March 24, 2021

The Honorable Eduardo Garcia

Chair, Assembly Water, Parks & Wildlife Committee

State Capitol, Room 4140

Sacramento, California 95814

**RE: Assembly Bill No. 1500—Oppose unless amended**

Dear Assembly Member Garcia:

I am writing on behalf of California Central Valley Flood Control Association (CCVFCA) to express opposition, unless amended, to your AB 1500.

AB 1500 would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 to authorize a $6.7 billion State General Obligation Bond measure to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

CCVFCA was established in 1926 to promote the common interests of its membership in maintaining effective flood control systems in California's Central Valley for the protection of life, property, and the environment. Association members also include reclamation districts located in the Sacramento-San Joaquin River Delta. The districts are responsible for flood protection, drainage of Delta islands and often operate water diversion facilities in Delta channels.

Of the funds made available by AB 1500, only $200 million would be available to the Department of Water Resources for flood management projects that are components of multibenefit flood management system improvements that reduce risks to public safety and provide improvement to wildlife habitat. Yours would be the third straight bond measure (Proposition 1 and Proposition 68) that allocates funding solely for multibenefit flood management projects. This trend is extremely short-sighted in the face of projected climate change impacts on existing flood protection facilities that protect lives and property.

CCVFCA supports a bond allocation to pay for the operation, maintenance, repair, rehabilitation, and replacement of flood control facilities consistent with the Central Valley Flood Protection Plan (CVFPP) adopted by the Central Valley Flood Protection Board (CVFPB). CVFPB has jurisdiction over the State Plan of Flood Control system protecting 1.7 million acres, more than 1.1 million people

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and over $100 billion in damageable assets. In a 1953 MOU between the U.S. Army Corps of Engineers and State, the State provided binding assurances to maintain the integrity of completed SPFC facilities and hold the federal government harmless. The State’s obligation includes inspecting the entire SPFC levee system twice a year. Levees failing to meet Operation and Maintenance standards are ineligible for federal rehabilitation assistance (PL 84- 99) if flood damage occurs. CVFPB depends on 81 Local Maintaining Agencies (reclamation & levee districts, cities, and counties) to provide routine maintenance and improvement of SPFC levees. The Department of Water Resources (DWR) maintains bypasses, pumps, weirs, channels, and sections of project levees.

Climate change, including extreme weather events and rising sea level, demands a renewed focus on improving Federal/State/Local collaboration to create and expedite innovative projects, programs, and funding. The urgency of climate change drives a critical need for integrated flood infrastructure and analytics for next-generation water management programs and projects to ensure flood protection, safe drinking water, healthy aquatic and terrestrial habitat, functional stream and river flows, and sustainable groundwater resources. Climate change demands accelerating flood risk reduction projects throughout California.

Tom Corringham, a postdoctoral scholar in climate and atmospheric science at University of California San Diego, recently summarized research he helped conduct using a catalog of atmospheric river events compiled by Scripps Institution of Oceonography’s Center for Western Weather and Water Extremes that were matched to over 40 years of flood insurance records and 20 years of National Weather Service damage estimates. Applying a classification scale to categorize the level of severity like what is used for hurricanes, his team found that the most dangerous levels have caused $1 billion in damages occur every three to four years. Each increase in the classification scale from 1 to 5 severity level was associated with a 10-fold increase in damages. This research warns that atmospheric rivers are projected to grow longer, wider, and wetter in a warming climate.

CCVFCA’s collaborative flood risk reduction approach builds on Governor Newsom’s Water Resiliency Portfolio in many ways, including: (1) The coordinated utilization of Federal, State and local financial resources leveraging more than $1.3 billion in committed future federal funds for flood system improvements; (2) Implementation of projects that produce multiple benefits, whenever feasible, recognizing that it is imperative to continue investment in existing flood control infrastructure; (3) A reduction in flood-risk for urban, small communities and rural working landscapes, including a reduction in the State’s Paterno liability, which avoids State General Fund liability, possibly in the billions; and (4) Implementation of new technologies, like Forecast-Informed Reservoir Operations (FIRO), to create new water supply and improve reservoir and downstream flood operations.

In the period between 2022 and 2027, the following funding will be required to implement the CVFPP, implement multibenefit projects, and pay for State subventions for Federal flood control projects outside of the Central Valley:

* The evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control--$1.2 billion. This includes State’s share of costs for nonfederal projects located in the Central Valley, projects for small community flood risk reduction and flood system repair projects.

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* Central Valley Systemwide Multibenefit Projects- $500 million. To modernize the system with a focus on sustainability, using natural infrastructure where feasible, expanding flood corridors among other approaches.
* Flood protection projects in the Delta to increase flood protection and climate resiliency under the delta levee maintenance subventions program and special flood protection projects program--$400 million.
* State’s share of the nonfederal costs, and related costs, of flood protection and climate resiliency projects outside of the Central Valley--$500 million.

AB 1500 would fund only $200 million for multibenefit flood management projects in the Central Valley. The 5-year funding need is $2.6 billion based on the State’s Central Valley Flood Protection Plan, investment in Delta levees, and flood control projects located outside of the Central Valley.

The Association looks forward to working with you, members of the Legislature, and the Newsom Administration to craft a State General Obligation Bond measure that fulfills the promise of flood protection facilities throughout the state. I have attached the Association’s bond language for your consideration.

CCVFCA representatives and I request the opportunity to meet with you and your staff to discuss the concerns expressed herein.

Sincerely,

Text

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Robert J. Reeb

RJR:

Attachment

Cc: Members, Assembly Water, Parks & Wildlife Committee

Consultant, Assembly Water, Parks & Wildlife Committee

Senate Republican Caucus

Office of the Governor

AMENDMENTS TO ASSEMBLY BILL NO. 1500

Amendment 1

On page 18, strike out lines 1 and 2, and insert:

CHAPTER 4. ENSURING SAFE DRINKING WATER AND DROUGHT PREPARATION

Amendment 2

On page 21, strike out lines 22 to 40, inclusive, on page 22, strike out lines 1 to 40, inclusive, on page 23, strike out lines 1 to 7, inclusive

Amendment 3

On page 35, between lines 3 and 4, insert:

CHAPTER 9. FLOOD PROTECTION AND CLIMATE RESILIENCY

80600. The people of California find and declare the following:

(a) Flooding can devastate communities, infrastructure, and the environment. The consequences of flooding in the Central Valley have the potential to be severe and will be exacerbated by climate change, land subsidence due to groundwater pumping and population growth.

(b) The science of climate change projects increased warming and extreme precipitation, the cause of most flood events, likely to intensify. Changes in flood magnitudes and frequencies are projected to vary, with higher elevation watersheds showing significant increases in flood volumes due to a reduction in precipitation falling as snow and more rapid snowpack melting.

(c) Significant State investment in levees and other flood risk reduction improvements is needed to protect major urban areas, along with levee improvements and non-structural and multi-benefit improvements for small communities and rural areas of the State. Adequate funding for maintenance is the best means of preventing levee failures. Furthermore, because flood damage is ongoing and sometimes acute, funding for repairs is an essential part of a resilient system to better prepare for future floods.

(d) Protecting and restoring rivers, streams, and wetlands as part of the state’s diverse ecosystems is a critical part of the state’s water future and ensures the quality of life for all Californians.

(e) This chapter provides funding to implement the Central Valley Flood Protection Plan. Continued implementation of the Plan requires substantial additional investment from the State and federal government, and local agencies. Over the next 30 years, between $17 and $21 billion in improvements is needed. This level of investment will protect the significant federal, state, and local investment in the Central Valley and reduce the state’s legal liability and financial exposure in the event of a levee failure.

(f) This chapter also provides funding to repair critically damaged levees; reduce the backlog of deferred maintenance; and leverage federal investment that cannot otherwise occur with existing state funding sources.

(g) Finally, this chapter addresses a critical need for flood protection funding in the Sacramento-San Joaquin Delta, coastal watersheds and other urban areas of the state that are threatened with increased flood events because of climate change.

80601. For purposes of this chapter, the following definitions apply:

(a) "Board" means the Central Valley Flood Protection Board.

(b) "Delta" means the area of the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code.

(c) "Department" means the Department of Water Resources.

(d) "Facilities of the State Plan of Flood Control" means the levees, weirs, channels, and other features of the federal and state authorized flood control facilities located in the Sacramento and San Joaquin River drainage basin for which the board or the department has given the assurances of nonfederal cooperation to the United States required for the project, and those facilities identified in Section 8361 of the Water Code.

(e) "Nonurbanized area" means a developed area or an area outside a developed area as defined under subdivision (e) of Section 65007 of the Government Code.

(f) "Project levees" means the levees that are part of the facilities of the State Plan of Flood Control.

(g) "State Plan of Flood Control" means the state and federal flood control works, lands, programs, plans, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350 of the Water Code, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 of the Water Code for which the board or the department has provided the assurances of nonfederal cooperation to the United States, which shall be updated by the department and compiled into a single document entitled "The State Plan of Flood Control."

(h) "Undeveloped area" means an area as defined under paragraph (2) of subdivision (c) of Section 8307.

(i) "Urban area" means any contiguous area in which more than 10,000 residents are protected by project levees.

80602. The sum of two billion six hundred million dollars ($2,600,000,000) shall be available, upon appropriation therefor, for flood protection and climate resiliency projects pursuant to this chapter.

80603. Of the funds made available by Section 80601, one billion two hundred million dollars ($1,200,000,000) shall be available to the department, upon appropriation by the Legislature, for the following purposes:

(a) The evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control, including, but not limited to, all the following:

(1) Restoring the design capacity of bypasses.

(2) Repairing erosion sites and removing sediment from channels or bypasses.

(3) Evaluating and repairing levees and any other facilities of the State Plan of Flood Control.

(4) Implementing mitigation measures for a project undertaken pursuant to this subdivision, including funding for an endowment to maintain such measures. The department may fund participation in a natural community conservation plan pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, or a habitat conservation plan under section 10(a)(1)(B) of the federal Endangered Species Act of 1973, to facilitate projects authorized by this subdivision.

(5) Improving or adding facilities that are not a part of the State Plan of Flood Control that protect areas that are also protected by the State Plan of Flood Control.

(b) Improving or adding facilities to the State Plan of Flood Control to increase levels of flood protection and climate resiliency for urban areas, including all related costs for mitigation and infrastructure relocation. Funds made available by this subdivision may be expended for state financial participation in federal and state authorized flood control projects, feasibility studies and design of federal flood damage reduction and related projects, improving the capacity of bypasses, and reservoir reoperation and groundwater flood storage projects. Not more than one hundred million dollars ($100,000,000) may be expended on a single project.

(c) Of the funds provided in this section, not less than two hundred million dollars ($200,000,000) shall be available to increase flood protection and climate resiliency for the repair, rehabilitation, reconstruction, replacement, or improvement of levees that protect nonurbanized areas and undeveloped areas, including the repair, improvement, or setback of bypass levees.

(d) Of the funds provided in this section, not less than two hundred million dollars ($200,000,000) shall be available to increase flood protection and climate resiliency for the repair, rehabilitation, reconstruction, replacement, or improvement of levees of the San Joaquin River and its tributaries.

(e) Of the funds made available by this section, twenty-five million dollars ($25,000,000) shall be available to the Central Valley Flood Protection Board for further development of the State Plan of Flood Control, including the San Joaquin River and Sacramento Valley flood risk management plans. The Central Valley Flood Protection Board shall ensure equitable distribution of funds.

80604. Of the funds made available by Section 80601, four hundred million dollars ($400,000,000) shall be available to the department, upon appropriation by the Legislature, for projects in the Delta to increase flood protection and climate resiliency. The funds shall be expended for both of the following purposes:

(a) Local assistance under the delta levee maintenance subventions program under Part 9 (commencing with Section 12980) of Division 6 of the Water Code, as that part may be amended.

(b) Special flood protection projects under Chapter 2 (commencing with Subdivision 12310) of Part 4.8 of Division 6 of the Water Code, as that chapter may be amended.

(c) Projects that are undertaken pursuant to subdivision (b) shall have as the principal purpose the preservation, protection, rehabilitation, and improvement of existing levees to better protect against the threat of earthquake and sea level rise with improved engineering standards to allow for progressive rehabilitation and improvement to maintain an adequate factor of safety.

The multi-benefits resulting from such projects shall be recognized as including the following:

(1) Preserving, protecting, rehabilitating, and improving Delta levees.

(2) Improving the protection for quality of drinking water supplies derived from the Delta.

(3) Reducing salts contained in Delta water and delivered to, and often retained in, agricultural areas.

(4) Maintaining Delta water quality for Delta users.

(5) Assisting in preserving Delta lands, including terrestrial and aquatic habitats important for listed or candidate species under the Federal Endangered Species Act, the California Endangered Species Act, and waterfowl of the Pacific flyway.

(6) Protecting water rights of the "area of origin" and the environments of the Sacramento-San Joaquin river systems.

(7) Protecting highways, utility facilities, and other infrastructure located within the Delta.

(8) Preventing the disruption of water supplies derived from the Sacramento-San Joaquin Delta.

(9) Protecting the critical evacuation and national defense routes for the region.

80605. Of the funds made available by Section 80601, the sum of five hundred million dollars ($500,000,000) shall be available, upon appropriation to the department, for payment for the state’s share of the nonfederal costs, and related costs, of flood protection and climate resiliency projects authorized under any of the following:

(a) The State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6 of Division 6 of the Water Code).

(b) The Flood Control Law of 1946 (Chapter 3 (commencing with Section 12800) of Part 6 of Division 6 of the Water Code).

(c) The California Watershed Protection and Flood Prevention Law (Chapter 4 (commencing with Section 12850) of Part 6 of Division 6 of the Water Code).

(d) The costs described in subdivision (a) include costs incurred in connection with either of the following:

(1) The granting of credits or loans to local agencies, as applicable, pursuant to Sections 12585.3, 12585.4 of, subdivision (d) of Section 12585.5 of, and Sections 12866.3 and 12866.4 of, the Water Code.

(2) The implementation of Chapter 3.5 (commencing with Section 12840) of Part 6 of Division 6 of the Water Code.

(e) The funds made available by this section shall be allocated only to projects that are not part of the State Plan of Flood Control.

80606. (a) Of the funds made available by Section 80601, five hundred million dollars ($500,000,000) shall be available to the Natural Resources Agency for flood management projects that are components of multiple benefit flood management system improvements that reduce risks to public safety and provide improvement to aquatic and wildlife habitat. Eligible project types include, but are not limited to, levee setbacks, projects connecting rivers with flood plains, enhancement of flood plains and bypasses, offstream groundwater recharge, and land acquisitions and easements necessary for these project types. Eligible projects include any of the following:

(1) Multiple benefit flood management projects that reduce the impacts of climate change on inland or coastal infrastructure, communities, or ecosystems, and provide ecosystem, wildlife, or groundwater recharge benefits.

(2) Natural infrastructure projects to reduce flood intensity and slow watershed runoff.

(3) Projects that provide matching grants for, or otherwise leverage funding from, the Federal Emergency Management Agency, the United States Army Corps of Engineers, or other federal mitigation and resilience funding.

(4) Projects that provide benefits to fish, waterfowl, wildlife, and anadromous and other native fish species along migratory corridors.

(5) Projects that restore streams to a more natural state by removing drainage obstructions, culverts, and paved channels to enable more stormwater to be absorbed and gradually released by soil and plants.

(6) Acquiring easements and other interests in real property to protect or enhance flood protection corridors and bypasses while preserving or enhancing the agricultural use of the real property.

(7) Constructing new levees necessary for the establishment of a flood protection corridor or bypass.

(8) Setting back existing flood control levees, and in conjunction with undertaking those setbacks, strengthening, or modifying existing levees and weirs.

(9) Relocating or flood proofing structures necessary for the establishment of a flood protection corridor.

(10) Acquiring interests in, or providing incentives for maintaining agricultural uses of, real property that is in a flood plain that cannot reasonably be made safe from future flooding.

(11) Acquiring easements and other interests in real property to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property.

(b) Of the funds made available pursuant to this section, one hundred million dollars ($100,000,000) shall be allocated for multiple benefit flood management projects in urban coastal watersheds.