

ASSEMBLY THIRD READING

AB 2639 (Soria)

As Amended March 19, 2026

Majority vote

SUMMARY

Requires the Merced County Flood Control District (District) to coordinate its flood control planning with other local agencies.

Major Provisions

- 1) Requires the District to coordinate its flood control planning and response operations with other local agencies located completely or partially in Merced County, including, but not limited to, cities and districts with responsibilities for surface water management or flood control.
- 2) Provides that if the Commission on State Mandates determines this bill contains costs mandated by the state, reimbursement to local agencies and school district for those costs shall be made.

COMMENTS

- 1) *Central Valley Flood Protection.* The Central Valley Flood Protection Board (CVFPB), originally chartered in 1911 as the Reclamation Board, serves as the liaison between the State of California, Central Valley residents, property owners, Central Valley agencies, and the United States government, with the mission "to reduce the risk of catastrophic flooding to people and property within the California central valley" while also considering environmental and habitat concerns.

The level of flood risk in California's Central Valley is among the highest in the nation. According to the *CV Flood Plan 2022 Update*, 1.23 million people and more than \$223 billion in structures and property are at risk from flooding. With historic storms like the Great Flood of 1862 and even more recent events like the series of atmospheric river-fed storms from winter 2023, human-made flood management efforts struggle to compete against the natural state of the Central Valley.

Cities and counties in the Sacramento-San Joaquin Valley that are protected by the State Plan of Flood Control are prohibited from approving new development or increasing the housing density within existing developments unless there is flood protection that meets the "urban level of flood protection," the level of protection necessary to withstand a flood event that has a 1-in-200 chance of occurring in any given year (sometimes referred to as a "200-year flood"). Areas that do not have an urban level of flood protection must achieve, or make adequate progress towards achieving, the urban level of flood protection by 2025. These requirements were enacted by the Legislature in 2007 as part of a comprehensive flood package resulting from increased awareness of the flood threat to Central Valley communities in the wake of Hurricane Katrina. One bill in the package, SB 5 (Machado, 2007), required the Department of Water Resources (DWR) and the CVFPB to prepare and adopt a Central Valley Flood Protection Plan by 2012, and established certain flood protection requirements for certain local land-use decisions consistent with the Central Valley Protection Plan.

- 2) *Merced Regional Flood Control*. According to the *2018 Merced Integrated Regional Water Management Plan Update*, "Flooding in the Region is typically caused by infrequent, severe winter storms, combined with snowmelt runoff from the foothills east of Merced County. Runoff from these storm events traverses the Region via numerous creeks and rivers, ultimately draining to the San Joaquin River. The relatively flat topography of the Planning Area causes floodwaters exceeding the banks of these rivers and streams to spread out over large areas.

"The Merced Region has a long history of active stormwater and flood management, dating back to development of the original Merced County Streams Group project under authorization of the Flood Control Act of 1944 as part of the comprehensive plan for flood control for the Sacramento and San Joaquin River Basins.

"...According to FEMA, approximately 380,000 acres in Merced County are located within a 100-year (1% annual chance exceedance) floodplain. A significant component of flooding in urban areas appears to be caused by flow over the southern and/or northern banks of Bear Creek, around the confluence of Black Rascal Creek with Bear Creek. In the unincorporated areas, Miles Creek can overflow its banks to flood portions of Planada, which is exacerbated when Bear Creek overflows into Miles Creek. Mariposa Creek overflow impacts the community of Le Grand.

"Flood legislation passed in 2007 established a 200-year (0.5% annual chance exceedance) level of flood protection as the standard for urban development. This means that development in a moderate-flood (FEMA Zone B and the 0.2 Percent Annual Chance Flood Hazard) or high-flood hazard zone (FEMA Zones A, AE, A1-30, AH, AO, AR and A99) would only be allowed if the permitting agency found, based on substantial evidence in the record, that urban or urbanizing areas would be protected to a 200-year-flood level. This applies to all developed areas with population of at least 10,000 (or with plans to reach 10,000 within 10 years)."

- 3) *Merced County Flood Control District*. AB 2926 (Thurman), Chapter 1311, Statutes of 1982, created the countywide district under the District Act. The District is tasked with controlling flood and storm waters of the District and to protect from damage from flood and storm water the watersheds, harbors, public highways, life, and property in the District. The District is a dependent district where the Board of Supervisors serves ex officio members of the governing board.
- 4) *Recent Example of Flooding in Merced County*. On January 9, 2023, hundreds of households were affected in Planada, an unincorporated area of Merced County, when floodwaters breached the banks of nearby Miles Creek. According to a University of California of Merced, Community and Labor Center Research Brief from May 2023, "Over seven hundred Planada households experienced economic losses following a major flood disaster on January 9, 2023. These losses ranged from property damage inside the home (e.g. furniture, boiler, electrical wiring, foundation) to outside of the home (e.g. vehicles for going to work), and the loss of work. A UC Merced Community and Labor Center analysis examines data from the Planada Community Needs Assessment Survey 2023. It finds that most (83%) Planada households experienced at least one form of economic loss following the flood, whether through missed work or property damaged as a result of the flood. At the same time, it also finds that most households did not have access to key forms of disaster aid following the flood."

According to the Author

"The Merced Flood Control District was established through legislation in 1982 to receive and manage funds for flood management in Merced County. While this legislation gave the County of Merced the power to establish a separate flood control district, they have instead operated as the acting Merced Flood Control District under the authority provided by that legislation. However, the County is not the only local entity concerned with flood control within its boundaries.

"In addition to the County, Merced Irrigation District and the various cities in Merced's primary flood zones also manage waterways and undertake flood management projects relevant to the region. AB 2639 simply directs the Merced Flood Control District to coordinate with entities like these when conducting their flood control and management functions. This coordination will help all these entities protect the residents of Merced County from flooding."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

No state costs. Local costs of an unknown amount, but likely significant, in excess of \$150,000, to the District, Merced County, and local agencies located completely or partially within the county for staff to coordinate flood control planning and response operations. The bill does not specify, but specific tasks may include interagency coordination through joint meetings, sharing data and documentation, soliciting input from impacted agencies, providing training, preparing joint reports, or other coordinating efforts.

Merced County contains six incorporated cities, numerous unincorporated communities and towns, and several relevant special districts.

These costs are reimbursable by the state, subject to a determination by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES**ASM LOCAL GOVERNMENT: 10-0-0**

YES: Carrillo, Ta, Johnson, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: March 19, 2026

CONSULTANT: Jimmy MacDonald / L. GOV. / (916) 319-3958

FN: 0002640