

# **STATE LIABILITY AND FLOOD RISK REDUCTION**

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Central Valley Flood Protection Board**

**2019 FMA Conference  
San Diego**

**Fundamentals of Flood Management and Law Liability**



An aerial photograph showing a flooded area with debris and damaged buildings. The water is a murky green color. In the foreground, there are several buildings, some of which appear to be partially submerged or destroyed. There is a lot of debris floating in the water, including what looks like a boat and some structures. The background shows more of the flooded area with some trees and a road that has been completely underwater.

**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**

**PARTNERSHIPS  
AND SUSTAINABLE  
FUNDING**

**2017**



**\$110 million**  
authorized for Sacramento River Flood Control Project

**INVESTMENT**

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

**3+**  
Agencies

**AGENCIES  
AND  
REGULATION**

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

Simple and adequately funded

**MAINTENANCE**

Conflicting regulations and inconsistent funding  
result in deferred maintenance

# 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.**

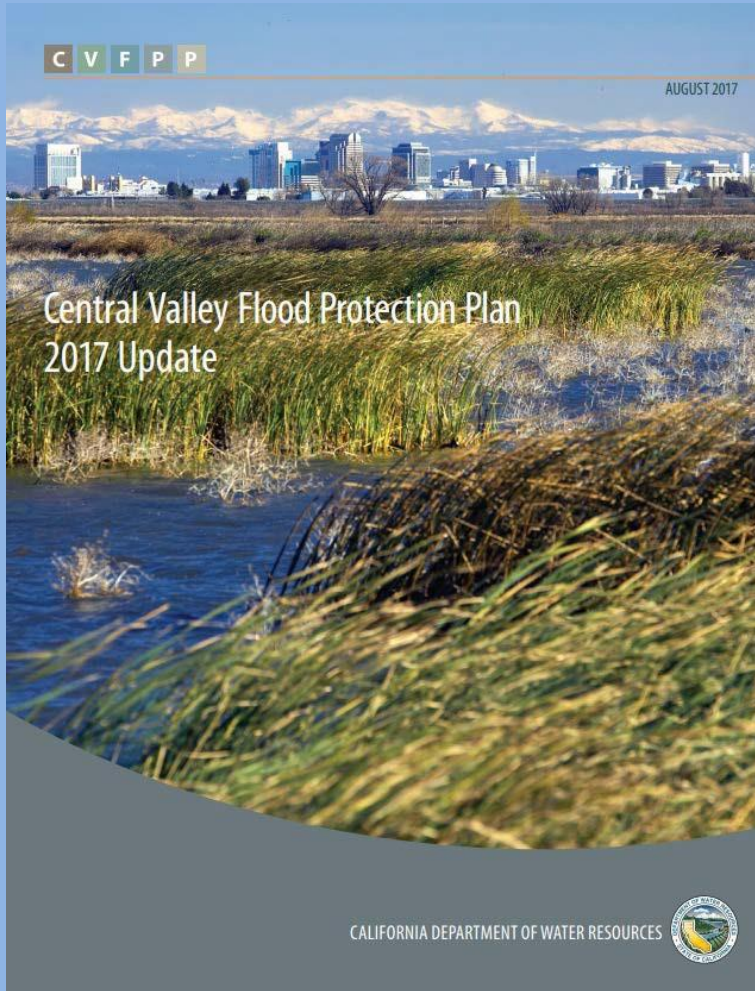


# California's Response to Katrina



- 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**
- **CVFPB adopted a comprehensive update in 2017.**



# 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.**



# 2017 CVFPP Update Identified Needs

## 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.

- Generate revenue for operations and maintenance and local share of capital improvements.

### River Basin Assessments

- Establish river basin specific assessments across the State.

- Generate and return revenue to individual river basins to be shared across all integrated water management activities in that watershed.

### State Flood Insurance Program

- Augment/replace the National Flood Insurance Program (NFIP) with a State-led program.

- Generate revenue for insurance protection and investment to lower flood risk.

# SSJDD Feasibility Study

## 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/cvfp/>



## 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.

California Governor

Gavin Newsom

Governor's webpage



California Natural Resources Agency

Wade Crowfoot

Visit Website



**Mission Statement:** "To reduce the risk of catastrophic flooding to people and property within the California Central Valley."

WEBCAST

CALENDAR

CVFPP

2017 STORM DAMAGE EMERGENCY REHABILITATION