
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Henry Stern, Chair

2021 - 2022 Regular

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| Bill No: | AB 1811 | Hearing Date: | June 28, 2022 |
| Author: | Mike Fong | | |
| Version: | June 9, 2022 Amended | | |
| Urgency: | No | Fiscal: | No |
| Consultant: | Dennis O'Connor | | |

Subject: Local flood protection: planning: climate change

BACKGROUND AND EXISTING LAW

1) Under the Local Flood Protection Planning Act (Water Code (WC) §§ 8200 et seq.):

- a) A local agency is authorized, but not required, to prepare a local plan of flood protection.
- b) A local plan of flood protection is required to include all of the following:
 - i) A strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency.
 - ii) Identification of all types of flood hazards.
 - iii) Identification and risk assessment of the various facilities that provide flood protection for flood hazard areas, for current and future land uses.
 - iv) Identification of current and future flood corridors.
 - v) Identification of needed improvements and costs of those improvements to the flood protection facilities that are necessary to meet flood protection standards.
 - vi) An emergency response and evacuation plan for flood-prone areas.
 - vii) A strategy to achieve multiple benefits, including flood protection, groundwater recharge, ecosystem health, and reduced maintenance costs over the long term.
 - viii) A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities.
- c) A local agency that is not a city or county that prepares a plan pursuant to this chapter shall consult with the cities and counties that have jurisdiction over the planning area to ensure that the local plan of flood protection is consistent with local general plans.
- d) Plans prepared pursuant to this chapter, within the Sacramento-San Joaquin Valley are required to be consistent with the Central Valley Flood Protection Plan.

2) Under the Central Valley Flood Protection Act of 2008. (WC §§ 9600 et seq.):

- a) The Department of Water Resources (DWR) is required to prepare, and the Central Valley Flood Protection Board is required to adopt, the Central Valley Flood Protection Plan. (WC §9612)
- b) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year. (WC §9602 (i))

PROPOSED LAW

This bill would require a local plan of flood control to also include:

- 1) Planning for climate change and rainwater and stormwater management.
- 2) An update on the status of coordination with water suppliers on how the management of flood waters can bolster local water supplies.

ARGUMENTS IN SUPPORT

According to the author, “Climate change is causing natural disasters of historic intensity and frequency, and flooding is no exception. Specifically, human-induced global warming has exacerbated multiple water-related advents that contribute to flooding. For instance, a warmer atmosphere creates the conditions for heavy rainfall, as well as sea level rise by melting glaciers and ice sheets. As a result, climate change is exposing California to unprecedented flooding disasters, which leads to loss of life, forced migration, hazardous waste contamination, and property damage, among other short- and long-term consequences.”

“The time has come for local plans of flood protection to directly account for the flood-related challenges brought by climate change. Without proper preparation, flood control districts may be drastically underprepared for oncoming climate challenges.”

ARGUMENTS IN OPPOSITION: None received

COMMENTS

A Hard Rain's A-Gonna Fall. Climate research continues to show little change in “average” annual precipitation. However, research also shows that within that average, the variance will become large. According to Daniel Swain, lead author of an often cited paper, “the occurrence of both extreme wet and extreme dry events in California—and of rapid transitions between the two—will likely increase with atmospheric greenhouse gas concentrations. The rising risk of historically unprecedented precipitation extremes will seriously test California’s existing water storage, distribution, and flood protection infrastructure.” (Daniel Swain, “Increasing precipitation whiplash in twenty-first century California,” *Weather West*, April 18, 2018, <https://weatherwest.com/archives/6252>, last accessed 6/18/22)

Not considering climate change when developing local plans of flood control would be a recipe for disaster.

The Times, They Are A Changing. The traditional approach to flood control is to treat flood flows as a liability; something to be protected against and disposed of as rapidly as possible. Increasingly, rainwater and stormwater are viewed as underused assets. Stormwater capture and use has wide applications in both urban and rural communities, with potential not only for water supplies but water quality improvements as well. Local plans of flood control can play an important role in tapping those underutilized assets.

SUGGESTED AMENDMENTS: None

SUPPORT

None Received

OPPOSITION

None Received

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