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**SB-580 Water development projects: Sacramento-San Joaquin watersheds.** (2017-2018)

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**Senate Bill No. 580**

**CHAPTER 309**

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

[ Approved by Governor September 26, 2017. Filed with Secretary of State September 26, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 580, 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 Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

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

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

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

(c) Since 2007, changes in federal and state engineering standards have significantly affected the scope and expected cost of the modified projects. These changes are reflected in a series of engineering and environmental impact studies prepared by the United States Army Corps of Engineers with the cooperation of the Department of Water Resources, the Central Valley Flood Protection Board, and the Sacramento Area Flood Control Agency. These studies have supported federal authorizations for increasing the flood release and storage capacity of Folsom Dam, strengthening the perimeter levee system around the entire

Natomas Basin, improving the levee systems along the lower American and Sacramento Rivers and their tributaries, and increasing the conveyance capacity of the Sacramento Weir and Bypass.

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

(e) A further modification of the 2007 state authorization is needed to accommodate the levee improvements along the lower American and Sacramento Rivers and their tributaries and the modifications to the Sacramento Weir and Bypass authorized by Congress as part of the Water Infrastructure Improvements for the Nation Act of 2016 (Public Law 114-322).

**SEC. 2.** Section 12670.14 of the Water Code is amended 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 Central Valley Flood Protection 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 (Public Law 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 (Public Law 104-303) 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 (Public Law 106-53), as further modified to include the project features necessary to provide a 200-year level of flood protection along the American and Sacramento Rivers and within the Natomas Basin as described in the Final Engineer's Report dated April 19, 2007, adopted by the Sacramento Area Flood Control Agency, as further modified by the 2010 final feasibility study for the American River Watershed, Common Features Project, Natomas Basin, adopted by Congress in Section 7002 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121), and as modified by the American River Watershed Common Features General Reevaluation Report adopted by Congress in Section 1401 of the Water Infrastructure Improvements for the Nation Act of 2016 (Public Law 114-322).

(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 (Public Law 106-53), 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, and as further modified by the Post-Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, adopted by Congress in Section 3029 of the Water Resources Development Act of 2007 (Public Law 110-114).

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

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