

Assembly Bill No. 1147

CHAPTER 1071

An act to amend Section 12657 of, and to add Sections 12582.7, 12585.8, 12585.9, 12643, 12661.2, 12670.7, 12670.8, 12670.14, 12670.16, 12670.20, 12684.2, 12684.4, 12684.6, 12684.8, 12706.3, 12721.5, 12721.7, and 12721.8 to, and to repeal and add Section 12585.7 of, the Water Code, relating to water.

[Approved by Governor September 30, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, Honda. Flood control.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. Existing law provides that, in order for flood control projects to be eligible for state funds, a project is required to be authorized by the Legislature before it is authorized by Congress.

This bill would repeal that requirement. The bill would require a flood management project that receives financial assistance under The State Water Resources Law of 1975 or The Flood Control Law of 1946 to meet prescribed requirements prior to state authorization. The bill would revise requirements relating to the payment of prescribed nonfederal costs for projects authorized by the Legislature on or after January 1, 2002, and for specified small flood management projects for which prescribed findings are made on or after January 1, 2002. The bill would require the Reclamation Board or the Department of Water Resources to review each flood control project prior to authorization for the purpose of determining whether the project's hydraulic impacts are mitigated, as required by the California Environmental Quality Act. The bill would require a local agency, prior to receiving prescribed payments or reimbursements for flood control costs for projects authorized on or after January 1, 2001, to enter into an agreement with the department or Reclamation Board with regard to liability, as prescribed.

(2) The bill would adopt and authorize a specified flood protection project for the Upper Guadalupe River in the County of Santa Clara, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the department, in an amount that the bill would prohibit from exceeding 60% of the nonfederal costs of the project, as prescribed. The bill would authorize the department to pay 50% of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project. The bill would require the

Santa Clara Valley Water District to carry out the project and to give prescribed assurances to the Secretary of the Army, thereby imposing a state-mandated local program.

(3) The bill would adopt and authorize prescribed projects for flood control in the City of Sacramento and the Counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and the advice of the department or the Reclamation Board.

(4) The bill would adopt and authorize specified projects for flood protection and integrated resource management in the Colusa Basin in accordance with prescribed documents, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, upon the recommendation and advice of the department or the board. The bill would authorize the state, local public agencies, and other entities to cooperate with appropriate federal agencies with regard to the planning, design, environmental compliance, financing, and construction of those projects.

The bill would prohibit the expenditure of state funds for those projects unless specified requirements are met.

The bill would authorize the board, if required by the Secretary of the Interior, to give assurances satisfactory to the Secretary of the Interior that the local cooperation will be furnished by the state in connection with the flood control and fish, wildlife, and recreational enhancement features of the projects, if the local agency, by binding agreement with the board, has agreed to assume certain obligations.

(5) The bill would adopt and authorize the project for flood control in the Los Angeles County Drainage Area (LACDA), known as the LACDA project, in accordance with the approval of the Congress of the United States and prescribed documents, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the department, in an amount that the bill would prohibit from exceeding 60% of the nonfederal costs of the project. The bill would make the authorization of the project contingent upon the adoption of a specified plan and a prescribed determination. The bill would require the district to give prescribed assurances that the required local cooperation will be furnished in connection with the project and to carry out the project, thereby imposing a state-mandated local program.

(6) The bill would authorize a project for flood control on the Tule River, Success Reservoir Enlargement Project, in accordance with a prescribed report by the Chief of Engineers of the United States Army Corps of Engineers, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the Reclamation Board. The bill would authorize the parties to the Tule River Improvement Joint

Powers Agreement, in lieu of the Reclamation Board, to carry out the design and construction of the Success Reservoir Enlargement Project and to give prescribed assurances to the Secretary of the Army in connection with that project.

(7) The bill would adopt and authorize the project for flood protection along the Feather River and Yuba River in accordance with a prescribed report prepared by the United States Army Corps of Engineers, upon the recommendation, advice, and approval of the Reclamation Board, as prescribed.

(8) The bill would authorize the project for flood control on the San Lorenzo River, in accordance with a prescribed final report, and as authorized by a prescribed federal act, at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the department. The bill would require the City of Santa Cruz to carry out the project and to give prescribed assurances to the Secretary of the Army in connection with the project, thereby imposing a state-mandated local program. The bill would make state funding contingent on the provision of funds for the project in either the annual Budget Act or a general obligation bond act. The bill would prescribe related matters.

(9) The bill would authorize a project for flood control on the Santa Ana River at Norco Bluffs in accordance with a prescribed report by the Chief of Engineers of the United States Army Corps of Engineers, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature, upon the recommendation and advice of the Department of Water Resources. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the project and to give prescribed assurances to the Secretary of the Army in connection with the project, thereby imposing a state-mandated local program. The bill would prescribe related matters.

(10) The bill would authorize a project for habitat restoration at Gunnerson Pond, in accordance with a prescribed report by the Chief of Engineers of the United States Army Corps of Engineers, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature, upon the recommendation and advice of the department, in an amount that the bill would prohibit from exceeding 60% of the nonfederal costs of the project. The bill would authorize the department to pay 50% of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the project and to give prescribed assurances to the Secretary of the Army in connection with the project, thereby imposing a state-mandated local program. The bill would prescribe related matters.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(12) The bill would make related findings and declarations.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the impacts of flooding can be reduced through better coordination of floodplain management decisions. It is the intent of the Legislature that the Governor establish a floodplain management task force with broad membership from the local, state, and federal government and stakeholders with an interest in flood control. If the task force is established, it is the intent of the Legislature that it examine specific issues related to state and local floodplain management, including, but not limited to, features that substantially reduce potential flood damages, and make recommendations for more effective statewide floodplain management policies.

SEC. 2. Section 12582.7 is added to the Water Code, to read:

12582.7. (a) A flood management project that receives financial assistance under this chapter and Chapter 3 (commencing with Section 12800) shall meet all of the following requirements prior to state authorization:

(1) The project shall qualify for federal financial assistance under the requirements applicable to federal water resource development projects and shall be federally authorized. Projects may be authorized pursuant to a Chief Engineers' report, but shall not be eligible for state financial assistance until authorized by Congress.

(2) The total annual benefit of providing protection from flood damages shall exceed the annual cost of the project allocable to flood management. The project shall be designed to produce the greatest feasible reduction in flood damages in the most efficient manner practicable, with due regard for environmental and recreational considerations, and local economic conditions.

(3) The project's nonfederal sponsor, or other appropriate local agency, shall be in compliance with Section 701b-12 of Title 33 of the United States Code, which requires the preparation, adoption, and implementation of a floodplain management plan designed to reduce the impacts of future floods. All local communities benefiting from the project shall have an ordinance consistent with the National Flood Insurance Program's model floodplain management ordinance.

(4) The project shall avoid, minimize, or mitigate impacts to environmental and recreational values.

(5) Project planning documents shall include an evaluation of opportunities to include multipurpose objectives. The nonfederal sponsor shall accommodate other partners that provide the costs of including multipurpose objectives that the nonfederal sponsor determines are compatible with the project's schedule and primary flood management purpose.

(b) (1) The Reclamation Board or department, in its advisory role, shall provide sufficient review and oversight in the initial scoping process, feasibility evaluation, environmental review, and project approval processes for flood management projects to determine whether the requirements set forth in subdivision (a) are met. The department or the Reclamation Board shall inform the nonfederal sponsor and any local sponsor whether the project meets the requirements set forth in subdivision (a) during the feasibility evaluation and environmental review process. Prior to state authorization, the department or the Reclamation Board shall submit a report to the Legislature that indicates whether the project meets the requirements set forth in subdivision (a).

(2) The implementation of paragraph (1) in any fiscal year is contingent upon the appropriation of sufficient funds, as determined by the department, for the purposes of carrying out that paragraph.

(c) Notwithstanding paragraph (2) of subdivision (a), the department or the Reclamation Board may recommend, and the Legislature may authorize, flood control projects for which the total annual benefit of providing protection from flood damages does not exceed the annual cost of the project allocable to flood management if the project increases the level of flood protection for state transportation facilities or state water supply facilities.

SEC. 3. Section 12585.7 of the Water Code is repealed.

SEC. 4. Section 12585.7 is added to the Water Code, to read:

12585.7. Notwithstanding any other provision of this chapter, Chapter 2 (commencing with Section 12639), or Chapter 3 (commencing with Section 12800), the following requirements apply to projects authorized by the Legislature on or after January 1, 2002, and to small flood management projects authorized by Section 12750 for which the department makes the findings required by Section 12750.1 on or after January 1, 2002.

(a) The state shall pay 50 percent of the nonfederal capital costs required by Section 2213 of Title 33 of the United States Code.

(b) The state shall pay 50 percent of the nonfederal capital costs of fish, wildlife, and recreation mitigation.

(c) The state shall pay 50 percent of the nonfederal planning and engineering costs required by Section 2215(b) of Title 33 of the United States Code and the nonfederal design costs required by Section 2215(c) of Title 33 of the United States Code.

(d) The state share of the nonfederal capital costs authorized in subdivision (a), (b), and (c) may be increased by up to an additional

20 percent, to a maximum of 70 percent, upon the recommendation of the department or the Reclamation Board, if either entity determines that the project will result in a significant contribution to any of the following objectives:

(1) Protects, creates, enhances, or provides opportunities for enhancement of endangered species, riparian, aquatic, terrestrial, or other important habitats.

(2) Protects or enhances open space.

(3) Develops or enhances recreational opportunities that include, but shall not be limited to, picnic areas, foot and bike paths, and provides public access to all or nearly all of the project works, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property.

(4) Increases the level of flood protection within the benefitted area of the project, if that area has a median household income that is less than 120 percent of the poverty level, as defined by the Department of Finance, Population Research Unit, for the year in which the project would be authorized.

(5) Increases the level of flood protection for state transportation facilities or state water supply facilities.

(e) (1) The department or Reclamation Board shall include their recommendations with regard to increased cost sharing in the report prepared pursuant to subdivision (b) of Section 12582.7, if so prepared, or in any addendum to that report.

(2) The department or Reclamation Board shall determine whether the project will result in a significant contribution to the prescribed objectives based upon substantial evidence in the record. The department shall develop, by regulation pursuant to Section 12601, criteria for making the determinations as to whether projects will make significant contributions to the objectives described in subdivision (d).

(f) The state payments under subdivisions (a) and (b) are subject to Section 12585.1. State payments under subdivision (c) are not subject to Section 12585.1.

SEC. 5. Section 12585.8 is added to the Water Code, to read:

12585.8. For all projects funded in accordance with Section 12585.7, the local agency shall receive credit against its share for the value of the lands, easements, and rights-of-way, for lands required for the project, to the extent authorized under federal law. The amount of the credit shall be determined by the department or the Reclamation Board by applying the percentage amount determined in 12585.7 to the actual amount of any credit determined by the United States Army Corps of Engineers.

SEC. 6. Section 12585.9 is added to the Water Code, to read:

12585.9. The department or the Reclamation Board shall review flood control projects prior to authorization for the purposes of determining whether the project's individual and cumulative

hydraulic impacts are mitigated, as required by Division 13 (commencing with Section 21000) of the Public Resources Code. The department or the Reclamation Board shall include the determination in the report to the Legislature required by subdivision (b) of Section 12582.7, if the report is prepared.

SEC. 7. Section 12643 is added to the Water Code, to read:

12643. Prior to any local agency receiving payment or reimbursement pursuant to Section 12585.5 or 12585.7, for projects authorized on or after January 1, 2001, the agency shall enter into an agreement with the department or Reclamation Board pursuant to which the agency agrees to indemnify and hold and save the state, and its officers, agents, and employees, harmless from any and all liability for damages, as provided in Sections 12642 and 12828.

SEC. 8. Section 12657 of the Water Code is amended to read:

12657. (a) Except as otherwise provided in Chapter 1 (commencing with Section 12570) and this chapter, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (P.L. 534, 78th Congress, Second Session), Section 2 of the act of Congress approved August 18, 1941 (P.L. 228, 78th Congress, First Session), and Section 103 of the act of Congress approved November 17, 1986 (P.L. 99-662, 99th Congress, Second Session) will be furnished by the state in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654, 12656.5, 12661.2, 12661.5, 12666, 12667, 12670.2, 12670.7, 12670.10, 12670.14, and 12670.20 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

(b) Assurances provided pursuant to subdivision (a) shall not be made until the local agency, by binding agreement with the Reclamation Board, has agreed to assume all obligations under Sections 12585 to 12585.5, inclusive.

SEC. 9. Section 12661.2 is added to the Water Code, to read:

12661.2. (a) The project for flood control on the Tule River, Success Reservoir Enlargement Project, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers, in the report "Tule River Basin Investigation, California, Feasibility Report," dated April 1999, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the Reclamation Board.

(b) The agencies that are parties to the Tule River Improvement Joint Powers Agreement may, in lieu of the Reclamation Board, give assurances satisfactory to the Secretary of the Army that the nonfederal cooperation required by federal law will be furnished in

connection with the project for flood control adopted and authorized in subdivision (a).

(c) The agencies that are parties to the Tule River Improvement Joint Powers Agreement, in conjunction with the Department of the Army, may, in lieu of the Reclamation Board, carry out the design and construction of the Success Reservoir Enlargement Project and may make modifications and amendments as necessary to carry out the project for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

SEC. 10. Section 12670.7 is added to the Water Code, to read:

12670.7. (a) The project for flood protection along the Feather River and Yuba River is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers, in the report entitled "Yuba River Basin Investigation, California Feasibility Report."

(b) Notwithstanding subdivision (e) of Section 12585.5, the nonfederal engineering costs and the nonfederal design costs required by Section 2215 (b) and (c) of Title 33 of the United States Code, with regard to the project described in subdivision (a), are eligible for reimbursement by the state before federal and state authorization and before the appropriation of construction funds by Congress.

(c) Funds shall be appropriated for the project in the annual Budget Act.

SEC. 11. Section 12670.8 is added to the Water Code, to read:

12670.8. (a) The project for flood protection measures on the Upper Guadalupe River in Santa Clara County is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers in a report dated August 19, 1998, or as that report may be subsequently modified, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the department. The department may pay 50 percent of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project.

(b) The Santa Clara Valley Water District shall give assurances satisfactory to the Secretary of the Army that local cooperation required by the final report of the Chief of Engineers of the United States Army Corps of Engineers will be furnished by the district in connection with the project for flood control adopted and authorized in subdivision (a).

(c) The Santa Clara Valley Water District, in conjunction with the Department of the Army, shall carry out the plans and project and may make modifications and amendments to the plans as necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

SEC. 12. Section 12670.14 is added to the Water Code, to read:

12670.14. The following projects in areas within the City of Sacramento and the Counties of Sacramento and Sutter are adopted and authorized at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the department or the Reclamation Board:

(a) The project for flood control in the Natomas and North Sacramento areas adopted and authorized by Congress in Section 9159 of the Department of Defense Appropriations Act of 1993 (P.L. 102-396) substantially in accordance with the recommendations of the Chief of Engineers in the report entitled "American River Watershed Investigation" dated July 1, 1992.

(b) The project for flood control along the American and Sacramento Rivers adopted and authorized by Congress in Section 101(a)(1) of the Water Resources Development Act of 1996 substantially in accordance with the recommendations of the Chief of Engineers in the report entitled "American River Watershed Project, California" dated June 27, 1996, as modified by Congress in Section 366 of the Water Resources Development Act of 1999.

(c) The project to modify Folsom Dam adopted and authorized by Congress in Section 101(a)(6) of the Water Resources Development Act of 1999, as described in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, as modified by the report entitled "Folsom Dam Modification Report, New Outlets Plan," dated March 1998, prepared by the Sacramento Area Flood Control Agency.

(d) The project for flood control, environmental restoration, and recreation along south Sacramento County streams adopted and authorized by Congress in Section 101(a)(7) of the Water Resources Development Act of 1999 as described in the report of the Chief of Engineers entitled "South Sacramento County Streams, California" dated October 6, 1998.

SEC. 13. Section 12670.16 is added to the Water Code, to read:

12670.16. With regard to the projects for flood control authorized in Section 12670.14, the Sacramento Area Flood Control Agency shall be reimbursed pursuant to Section 12585.5 for any costs of those projects that the agency advances on behalf of the department or Reclamation Board, provided that prior to any such reimbursement, the agency shall execute an agreement with the department under which it agrees to indemnify and hold the state harmless from damages due to the construction, operation, or maintenance of those projects and agrees to operate, maintain, repair, replace, and rehabilitate those projects, or provide the agreement of its appropriate member agency to do so.

SEC. 14. Section 12670.20 is added to the Water Code, to read:

12670.20. (a) The projects for flood protection and integrated resource management in the Colusa Basin are adopted and authorized substantially in accordance with the "Colusa Basin Water Management Program" dated February 1995 and its final environmental documentation, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, upon the recommendation and advice of the department or the Reclamation Board.

(b) The state, any local public agency, or other entity may cooperate with any federal agency with regard to the planning, design, environmental compliance, financing, and construction of projects authorized in subdivision (a).

(c) No state funds shall be expended for the projects described in subdivision (a) unless both of the following requirements are met:

(1) Required environmental documentation has been completed.

(2) The Reclamation Board has approved the Colusa Basin Water Management Program and the projects described in subdivision (a).

(d) Except as specified in subdivision (c), for projects authorized in subdivision (a), the state shall pay both of the following:

(1) That portion of nonfederal capital costs attributable to flood control required by Section 12585.5, or that may be required by amendment to Chapter 1 (commencing with Section 12570).

(2) That portion of nonfederal costs for fish, wildlife, and recreational enhancement features established by Chapter 3.5 (commencing with Section 12840).

(e) If required by the Secretary of the Interior, the Reclamation Board may give assurances satisfactory to the Secretary of the Interior that the local cooperation authorized in subdivision (b) will be furnished by the state in connection with the flood control and fish, wildlife, and recreational enhancement features of the projects described in subdivision (a). Assurances provided pursuant to this subdivision may not be made until the local agency, by binding agreement with the Reclamation Board, has agreed to assume all obligations under Sections 12585 to 12585.5, inclusive, and Section 12642, or that may be required by amendment to Chapter 1 (commencing with Section 12570).

(f) The Colusa Basin Drainage District, or other appropriate local agency, shall establish and maintain a coordinated land use planning and decisionmaking process within the watershed to avoid unmitigated hydraulic impacts.

SEC. 4. Section 12684.2 is added to the Water Code, to read:

12684.2. (a) The project for flood control in the Los Angeles County Drainage Area (LACDA), known as the LACDA project, is adopted and authorized substantially in accordance with the approval of the Congress of the United States as indicated in, and the report of the Chief of Engineers dated June 30, 1992, and any supplement or addendum to that report that results from discussions

between interested parties, as authorized by, Section 101(b) of the Water Resources Development Act of 1990 (Public Law 101-640), at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the department, in an amount that may not exceed 60 percent of the nonfederal costs of the project.

(b) The authorization of the project is contingent upon the adoption by Los Angeles County of a plan to undertake restoration projects, including related habitat restoration and maintenance projects, along the entire length of the Los Angeles River and related tributaries and to increase parkland and recreational opportunities along that river. For the purposes of preparing and implementing the plan, the county shall consider the comments of the advisory committee convened pursuant to subdivision (c).

(c) The Secretary of the Resources Agency shall convene an advisory committee, comprised of experts and representatives of organizations involved in river restoration, habitat restoration, and community development relating to the Los Angeles River, to provide input to the secretary and the County of Los Angeles in the preparation and implementation of the plan.

(d) The authorization of the project is contingent upon a determination by the Secretary of the Resources Agency and the Los Angeles County Board of Supervisors, after a public hearing, that the project described in subdivision (a) is a multipurpose project that includes, in addition to flood control features, river restoration, wildlife and habitat restoration, or park and recreational features.

SEC. 16. Section 12684.4 is added to the Water Code, to read:

12684.4. The Los Angeles County Flood Control District shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by the Water Resources Development Act of 1990 (Public Law 101-640), will be furnished by the district in connection with the project for flood control adopted and authorized in Section 12684.2.

SEC. 17. Section 12684.6 is added to the Water Code, to read:

12684.6. The Los Angeles County Flood Control District, in conjunction with the Department of the Army, shall carry out the plans and project described in Section 12684.2 and the district may make modifications and amendments to the plans as may be necessary to carry out the project for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

SEC. 18. Section 12684.8 is added to the Water Code, to read:

12684.8. The Secretary of the Resources Agency shall consult with appropriate federal agencies to assess the desirability, feasibility, and costs of modifying the flood control project described in Section 12684.2, in accordance with Section 2309a of Title 33 of the United States Code or other relevant law, to include multipurpose features designed to maximize river habitat restoration, parkland, and

recreational opportunities consistent with flood control objectives. The secretary shall prepare and submit a report to the Legislature, not later than March 1, 2001, concerning the results of the consultation.

SEC. 19. Section 12706.3 is added to the Water Code, to read:

12706.3. (a) The project for flood control on the San Lorenzo River is adopted and authorized substantially in accordance with congressional approval and the final report of the Chief of Engineers dated June 30, 1994, as authorized by Section 101 (a) (5) of the Water Resources Development Act of 1996 (P.L. 104-303), as amended, at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the department.

(b) The City of Santa Cruz shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by that final report will be furnished by the city in connection with the project for flood control.

(c) (1) The City of Santa Cruz, in conjunction with the Department of the Army, shall carry out the project referred to in subdivision (a) and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter I (commencing with Section 12750) and this chapter.

(2) Notwithstanding Section 12639, if there are any major modifications or amendments to the plans that result in a substantial increase in the costs to the state for any estimated cost for the project, no money shall be reallocated by the state in aid of that portion of the project until the revised plans have been reviewed and approved by the department. The department shall approve the revised plans if the department determines that the benefits of the proposed works of improvement for the revised project will exceed the cost thereof and that the revised project appears to be the most economical project plan, considering construction costs, land costs, easements and rights-of-way costs, and operation and maintenance costs.

(d) State funding for the project is contingent on the provision of funds for that purpose in either the annual Budget Act or a general obligation bond act. Reimbursement of the state share of the nonfederal costs of the project shall be for those project costs incurred on or after October 12, 1996, the date on which the project was authorized by Congress, as set forth in Section 101(a)(5) of the Water Resources Development Act of 1996 (P.L. 104-303).

SEC. 20. Section 12721.5 is added to the Water Code, to read:

12721.5. (a) The project for flood control on the Santa Ana River at Norco Bluffs is adopted and authorized substantially in accordance with the final report of the Chief of Engineers of the United States Army Corps of Engineers dated December 23, 1996, as authorized by Section 101(b)(4) of the Water Resources Development Act of 1996 (P.L. 104-303), at an estimated cost to the state of the sum that may

be appropriated for state cooperation by the Legislature, upon the recommendation and advice of the department.

(b) The Riverside County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by the final report of the Chief of Engineers of the United States Army Corps of Engineers dated December 23, 1996, will be furnished by the district in connection with the project for flood control adopted and authorized in subdivision (a).

(c) The district, in conjunction with the Department of the Army, shall carry out the plans and project and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

SEC. 21. Section 12721.7 is added to the Water Code, to read:

12721.7. (a) The project for habitat restoration at Gunnerson Pond is adopted and authorized substantially in accordance with the final project modification report of the Chief of Engineers of the United States Army Corps of Engineers dated October 1997, as authorized by Section 1135 of the Water Resources Development Act of 1986 (P.L. 99-662), and as previously authorized by Section 12750, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department, in an amount that may not exceed 60 percent of the nonfederal costs of the project. The department may pay 50 percent of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project.

(b) The Riverside County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by the project modification report of the Chief of Engineers of the United States Army Corps of Engineers dated October 1997 will be furnished by the district in connection with the project adopted and authorized in subdivision (a).

(c) The district, in conjunction with the Department of the Army, shall carry out the plans and project and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12570) and this chapter.

SEC. 22. Section 12721.8 is added to the Water Code, to read:

12721.8. Any local entity, for the purposes of carrying out a project authorized by Sections 12661.2, 12670.7, 12670.8, 12670.14, 12670.20, 12684.2, 12706.3, 12721.5, and 12721.5, may use, whenever feasible, the services of the California Conservation Corps and certified local conservation corps.

SEC. 23. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a

local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

