

**SENATE BILL****No. 580**

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**Introduced by Senator Pan**  
(Principal coauthor: Assembly Member Frazier)  
(Coauthors: Senators Dodd and Galgiani)

February 17, 2017

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An act to amend Section 12670.14 of the Water Code, relating to water resources.

## LEGISLATIVE COUNSEL'S DIGEST

SB 580, as introduced, Pan. Water development projects: Sacramento-San Joaquin watersheds.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. Existing law adopts and authorizes federally adopted and approved projects, including a project for flood control along the American and Sacramento Rivers. The projects are 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 of Water Resources or the Central Valley Flood Protection Board.

This bill would revise the authorization for the project for flood control along the American and Sacramento Rivers as further modified by a specified report adopted by Congress.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

1 (a) In April 2007, property owners in the Sacramento region  
2 approved a special benefit assessment to fund the local share of  
3 the cost of the levee improvement projects along the American  
4 and Sacramento Rivers, including the Natomas Basin, and the  
5 project to modify Folsom Dam to provide the Sacramento region  
6 with at least a 200-year level of flood protection based on current  
7 estimates of the runoff likely to be produced by such a flood event.  
8 These projects were described in the Final Engineer's Report dated  
9 April 19, 2007, adopted by the Sacramento Area Flood Control  
10 Agency.

11 (b) In 2007, the Legislature passed Senate Bill 276, enacted as  
12 Chapter 641 of the Statutes of 2007, which modified existing state  
13 authorizations for these projects described in the Final Engineer's  
14 Report in order to continue the historic federal-state-local  
15 cost-sharing partnership governing the projects and ensure that  
16 project construction could move forward as quickly as possible.

17 (c) Since 2007, changes in federal and state engineering  
18 standards have significantly affected the scope and expected cost  
19 of the modified projects. These changes are reflected in a series  
20 of engineering and environmental impact studies prepared by the  
21 United States Army Corps of Engineers with the cooperation of  
22 the Department of Water Resources, the Central Valley Flood  
23 Protection Board, and the Sacramento Area Flood Control Agency.  
24 These studies have supported federal authorizations for increasing  
25 the flood release and storage capacity of Folsom Dam,  
26 strengthening the perimeter levee system around the entire Natomas  
27 Basin, improving the levee systems along the lower American and  
28 Sacramento Rivers and their tributaries, and increasing the  
29 conveyance capacity of the Sacramento Weir and Bypass.

30 (d) Consistent with its historic practice of providing state  
31 approval for federally authorized projects affecting the State Plan  
32 of Flood Control, the Legislature has modified the 2007 state  
33 authorization in order to match the scope and expected costs of  
34 the federally authorized Folsom Dam Joint Federal Project, Folsom  
35 Dam Raise Project, and Natomas Levee Improvement Project  
36 without altering the federal-state-local cost sharing made applicable  
37 to these projects under the 2007 authorization.

38 (e) A further modification of the 2007 state authorization is  
39 needed to accommodate the levee improvements along the lower  
40 American and Sacramento Rivers and their tributaries and the

1 modifications to the Sacramento Weir and Bypass authorized by  
2 Congress as part of the Water Infrastructure Improvements for the  
3 Nation Act of 2016 (Public Law 114-322).

4 SEC. 2. Section 12670.14 of the Water Code is amended to  
5 read:

6 12670.14. The following projects in areas within the City of  
7 Sacramento and the Counties of Sacramento and Sutter are adopted  
8 and authorized at an estimated cost to the state of the sum that may  
9 be appropriated by the Legislature for state participation upon the  
10 recommendation and advice of the department or the Central Valley  
11 Flood Protection Board:

12 (a) The project for flood control in the Natomas and North  
13 Sacramento areas adopted and authorized by Congress in Section  
14 9159 of the Department of Defense Appropriations Act of 1993  
15 (Public Law 102-396) substantially in accordance with the  
16 recommendations of the Chief of Engineers in the report entitled  
17 “American River Watershed Investigation” dated July 1, 1992.

18 (b) The project for flood control along the American and  
19 Sacramento Rivers adopted and authorized by Congress in Section  
20 101(a)(1) of the Water Resources Development Act of 1996 (Public  
21 Law 104-303) substantially in accordance with the  
22 recommendations of the Chief of Engineers in the report entitled  
23 “American River Watershed Project, California” dated June 27,  
24 1996, as modified by Congress in Section 366 of the Water  
25 Resources Development Act of 1999 (Public Law 106-53), as  
26 further modified to include the project features necessary to provide  
27 a 200-year level of flood protection along the American and  
28 Sacramento Rivers and within the Natomas Basin as described in  
29 the Final Engineer’s Report dated April 19, 2007, adopted by the  
30 Sacramento Area Flood Control Agency, ~~and~~ as further modified  
31 by the 2010 final feasibility study for the American River  
32 Watershed, Common Features Project, Natomas Basin, adopted  
33 by Congress in Section 7002 of the Water Resources Reform and  
34 Development Act of 2014 (Public Law ~~113-121~~: 113-121), *and*  
35 *as modified by the American River Watershed Common Features*  
36 *General Reevaluation Report adopted by Congress in Section 1401*  
37 *of the Water Infrastructure Improvements for the Nation Act of*  
38 *2016 (Public Law 114-322).*

39 (c) The project to modify Folsom Dam adopted and authorized  
40 by Congress in Section 101(a)(6) of the Water Resources

1 Development Act of 1999 (Public Law 106-53), as described in  
2 the United States Army Corps of Engineers Supplemental  
3 Information Report for the American River Watershed Project,  
4 California, dated March 1996, as modified by the report entitled  
5 “Folsom Dam Modification Report, New Outlets Plan,” dated  
6 March 1998, prepared by the Sacramento Area Flood Control  
7 Agency, and as further modified by the Post-Authorization Change  
8 Report, American River Watershed Project (Folsom Dam  
9 Modification and Folsom Dam Raise Projects), dated March 2007,  
10 adopted by Congress in Section 3029 of the Water Resources  
11 Development Act of 2007 (Public Law 110-114).

12 (d) (1) The project for flood control, environmental restoration,  
13 and recreation along south Sacramento County streams adopted  
14 and authorized by Congress in Section 101(a)(8) of the Water  
15 Resources Development Act of 1999 (Public Law 106-53) as  
16 described in the report of the Chief of Engineers entitled “South  
17 Sacramento County Streams, California” dated October 6, 1998.

18 (2) Notwithstanding Section 12657, at the discretion of the  
19 Central Valley Flood Protection Board, the Sacramento Area Flood  
20 Control Agency may provide, for the project described in paragraph  
21 (1), the assurances of local cooperation satisfactory to the Secretary  
22 of the Army, in accordance with Section 12657, in lieu of  
23 assurances by the Central Valley Flood Protection Board.