

Date of Hearing: May 14, 2020

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Eduardo Garcia, Chair

AB 3226 (McCarty) – As Introduced February 21, 2020

**SUBJECT:** Yolo County: West Sacramento flood risk reduction project: adoption and authorization

**SUMMARY:** Updates a specific flood control project authorization for the City of West Sacramento. Specifically, **this bill:**

1. Approves and authorizes the state, upon an appropriation by the Legislature, to make funds available to plan, engineer, design, and construct a flood control project, as specified, to further the Central Valley Flood Protection Plan objective to provide a minimum 200-year level of protection to the City of West Sacramento that was adopted and approved by the United States Congress in 2016 and is substantially in accordance with a specified 2015 report issued by the Chief of Engineers of the United States Army Corps of Engineers.
2. Authorizes the state or the Central Valley Flood Protection Board (flood board), upon an appropriation by the Legislature, to provide funding for the project in the absence of federal funding for the project, as specified.
3. Authorizes the Department of Water Resources (DWR) or the flood board, upon an appropriation by the Legislature, to fund other flood projects and improvements to achieve state flood risk reduction objectives as defined in the Central Valley Flood Protection Plan for the City of West Sacramento.

**EXISTING LAW:**

1. Establishes the DWR and the flood board within state government, with duties and authorities related to water supply, flood management, and water conveyance, among others. [Water Code (WAT) § 120; § 8520]
2. Provides for state cooperation with the federal government in the construction of specified flood control projects, and requires flood management projects that receive state financial assistance, as specified, to:
  - a. Qualify for federal financial assistance under the requirements applicable to federal water resource development projects and to be federally authorized.
  - b. Be cost-effective, as specified.
  - c. Be in compliance with federal floodplain management, as specified.
  - d. Avoid, minimize, or mitigate impacts to environmental and recreational values.
  - e. Include an opportunity to include multipurpose objectives. (WAT § 12582.7)
3. Adopts and authorizes, 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 DWR or the flood board, a project for flood protection on the Sacramento River for the City of West Sacramento substantially in accordance with recommendations in a specified 1992 report by

the Chief of Engineers of the United States Army Corps of Engineers and as adopted and authorized by a specific act of the United States Congress in 1992. (WAT § 12670.2)

4. Adopts and authorizes several federally adopted and approved projects for flood control along the American and Sacramento Rivers. (WAT § 12670.14)

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

**Author's Statement:**

The Sacramento Region is rated as having the second-highest risk of major flooding among all American cities. In order to protect residents and the surrounding homes, businesses, and other critical infrastructure from flooding, AB 3226 would authorize the State to make funds available to plan, engineer, design, and construct the West Sacramento Flood Control Project. The bill opens the door for the State to be a funding partner in protecting the Sacramento Region from floods.

**Background. *Flood Control.*** The City of West Sacramento is located in the heart of California's Central Valley near the confluence of the Sacramento and American Rivers. The city is protected from flooding by upstream dams and a system of levees. While these dams and levees provide protection, they are still subject to failure and property in the city remains at risk of flooding. In 2016, the state imposed stricter flood control standards which must be met by 2025. The state may participate in local flood control projects with Legislative approval as long as certain requirements are met and the project has been authorized by Congress. Current law adopts and authorizes federally adopted and approved projects, including projects for flood control along the American and Sacramento Rivers. The projects are authorized at an estimated cost to the state.

***Water Infrastructure Improvements for the Nation Act (WIIN Act).*** Periodically, state law adopting and authorizing specific projects needs to be updated to conform to the most recent federal legislation. In the case of the City of West Sacramento's flood control efforts, the current authorization in state law is for a previous project approved by Congress in 1992. This bill would update the necessary authorizations consistent with federal approvals in the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act.

The WIIN Act specifies a cost-share of 65 percent federal, 35 percent non-federal, with costs of \$788,861,000 federal and \$424,772,000 non-federal for the West Sacramento flood control project. The non-federal cost is further cost-shared between the state and the West Sacramento Area Flood Control Authority (WSAFCA).

***West Sacramento Flood Control Project.*** The West Sacramento flood control project is the last segment of the Sacramento River Flood Control System to receive construction funding. Approximately \$170 million of the non-federal cost has already been funded by Propositions 1E and 84, as well as a portion of sales tax proceeds and a property tax assessment in West Sacramento. Since authorization in the WIIN Act, a design agreement between the USACE, the state, and the WSAFCA was executed in April 2019. The estimated \$1.02 billion project has advanced significantly, with a partnership between the WSAFCA and the state investing approximately \$170 million in advanced construction on the Southport Levee Improvement Project, the first component of the authorized project. In addition, \$400,000 for pre-construction

engineering and design for future components, including the Yolo Bypass East Levee Project, was allocated to the project in the USACE Fiscal Year (FY) 2019 Work Plan and \$1.472 million was allocated in the USACE FY 2020 Budget and Work Plan to continue these activities. The balance of funding to complete pre-construction engineering and design activities is currently recommended in the FY 2021 President's Budget.

### **Prior and Related Legislation.**

AB 489 (Stone), Chapter 350, Statutes of 2019, authorizes the state, upon appropriation by the Legislature, to make funds available for a flood control project on the Pajaro River, even in the absence of matching federal funds.

SB 580 (Pan), Chapter 309, Statutes of 2017, revised the state authorization for the project for flood control along the American and Sacramento Rivers, and the Natomas Basin, as modified by a specified report adopted by Congress under the WIIN Act.

SB 144 (Pan), Chapter 674, Statutes of 2015, updated the state authorization for flood control along the American and Sacramento Rivers to match the federal authorization.

SB 276 (Steinberg), Chapter 641, Statutes of 2007, authorized state participation in the Folsom Dam modification project to provide a 200-year level of flood protection on the American River for Sacramento.

AB 1147 (Honda), Chapter 1071, Statutes of 2000, required a flood management project that received state financial assistance, as specified, to meet prescribed requirements prior to state authorization including, but not limited to, mitigation, environmental review, and liability. The bill also adopted and authorized projects in specific regions of the state including the City of Sacramento and Sacramento and Sutter Counties.

**Arguments in Support:** Those in support argue that the West Sacramento Flood Control Project is critical to ensuring the safety of West Sacramento's residents and is an integral part of the larger Sacramento River Flood Control System. This bill formalizes the state's partnership in the currently authorized project, and in doing so, provides a mechanism to continue to advance the project and achieve the mandated 200-year flood protection requirements.

**Arguments in Opposition:** None on file

### **REGISTERED SUPPORT / OPPOSITION:**

#### **Support**

County of Yolo  
West Sacramento; City of

#### **Opposition**

None on file

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