STATE LIABILITY AND FLOOD RISK REDUCTION

Jit Dua, Board Counsel
Central Valley Flood Protection Board

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Fundamentals of Flood Management and Law Liability
Hurricane Katrina made landfall August 28, 2005

By September 5, 14 years ago today, the National Guard was still evacuating citizens off rooftops.
Flood Protection in the Central Valley

100 YEARS OF EVOLVING FLOOD MANAGEMENT

1917
LOCAL LEADERSHIP ERA

$110 million
authorized for Sacramento River Flood Control Project

INVESTMENT

$17 to $21 billion
Investment needed systemwide for both river basins

1917
LOCAL LEADERSHIP ERA

PARTNERSHIPS AND SUSTAINABLE FUNDING

AGENCIES AND REGULATION

3+
Agencies

500+
Districts and agencies (Local, State, and Federal)

Simple and adequately funded

MAINTENANCE

Conflicting regulations and inconsistent funding result in deferred maintenance

Note: All values in 2016 dollars.
Federal – State – Local Relationship

WC § 8617 – Board assurances to the federal gov’t to operate and maintain the flood control system in compliance with the USACE O&M manuals.

WC § 8618 – Agencies of the State, political subdivisions, municipal and quasi-municipal corporations may make agreements with the Board to do those things which are required by the State.
California’s Response to Katrina

- Propositions 1E and 84, were approved by California voters little more than a year after Hurricane Katrina flooded and destroyed much of New Orleans, killing over 1,200 people.

- Combined bond funding capability of $4.9 billion.

- Flood risk reduction programs and infrastructure need steady, long-term funding to achieve and sustain the requisite level of protection.
Central Valley Flood Protection Plan

- Strategic, long-range plan, describing a programmatic vision for flood system improvements over time
- In accordance with the Central Valley Flood Protection Act of 2008
- Adopted by the Board in 2012
Investments in Flood Protection

State investments over the past decade prevented the impacts of the 2017 and 2019 storm events from being much worse.

All of the following helped prevent flooding in many regions in California.

- Critical repairs
- Forecast-coordinated operation of dams
- Improved and new infrastructure
- Informed floodplain management helped prevent flooding in many regions in California.
Reducing Risk and Managing Liability

Our levee systems will continue to age, climate change will stretch their capacities, and the numbers of people and the value of the property protected by them are likely to increase as well.
Board Resolution 2017-10:

- Resolution 14 – “adequate funding is necessary”
- Resolution 15 – “current O&M funding is $31M annually...estimated required funding is $131 M annually...”
Missed Opportunity

Public Law 84-99 Compliance

• At the time of CVFPP adoption, over 90% of levee systems were out of compliance with federal standards

• 2017 storm events resulted in $400 Million in damages, that are not available for federal reimbursement.
Plan Implementation

Board Resolution 2018-06 - Acceptable Operation and Maintenance of the State Plan of Flood Control

- Confirms the State’s standards for OMRR&R of SPFC facilities
- Acknowledges USACE requires SPFC facilities to be operated and maintained in accordance with Federal Regulations and O&M Manuals
- Asserts the State’s long term goal of improved operation and maintenance includes working toward Public Law 84-99 eligibility and compliance with O&M manuals
Plan Implementation

Board Resolution 2018-06 - Acceptable Operation and Maintenance of the State Plan of Flood Control

• Confirms sustainable funding is a State priority

• Acknowledges the State’s commitment to working with maintaining agencies to improve O&M

• Encourages the System-wide Improvement Framework (SWIF) as a tool for compliance.
STATE
- General Fund
- General Obligation Bond

FEDERAL
- USACE Programs
- FEMA Programs
- Federal Ecosystems Programs

LOCAL
- Benefit Assessments
- Special Taxes

NEW
- Sacramento/San Joaquin Drainage District
  - Reutilize this district, originally established in 1911.
- River Basin Assessments
  - Establish river basin specific assessments across the State.
- State Flood Insurance Program
  - Augment/replace the National Flood Insurance Program (NFIP) with a State-led program.
- Generate revenue for operations and maintenance and local share of capital improvements.
- Generate revenue for insurance protection and investment to lower flood risk.
Purpose:
To evaluate the feasibility of a state assessment to provide funding for SPFC projects and maintenance

Advantages: A valley-wide assessment could contribute to several CVFPP Goals including

- Improved operation and maintenance (O&M) through sustainable funding
- Improved institutional support
- Improved flood risk management
SSJDD Feasibility Study

- Water Code §8750, et seq. provides that the Board may levy an assessment upon any lands within the SSJDD.
- The Board has not exercised its assessment authority since the 1930s.
- SSJDD Assessment District was identified in the 2017 CVFPP Update as a potential long-term funding source for ongoing O&M of the SPFC.
- RFP was released and proposals were due August 20.
- The Consultant will prepare a Report of Findings evaluating the feasibility of an SSJDD Assessment District to generate revenue through assessments for system-wide improvements and the operation and maintenance of associated flood control structures and levees within the SPFC.
Flood Maintenance Assistance Program (FMAP)

- New assistance program administered by DWR that provides State funds for eligible maintenance activities to LMAs and MAs.

- Designed to ensure that SPFC facilities are properly maintained to meet federal regulations and O&M requirements.
CVFPB Website

http://cvfpb.ca.gov/
http://cvfpb.ca.gov/cvfpp/

Central Valley Flood Protection Board

The Central Valley Flood Protection Board (CVFPB) is the State regulatory agency responsible for ensuring that appropriate standards are met for the construction, maintenance, and protection of the flood control system that protects life, property, and wildlife habitat in California’s vast and diverse Central Valley from the devastating effects of flooding. CVFPB issues encroachment permits and works with other agencies to improve the flood protection structures, enforces removal of problematic encroachments, and keeps watch over the Central Valley’s continually improving flood management system.

- March 29, 2019 – Regular business meeting begins at 9:00 a.m.

Title 23 Update – Article 8, Standards

- The Board has released the final draft of the updated Title 23, Division 1, Article 8, Standards. This draft is a revision of the last draft circulated in the fall of 2015 and is limited to the Article 8.