



## New Flood Management and Control Legislation Introduced

By Kanwarjit S. Dua

On December 4, 2006, Senator Michael Machado and Assemblywoman Lois Wolk each introduced legislation, SB 5 and AB 5 respectively, designed to improve state flood policy and reduce flood risks.

### Background

Senator Machado represents the Fifth Senate District, which includes the cities of Tracy, Manteca and Stockton in San Joaquin County; Suisun City, Fairfield, Dixon and Vacaville in Solano County; Davis, West Sacramento, Winters and Woodland in Yolo County; as well as Walnut Grove and a portion of Elk Grove in Sacramento County. Senator Machado currently chairs the Senate Committee on Revenue and Taxation and the Sub-Committee on Delta Resources. He also serves on the Senate Committees on Budget and Fiscal Review, Local Government, Natural Resources and Water, and Transportation and Housing. Additionally, he is a member of the Select Committees on the California Correctional System.

Assemblywoman Wolk represents the Eighth Assembly District encompasses most of Yolo and Solano Counties and includes the cities of Benicia, Davis, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, West Sacramento, Winters, and Woodland. Wolk currently serves as Chair of the Assembly Water, Parks and Wildlife Committee. Wolk also serves on the Assembly Committees on Budget, Local Government, and Natural Resources, as well as the Budget Subcommittee on Transportation and Information Technology.

The Disaster Preparedness and Flood Prevention Bond Act of 2006 (DPFPBA), approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and

sale of bonds in the amount of over \$4 billion for the purposes of financing disaster preparedness and flood prevention projects. The DPFPBA also requires the compilation of a state plan of flood control.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance and sale of bonds in the amount of over \$5 billion to fund projects and expenditures relating to safe drinking water, water quality and supply, flood control, waterway and natural resources protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts. In all, voters have approved over \$9 billion in bonds to pay for flood control and water quality projects. It is anticipated that the Delta region will see several billion dollars of this bond money. Senator Machado's bill, SB 5, defines the responsibilities of state and local officials, direct bond money to where it will do the most good, ensure that existing levees meet federal standards and encourage counties and cities to strengthen their levees beyond the federal standard. Assemblywoman Wolk's bill, AB 5, primarily gives local communities that adopt flood protection plans priority for levee bond funding.

### Proposal

#### SB 5

SB 5 states the intent of the Legislature to develop a comprehensive integrated flood policy that addresses all aspects of flood management, including changes in land use planning and the need for a State Plan of Flood Control.

SB 5 would also state the intent of the Legislature to establish and clarify the roles and responsibilities of specified entities for managing flood risk and to invest bond funds consistent with those roles and responsibilities. In addition, SB 5 requires the Department of Water Resources to update the state's flood control plan and flood risk maps. Additionally, SB 5 requires the state to pay 100 percent of the nonfederal capital costs to bring all state flood control facilities up to their design performance capacity. The bill also authorizes the state to partner with local flood management agencies, cities, and counties to implement projects to provide 500-year protection to urban areas.

#### AB 5

AB 5, would require an unspecified entity to create the Central Valley Flood Protection Plan to address flood protection in the central valley. The bill would authorize local agencies to create a local plan of flood protection meeting the requirements of AB 5, and would require priority for state funds to be given to local agencies that have adopted a local plan of flood protection. AB 5 would create the Local Flood Protection Plan Assistance Fund to, upon appropriation by the Legislature, assist local agencies by awarding grants to those agencies to conduct necessary activities in the development of a local flood protection plan. AB 5 would also prohibit local governments in the Central Valley from approving new developments with high-risk flood prone areas unless appropriate levels of flood protection are met.

### Conclusion

Committee hearings on SB 5 and AB 5 are expected to begin in February. For more information, go to <http://www.leginfo.ca.gov>.