

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

RESOLUTION NO. 99-9

RECLAMATION BOARD POLICY FOR CUMULATIVE IMPACTS TO THE
FLOOD CONTROL SYSTEM DUE TO RESTORATION PROJECTS AND OTHER
ENCROACHMENTS

WHEREAS, the mission of The Reclamation Board is to control flooding along the Sacramento and San Joaquin Rivers and their tributaries; to cooperate with various agencies of the federal, State, and local governments in planning, designing, constructing, operating, and maintaining flood control works; and to maintain the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments; and

WHEREAS, the Board has provided assurances to the U.S. Army Corps of Engineers that the design floodway capacity will not be diminished within the boundaries of federal flood control projects sponsored by the Board; and

WHEREAS, the Board and the Corps are sponsoring the Sacramento and San Joaquin River Basins Comprehensive Study; and

WHEREAS, the mission of the Comprehensive Study is to develop a systemwide comprehensive flood management plan for the Central Valley to reduce flood damage and integrate ecosystem restoration into the flood control system; and

WHEREAS, federal and State agencies are participating in both the Comprehensive Study and the CALFED process; and

WHEREAS, the mission of CALFED is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses in the Bay-Delta system; and

WHEREAS, CALFED and others have funded and have approved funding for many ecosystem restoration projects in project floodways and designated floodways under the Board's jurisdiction; and

WHEREAS, CALFED, Department of Fish and Game, and others are considering approval of funding for additional ecosystem restoration projects in floodways under the Board's jurisdiction; and

WHEREAS, the Board expects that the number of ecosystem restoration projects within the floodways will dramatically increase as compared to the past; and

WHEREAS, ecosystem restoration is important to the ecology of the river systems but may have individual and/or cumulative adverse impacts to the existing flood control system and adjoining properties if not integrated into the system with careful consideration of maintaining existing and future floodway capacity, levee operations and maintenance, and existing land use within the floodway.

NOW, THEREFORE, LET IT BE RESOLVED that the Board:

1. Supports ecosystem restoration that is compatible with the missions of the Board, the Corps, and CALFED.
2. Recognizes that ecosystem restoration may provide flood control benefits.
3. Recognizes that ecosystem restoration can increase the cost of future flood damage reduction projects.
4. Will seek the cooperation of CALFED and its participating agencies, Department of Fish and Game, Sacramento River Conservation Area Management Program (Senate Bill 1086), and key ecosystem restoration organizations in integrating ecosystem restoration projects with the Comprehensive Study's master plan for flood damage reduction with integrated ecosystem restoration.
5. Seek the cooperation of the Corps and other State and federal agencies to develop a Safe Harbor Agreement, or a similar agreement, with the U.S. Fish and Wildlife Service and Department of Fish and Game that would allow selective clearing, as necessary, of naturally occurring or planted native vegetation in areas under the Board's jurisdiction to ensure the functional integrity of the flood control system, while recognizing the overall benefit to native

vegetation and wildlife, including listed threatened and endangered species, from the existing and future ecosystem restoration projects.

6. Seek personnel and funding resources through the State and other sources to address the increased workload resulting from the numerous Board permits that will be required by CALFED and other agencies, organizations, or individuals pursuing projects in the floodways within the Board's jurisdiction.

BE IT FURTHER RESOLVED that the Board will:

7. Require hydraulic and other engineering studies when needed to assess the individual and cumulative hydraulic impacts and other impacts caused by encroachments, including ecosystem restoration and other development projects, in floodways under the Board's jurisdiction. Require hydraulic impacts to be mitigated to less than significant levels.
8. Make the hydraulic model being developed by the Corps for the Comprehensive Study available to all permit applicants as soon as the model is functional and require that the Corps hydraulic model be updated as projects are implemented.
9. Ensure that all projects comply with the requirements of the California Environmental Quality Act, applicable provisions of the Board's Regulations

encompassed in Title 23, California Code of Regulations, any other applicable laws and regulations, and are coordinated with local government.

10. Encourage programmatic inventory of potential restoration/mitigation sites and consider development of mitigation banking sites for use in connection with future flood control or bank protection projects.

DATE:

THE RECLAMATION BOARD OF THE
STATE OF CALIFORNIA

By _____
Barbara M. LeVake, President

Approved as to Legal Form
And Sufficiency

By _____
Brenda Jahns Southwick, Secretary

Counsel for The Reclamation Board