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February 24, 2012

The Central Valley Flood Protection Board
California Natural Resources Agency
3310 El Camino Avenue, Room 151
Sacramento, California 95821
ATTN: Ms. Nancy Moricz
Transmitted via email to: cvfppcom@water.ca.gov

RE: Comments on the Central Valley Flood Protection Plan

Dear Ms. Moricz:

On behalf of the California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC) and the League of California Cities (LCC), we appreciate the opportunity to comment on the Central Valley Flood Protection Plan (CVFPP). Collectively, our organizations represent all of California's 483 cities and 58 counties. As representatives of local governments, our organizations are committed to creating healthy, safe and sustainable communities. We request that the following comments be taken under consideration when considering any changes to the CVFPP.

Compliance with SB5 by Central Valley Cities and Counties

Preparation of the CVFPP was a requirement of the SB5 suite of legislation, but the CVFPP lacks an articulate discussion/explanation on how it will facilitate compliance by cities and counties within its mandated time frames. The CVFPP indicates that implementation of the State System-wide Investment Approach (SSIA) will extend well beyond the 2015 deadline required by SB5 for cities and counties to begin implementation of the Plan. However, it does not discuss how cities and counties are to comply with the Plan in the interim, nor the ramifications and impacts on Central Valley communities if they are unable to do so.

For cities and counties to comply with the SB5 provisions regarding 200-Year flood protection findings for new development, they must have access to 200-Year hydrologic, hydraulic and floodplain data well in advance of the mandated timelines. Local agencies expected the CVFPP to provide much if not all of that data. However, the CVFPP does not provide this data. We had expected that CVFPP would have contained, as a minimum, the elements listed below:

- 200-yr. without-project and with-project design hydrographs and water surface profiles along all leveed rivers and streams (both "project" and "non-project" systems);
- 200-yr. without-project and with-project floodplain maps;
- Detailed identification of the Preferred Plan for System-wide Improvements to include major flood protection facilities such as reservoirs, bypasses, and main stem levees which will provide urban and urbanizing areas 200-Year flood protection by 2025.
- A detailed implementation Plan for the System-wide Improvements and local flood protection improvements, including a funding plan which identifies federal, state and local funding allocations, and any "gaps" between estimated costs and available funding sources.

The Board should require that the CVFPP be amended to address these issues.

Reliance on Completion of Major “System Improvements”

Providing 200-year protection for many of the central valley communities will depend on the completion of major “System Improvements” (as identified in the CVFPP) that are under control of the State and/or Federal governments and will likely not be completed for several years following the 2015 mandate of SB 5. These improvements include dam modifications, bypasses, and main stem levees. Cities and counties should not be penalized, nor should they be required to expend limited public funds to construct potential “throw away” improvements to provide 200-year protection in the interim. The Plan should address how cities and counties can comply with the Plan given that many of these major system improvements will not be completed by 2015.

Availability of Funding for Cities and Counties to Comply with SB5

To facilitate local agencies’ ability to move forward with the planning efforts to comply with SB 5, grant programs should be created for cities and counties to develop 200-year floodplain maps and improvements. The Plan should specifically address what, if any, grant funding will be made available for these efforts. It should also address how cities and counties are to fund these efforts in the absence of such funding, and the ramifications if they are unable to do so.

Implementation of New Levee Design Standards and Findings Procedures

As required by SB5, the Department of Water Resources has been developing new levee design standards and findings procedures for implementation of the law by cities and counties. City and county officials have been involved in the development of these documents through participation in work groups, workshops and teleconferences. Although these documents are still being developed, several of our members have expressed concerns that many of the requirements contained in these may not be implementable given time and funding constraints. One issue of particular concern is the requirement that the 200-year protection requirement of SB5 apply to interior drainage areas (i.e. areas not protected by levees). The Board should evaluate whether the requirements contained in these documents are, from a practical perspective, implementable by cities and counties. And, in cases where it is a matter of an interpretation of the statute as to whether these requirements should even apply, the Board should evaluate these specific issues as well.

Thank you for your consideration. Should you have any questions regarding our comments please contact Karen Keene at 916-327-7500 ext. 511, Kathy Mannion at 916 447-4806, or Kyra Ross at 916-658-8200.

Sincerely,



Karen Keene
CSAC Senior Legislative Representative



Kathy Mannion
RCRC Legislative Advocate



Kyra Ross
LCC Legislative Representative