution, the Board has set forth known and achievable goals, that if completed, will contribute to the goals of the CVFPP, including advancing actions to address climate change effects while improving flood risk management in the Central Valley. Moving forward, the Board is committed to working with the flood management community to prepare for flood system impacts resulting from climate change that affect the people and economy of the Central Valley.
56. That 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, Addendum No. 1, and an Errata to Addendum No.1 (SCH 2010102044).

**CUSTODIAN OF RECORD:**

57. 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 2022 CVFPP Update.

**PASSED AND ADOPTED** by vote of the Board on December 16, 2022.

  
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Jane Dolan, President  
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Brian J. Johnson, Secretary