May 9, 2022
Monthly Meeting

1. Monthly Chair/Vice-Chair Meetings:
    a. MOU update - Elke Rank sent out updates for signature
2. Regulatory Concerns:
    a. CEQA changes on oak trees: bill originated in Southern California concerns about sprawl, but some agencies concerned about permitting locally. (Attachment of CSAC letter follows)
    b. WOTUS brief: item not moving forward.
    c. Stormwater Permit Concerns: Mitch Avalon to speak at next month's meeting on this topic.
3. Zone 7 Flood Management Plan 2022 Update by Tami Church & discussion of other agencies' plans around the region. (powerpoint presentation attached).
4. Center For Western Water and Extremes Modeling and Forecasting presentation by Mark Boucher. Weblink of interesting data on weather forecasting focused on Atmospheric Rivers.
5. Alexander Valley FloodMar presentation by Carlos Diaz. With the current regime of droughts and climate extremes, Sonoma Water is working with farms to recharge groundwater aquifers during winter. (Powerpoint attached.)
6. Next month - Mitch Avalon on MS4 permit and Stormwater Utility fees.
7. Treasurers' Report: approving task order for more CHARG work; need to approve dues for next year.
8. Adjourn until June 13, 1:30

In attendance:

Contra Contra: Mark Boucher, Tim Jensen
Zone 7: Elke Rank, Tami Church, Carol Mahoney
Valley Water: Brian Mendenhall, Katie Muller, Doug Titus, Jon Jankovitz (replacing Scott Akin)
Sonoma Water: Carlos Diaz
Santa Cruz Zone 7: Antonella Gentile, Mark Strudley
Livermore: Megan Verner-Crist
Vallejo Flood: Mark Tomko
BAFPAA Staff: Jennifer Krebs

May 4, 2022

The Honorable Henry Stern
Member, California State Senate
1021 O Street, Room 7710
Sacramento, CA 95814

RE: Senate Bill 1404 – OPPOSE
As Amended April 27, 2022

Dear Senator Stern:

On behalf of the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the League of California Cities (CalCities), the Association of California Water Agencies (ACWA), and the California Special Districts Association (CDSA), we regretfully oppose your Senate Bill 1404, relating to the California Environmental Quality Act (CEQA).

Senate Bill 1404 establishes a statewide threshold of significance for the removal of oak trees under CEQA. The bill also eliminates an important safe harbor under which a project's implementation of locally-adopted mitigation measures is deemed to satisfy CEQA's requirements related to the project's effects on oaks and oak woodlands. Unfortunately, the April 27 amendments create additional ambiguity about the scope of the statute, further increase litigation risk, and fail to effectively narrow the bill's reach.

SB 1404's prescriptive mandate and increased litigation exposure is unwarranted given the extent and diversity of California's oak woodlands. California is home to expansive oak woodlands that support a rich diversity of plant and animal species; however, they are far from endangered. California has over 800 million oak trees larger than 5" in diameter at breast height. These are spread across over 8.5 million acres of oak woodlands and 4.5 million acres of oak forests.[1]

[1] Tom Garman and Jeffrety Firman, *Oaks 2040: The Status and Future of Oaks in California*.

Distribution of oak woodlands and forests is highly variable. Compared to Southern California's 500,000 acres of oak woodlands and forests, the North Coast has 2.5 million acres, the northern interior region (Lassen, Modoc, Shasta, Siskiyou, and Trinity) has 2.1 million acres, the central coast has 1.9 million acres, the San Joaquin Valley has 2.8 million acres, and the Sacramento region has 2.1 million acres.

Development risk for oak woodlands varies across the state. Only 8% of oak woodlands have been developed in the North Coast, with just 4% at risk of near-term development. In the northern interior region, only 3% is at risk for urban development in the near term. While development pressure in Southern California may be heightened compared to other areas, that is no reason to establish a statewide threshold when oak woodlands are common and not at risk of development in many other areas.

SB 1404 establishes an arbitrary statewide threshold of significance for conversion of oaks woodlands that ignores diverse local conditions. Under existing law, counties are required to determine whether a project will have a significant effect on the environment. Despite the fact that California has over 800 million oak trees, SB 1404 arbitrarily declares that removal of just three oak trees over 5" in diameter at breast height constitutes a significant effect on the environment under CEQA. The same threshold applies for projects involving 1/10 of an acre and for projects involving hundreds of acres. Given the substantial acreage of oak woodlands in many regions, local agencies are best suited to determine whether a particular project's removal of oak trees will constitute a significant effect on the environment. Unfortunately, SB 1404 ignores the fact that oak trees and woodlands are common in many areas of the state, usurps local control, and inhibits the ability for local agencies to balance the biological, sociological, and economic interests of private landowners, public agencies, and the environment.

SB 1404 expands the universe of projects subject to CEQA. By establishing such an arbitrarily low threshold of significance without respect to local conditions, SB 1404 subjects many more projects to the CEQA process. Projects involving the removal of oak trees where local governments would have legitimately determined there was not a significant impact on the environment will now have to prepare either a Mitigated Negative Declaration or Environmental Impact Report. Existing CEQA exemptions and Negative Declarations will no longer be authorized for those projects, thereby adding costs and delays.

SB 1404 significantly increases CEQA litigation risks for projects. Under existing law, if a county determines a project will convert oak woodlands and have a significant effect on the environment, it must require one or more mitigation measures to reduce those impacts. Once those measures are incorporated, the project is deemed compliant with CEQA with respect to oaks and oak woodlands. SB 1404 removes this safeguard and opens the door to CEQA litigation challenging local determinations about the project's impacts and adequacy of mitigation measures. This change opens the door

even wider for "Not In My Back Yard" (NIMBY) groups to oppose projects that impact as few as three oak trees. For projects that would have been subject to CEQA anyway, SB 1404 adds yet another avenue to delay or derail projects.

SB 1404 will increase costs for and delay many important projects. Aside from being exploited to delay housing and economic development projects, SB 1404 will also impact many different types of public purpose projects. This bill could restrict the ability for local governments to quickly remove oak trees killed by sudden oak death and that pose a risk to life and property because of compromised structural integrity. SB 1404 is also likely to impact local forest fuel reduction projects, groundwater recharge and water reliability projects, and levee maintenance projects. Aside from merely triggering the CEQA process, SB 1404 opens the door for lengthy delays associated with NIMBY groups challenging those projects, and the adequacy of oak mitigation measures, in court.

April 27 amendments fail to meaningfully narrow the bill, create additional ambiguity, and increase litigation risk. The April 27 amends attempt to narrow the scope of SB 1404's reach to those areas "mapped by state or local agencies as critical to habitat linkage, natural resources protection, or otherwise related to biodiversity and conservation." It is unclear which maps will be used; however, the phrase "otherwise related to biodiversity and conservation" is broad enough to encompass any and all lands within the boundaries of a state conservancy. For example, take the vast Sierra Nevada Conservancy, which is statutorily charged "to protect, conserve, and restore the health and resilience of the watersheds and communities of the region." This new language appears to ensure that SB 1404's expansion of CEQA will impact projects in those 24 counties within its boundaries. The Coastal Conservancy is similarly massive, and this language could be read to apply SB 1404's changes to all those lands mapped under its jurisdiction. If SB 1404 applies to lands within the boundaries of a state conservancy, then there are few areas of the state (other than the central valley) where SB 1404 wouldn't apply.

For the above reasons, we must regretfully oppose your SB 1404. Please contact John Kennedy (RCRC) at jkennedy@rcrcnet.org, Julia Bishop Hall (ACWA) at JuliaH@acwa.com, Christopher Lee (CSAC) at clee@coounties.org, Derek Dolfie (CalCities) at ddolfie@calcities.org, or Rosario Kapeller (CSDA) at rosariok@csda.net.

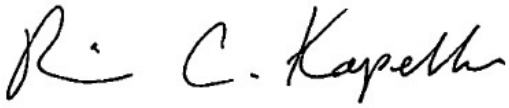
Sincerely,

John Kennedy
Rural County Representatives of California
Policy Advocate

Julia Bishop Hall
Association of California Water Agencies
Senior Legislative Advocate

Christopher Lee
California State Association of Counties
Legislative Representative

Derek Dolfie
CalCities
Lobbyist



Rosario Cortes Kapeller
California Special Districts Association
Senior Legislative Representative

cc: Members of the Senate Appropriations Committee
Ashley Ames, Consultant, Senate Appropriations Committee
Scott Seekatz, Consultant, Senate Republican Caucus

FLOOD MANAGEMENT PLAN

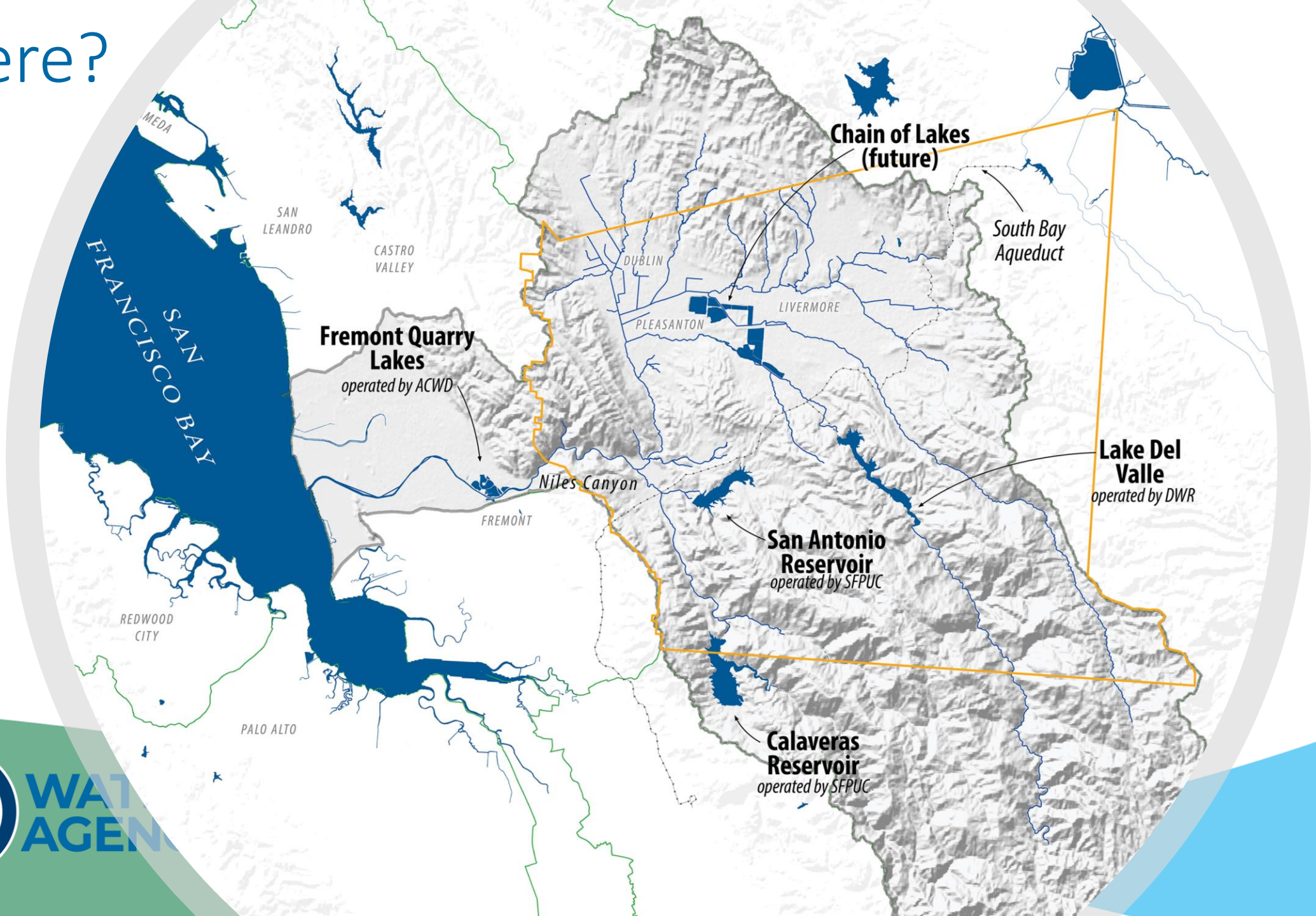
May 2022

Tami Church
Water Resources Planner
Integrated Planning

Agenda

- Introduction
- History of flood planning
- Updates
- Goals and measurable objectives
- Next steps

Where?


Chain of Lakes
(future)
South Bay
Aqueduct
Fremont Quarry
Lakes
operated by ACWD
Niles Canyon
Lake Del
Valle
operated by DWR
San Antonio
Reservoir
operated by SFPUC
Calaveras
Reservoir
operated by SFPUC
SAN
FRANCISCO BAY
SAN
LEANDRO
CASTRO
VALLEY
DUBLIN
LIVERMORE
PLEASANTON
FREMONT
REDWOOD
CITY
PALO ALTO

Water Quality

Water Reliability

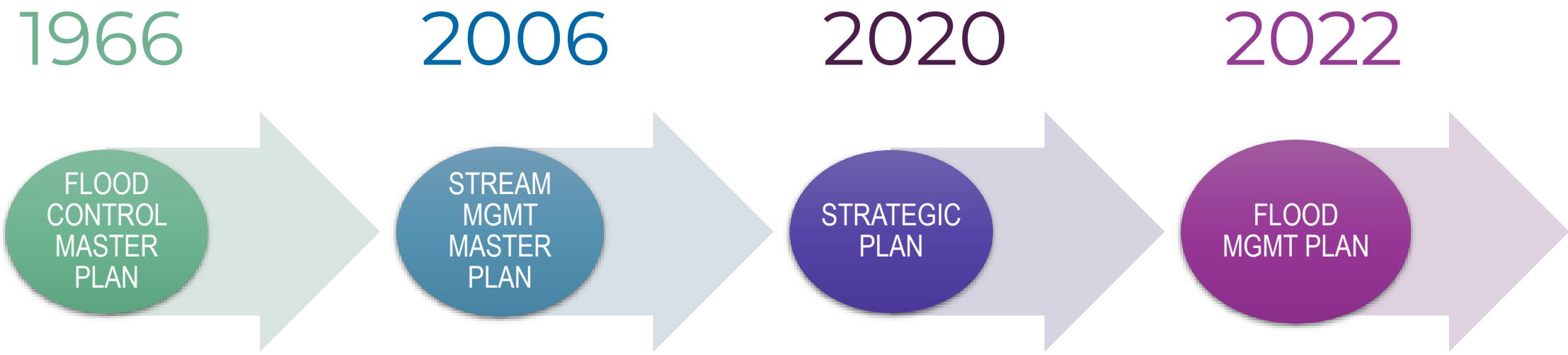
Flood Protection

ZONE 7 WATER AGENCY

Flood Protection

ZONE 7 WATER AGENCY

History of Flood Planning Documents



ZONE 7 WATER AGENCY

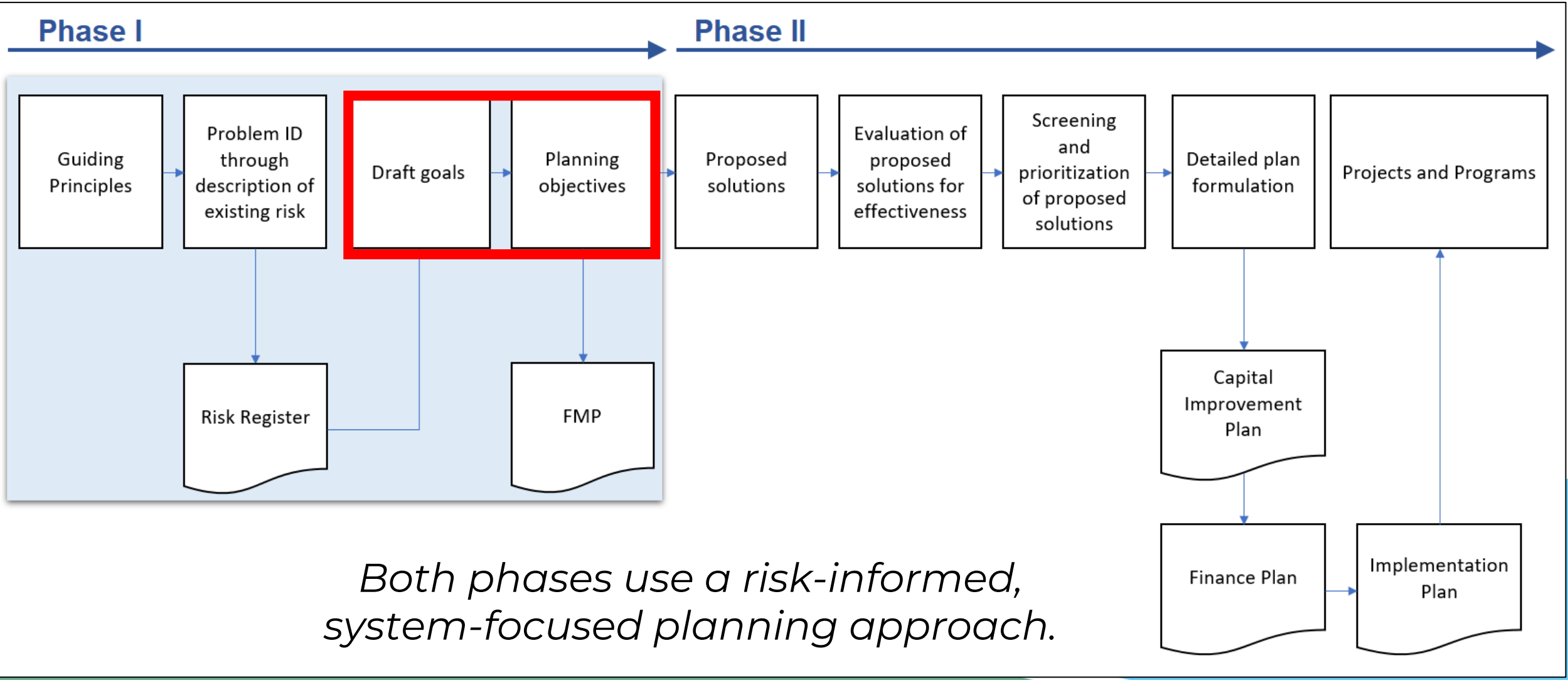
Flood Management Plan (FMP)

- **Align with Zone 7's Strategic Plan**. The FMP will be consistent with the agency's integrated water resource goals and initiatives.
- **Foster proactive public engagement**. The FMP will promote open communication with community partners and stakeholders.
- **Do what is needed and practical to manage risks associated with flood management in the Zone 7 service area**. The FMP will be developed with an approach that prioritizes projects in the Zone 7 service area that can be funded, implemented, and sustained.
- **Incorporate climate change uncertainty**. The FMP will be based on well-supported analysis of future watershed conditions.
- **Be risk-informed**. The FMP will support risk-informed decision making and communication through evaluation of both a flood's likelihood of occurrence as well as its consequences.
- **Advance collaboration within the watershed**. Successful implementation of the FMP is dependent on active participation among multiple agencies with flood management responsibility and/or impact.
- **Consider Multi-Benefit Solutions**. The FMP will support the implementation of multi-benefit projects where flood risk reduction can enable the accomplishment of compatible water resource goals.

ZONE 7 WATER AGENCY

Phase I focuses on establishing agency flood management guidance.

Phase II focuses on flood system project planning, a capital improvement plan, finance planning, and implementation planning.



Both phases use a risk-informed, system-focused planning approach.

Goals and Measurable Objectives

Developed by:

1. Assessing the existing and future risks to flood management within Zone 7's service area; and
2. Organizing those risks according to the **flood management themes** that emerged through the risk assessment and background research.

Goal Statement	Objectives
Goal 1 – Flood Control Channel System	
Develop the framework to provide flood protection to a level as high as reasonably practicable using a risk-informed process.	1. By 2023, identify the regional institutional framework necessary to effect adequate flood management for areas protected by the flood control channel system. 2. By 2024, conduct a risk-informed, watershed-based evaluation of the flood control channel system.

ZONE 7 WATER AGENCY

Goal 2 – Relationships with Partner Agencies	
Foster and participate in productive relationships with land use agencies to improve flood management.	1. By 2023, identify common flood management interests of agencies with a flood management role or impact in the watershed. 2. By 2024, propose agreements with agencies who share flood management interests in the watershed.

ZONE 7 WATER AGENCY

Goal 3 – Capital Improvement	
Develop a capital improvement program to support effective flood management projects and programs.	1. By 2025, prepare a Capital Improvement Program (CIP) based on the outcomes of the systemwide evaluation (Objective 1.2). 2. By 2025, develop a CIP funding and financing plan. 3. By 2026, prepare a CIP implementation plan.

ZONE 7 WATER AGENCY

Goal 4 – Operations and Maintenance	
Operate and maintain the flood control channel system where Zone 7 has fee title, easement, or agreement.	1. By 2022, prepare an O&M program for the existing flood control channel system. 2. By 2023, prepare a right-of-way management plan for the flood control channel system and associated floodplain. 3. By 2024, prepare an asset management plan for the existing flood control channel system. 4. By 2024, prepare a funding/financing plan for O&M and Asset Management programs.

ZONE 7 WATER AGENCY

Goal 5 – Technical Excellence	
Use the best available resources to achieve flood management projects and programs.	1. By 2023, develop and initiate a plan to enhance Zone 7 flood management expertise. 2. By 2024, explore and establish resource sharing agreements with partner agencies. 3. By 2025, implement enterprise-wide GIS-based solutions to support Zone 7 goals, including flood management.

ZONE 7 WATER AGENCY

Goal 6 – Communication and Engagement	
Effectively communicate and engage with the public and other stakeholders to deliver Zone 7's flood management projects and programs.	1. Develop a flood management communication and engagement plan integrated with Agency functions by 2024. 2. By 2023, enhance and establish communication protocols and associated agreements for flood emergency response with partner agencies. 3. By 2022, enhance communication protocols for routine flood O&M activities.

ZONE 7 WATER AGENCY

Goal 7 – Resource Agency Permitting	
Obtain permits in a timely manner to deliver flood management projects and programs.	1. By 2022, participate in, or convene, a natural resources coordinating body for regional agencies with flood management impacts or roles. 2. By 2026, adopt and implement a regional programmatic approach to routine O&M with the resource agencies. 3. By 2026, prepare a programmatic EIR to support the CIP (Objective 3.1).

ZONE 7 WATER AGENCY

What's next?

• Flood Management Plan	*to the Board June 2022*
• Guiding Principles	*May 2022*
• *Phase 2*	*late summer/early fall 2022*

Questions?

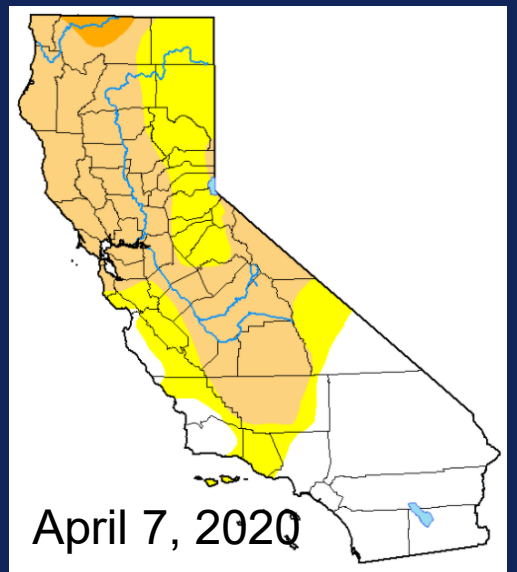
Tami Church
tchurch@zone7water.com

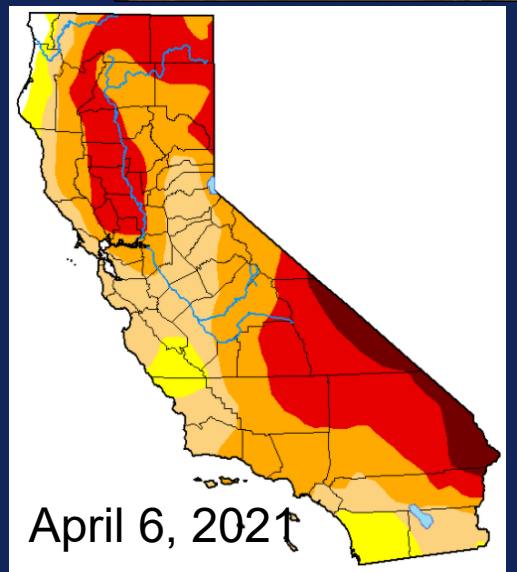
Questions for you

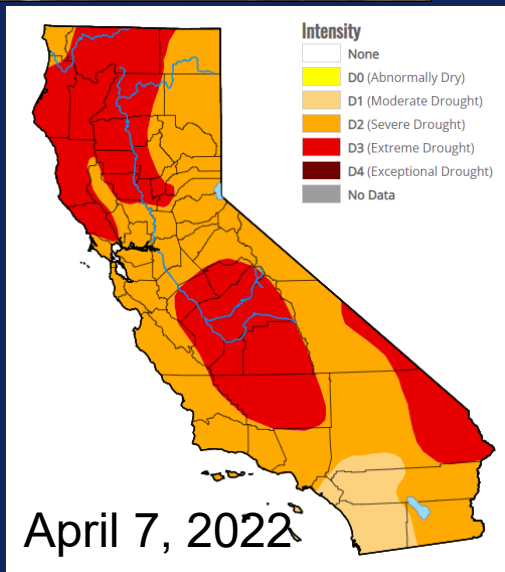
- What is the flood document your agency uses?
- How old is it?
- Do you feel it’s sufficient to do your work?

Alexander Valley FloodMAR

- Current conditions in the Russian River Watershed
- What can we learn from the past? Expect from the future?
- Alexander Valley FloodMAR
  - The need has never been greater
  - Scale and magnitude
  - Monitoring and demonstrating benefits
  - Overcoming challenges through partnerships

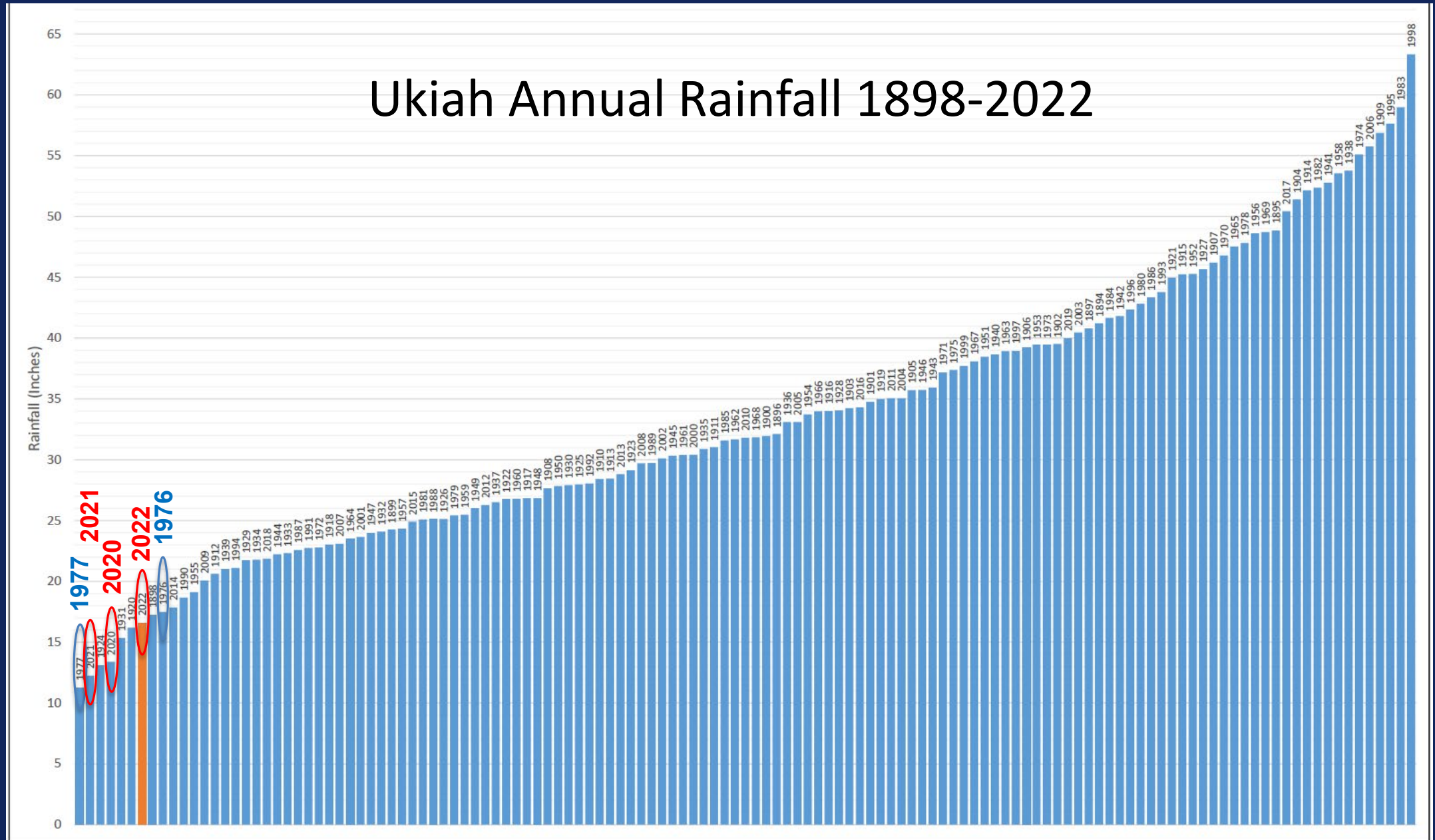




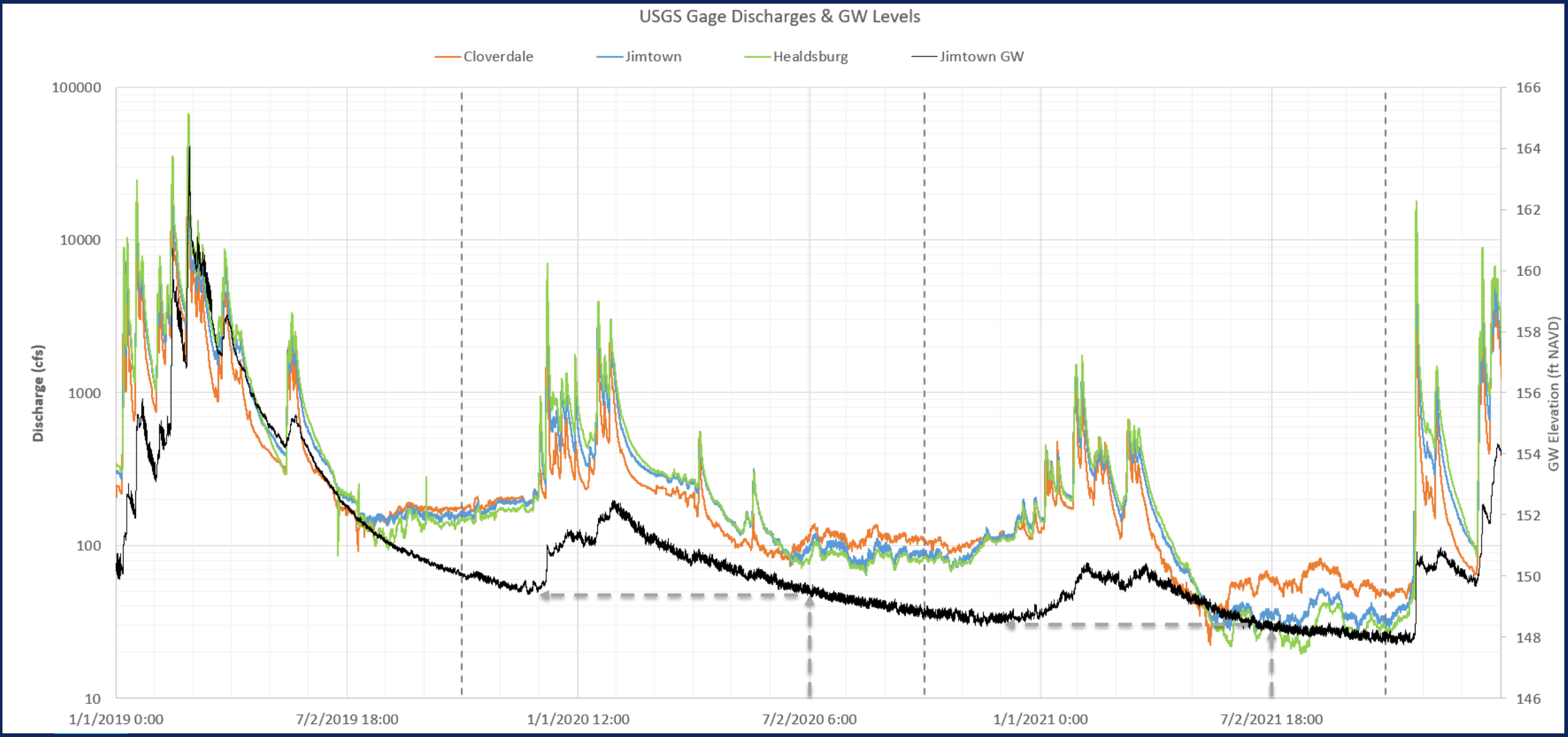


Sonoma Water

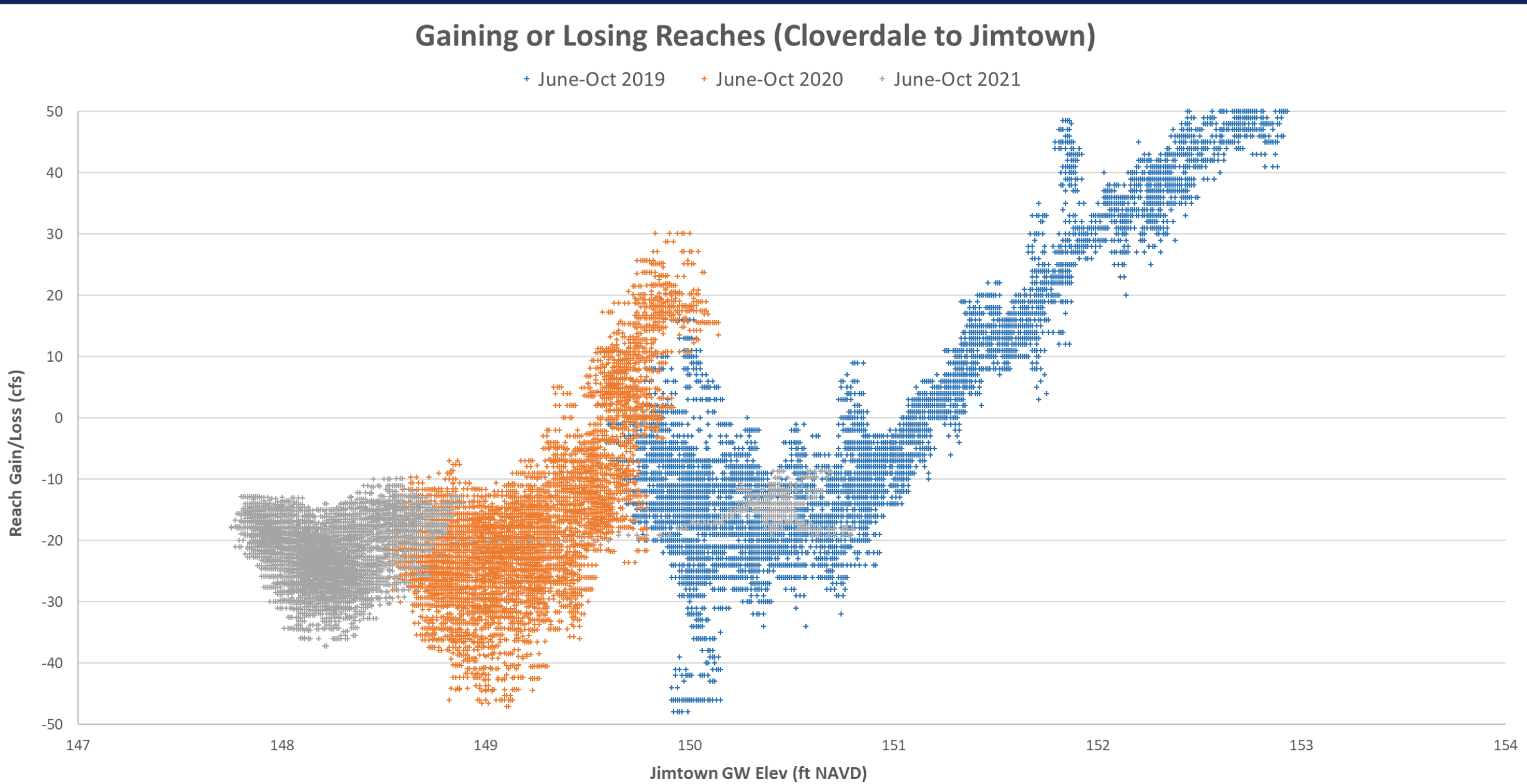
Current Rainfall Conditions



Current River Conditions



Current River Conditions



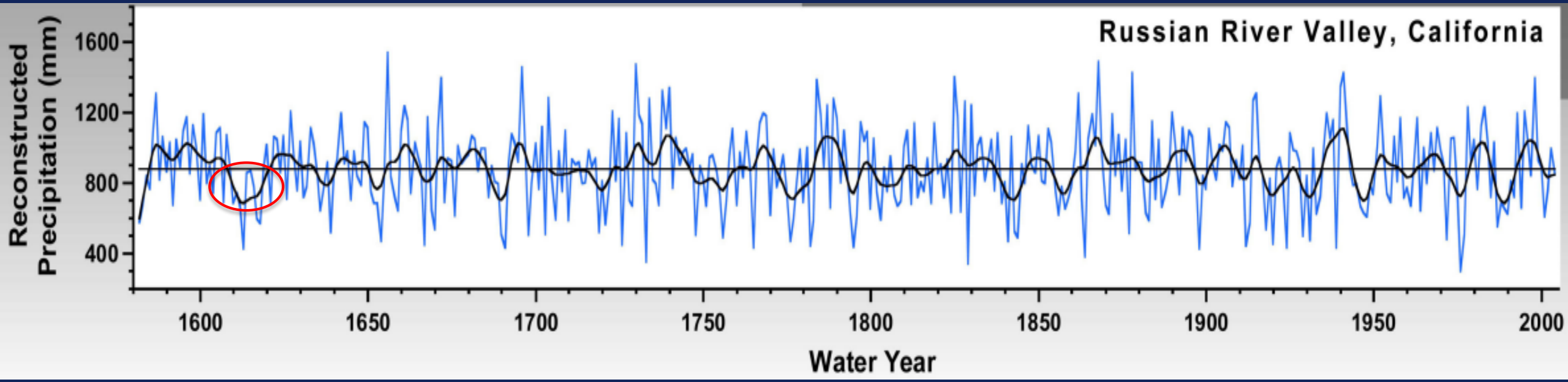
400-yr Record in the Russian River

- What can we learn from the past?

RUSSIAN RIVER VALLEY PRECIPITATION AND STREAMFLOW RECONSTRUCTED FROM BLUE OAK TREE RINGS

Daniel Griffin[1], Connie A. Woodhouse[1], and David W. Stahle[2]

1) Department of Geography and Regional Development, University of Arizona
2) Department of Geosciences, University of Arkansas



4) The full 423-year reconstruction of Russian River Valley precipitation is presented below. Annual values are plotted in blue and a 10-year spline is plotted in black. Note the extremely wet years 1998, 1941, 1868, 1730, 1672 and 1656. Some of the driest years in the reconstruction include 1976-77, 1864, 1829, 1733, and 1613. The reconstruction points to periods of persistent, sub-decadal drought in the late 1980's, the 1940's, the 1850's, the 1790's, the 1770's, the early 1690's, and the 1650's. The most prolonged drought in the reconstruction dates from 1610-1619, a ten year event with only 80% of average precipitation.

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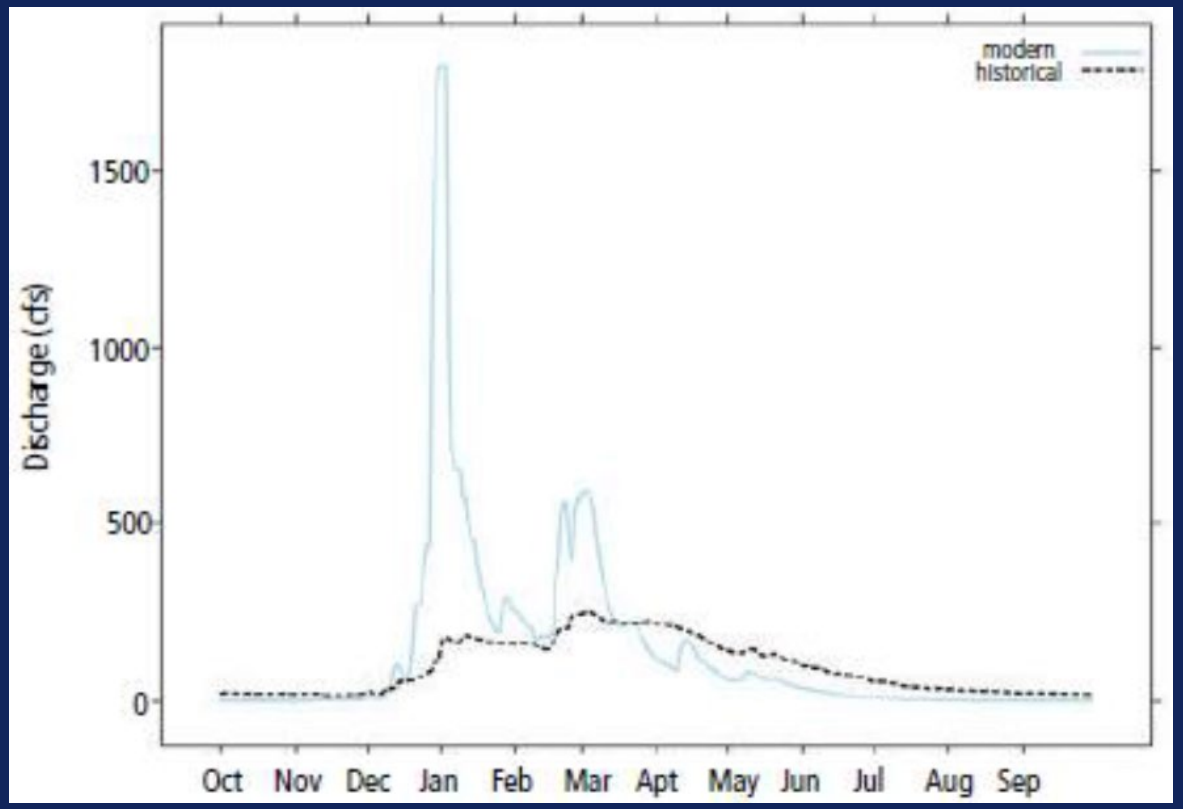
Historical Ecology and Hydrology

- Historical valley was complex
  - The “sponge” effect and higher water tables that discharged gradually to the river
  - Sustained summer and fall baseflows
- *How do we return to this?*
  - Much of it we’ll never get back
  - Opportunity to maximize existing infrastructure to beneficial uses
  - Innovation, partnerships, collaboration



SFEI, 2012

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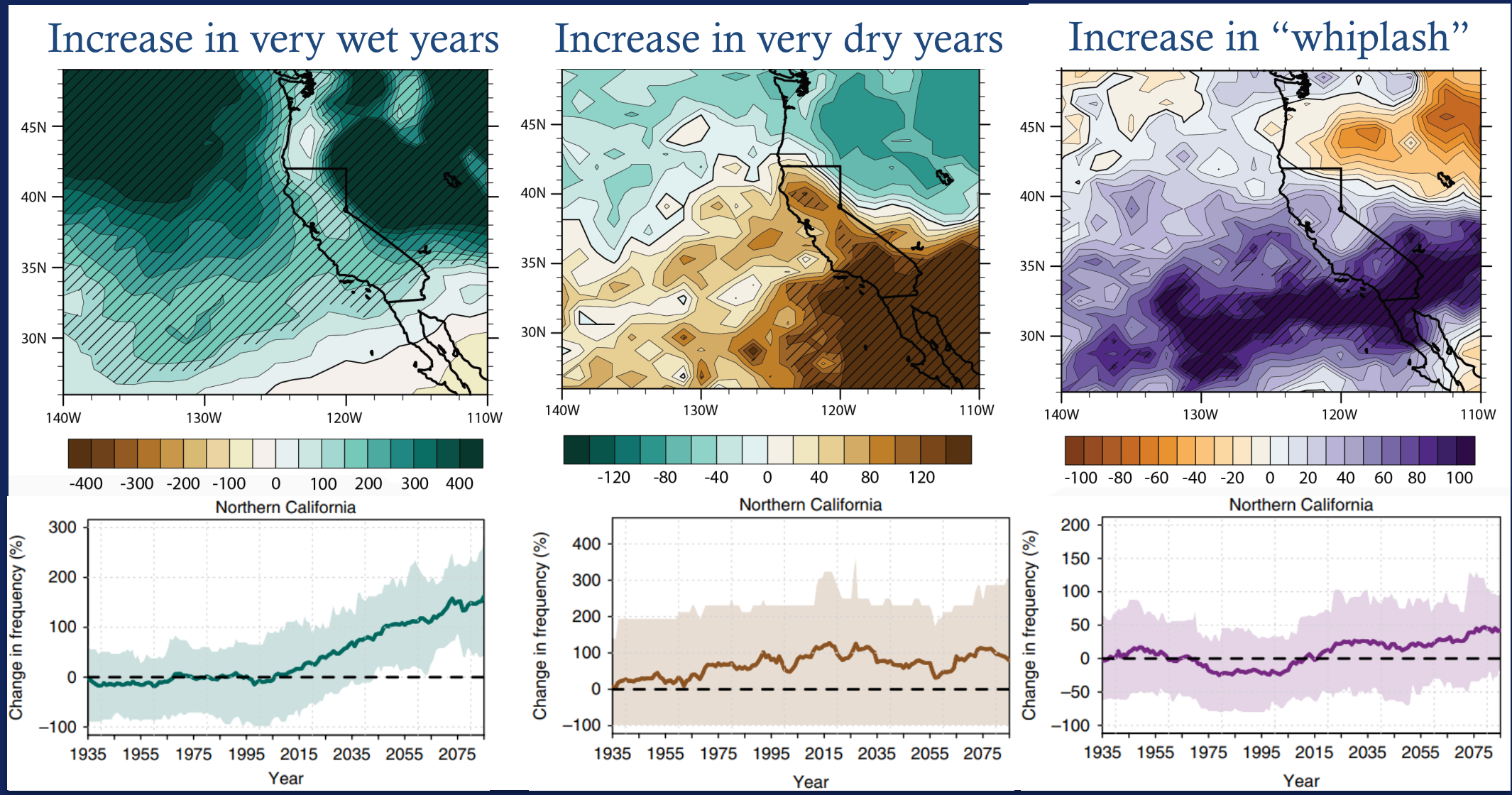
A wetter *and* drier future?

Large increase in both wet & dry extremes *despite little mean precip change!*



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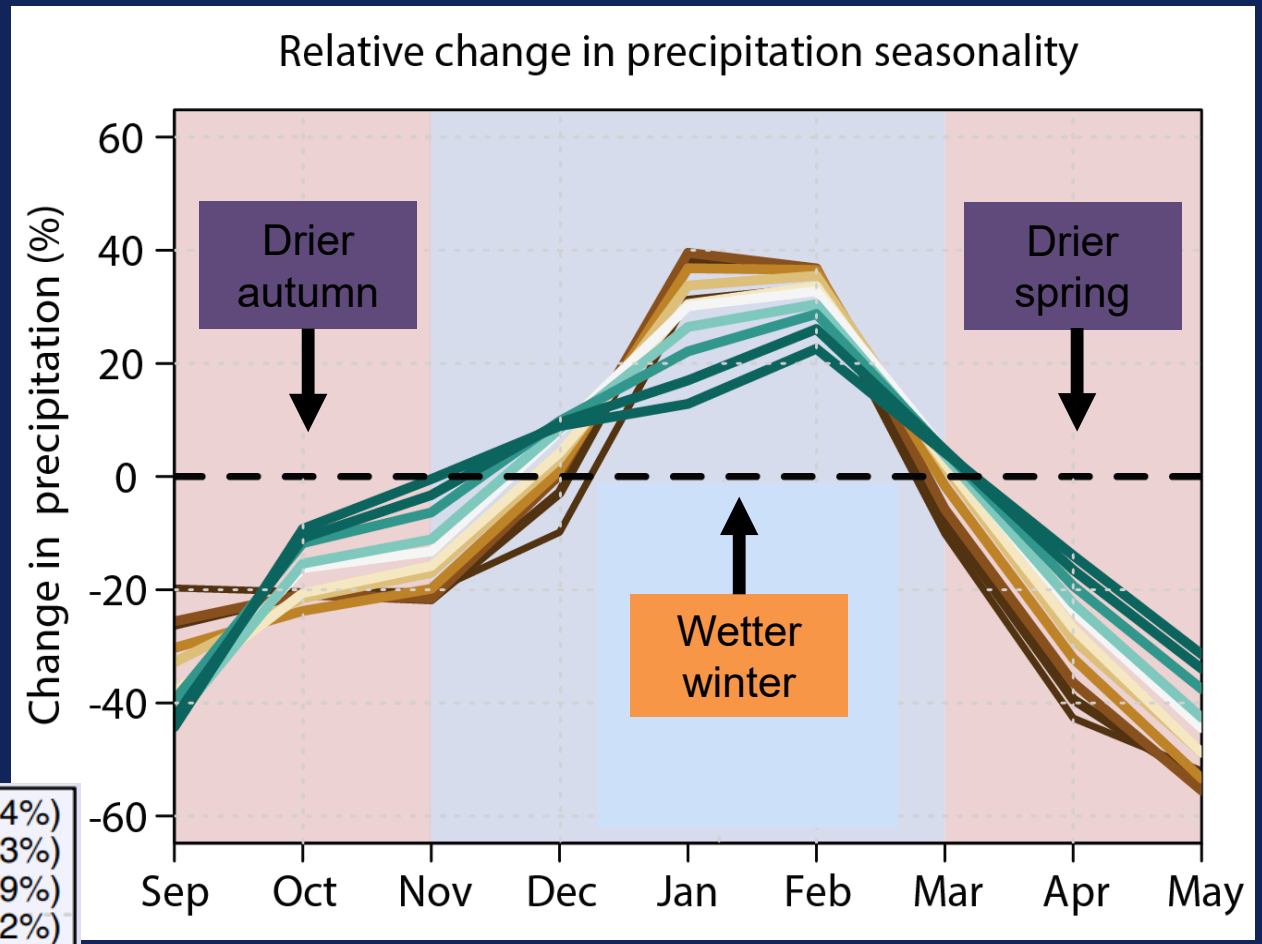
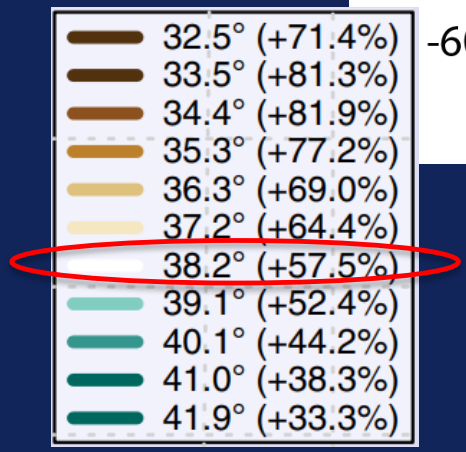
Swain et al. 2018

@Weather_West

“Peakier” rainy seasons?

- Drying trends in autumn & (especially) spring, strongest south
- Further “narrowing” of rainy season (w/modestly wetter winters)
- Key implications: wildfire risk, snowpack, ecosystem stresses, agriculture





Swain et al. 2018

@Weather_West

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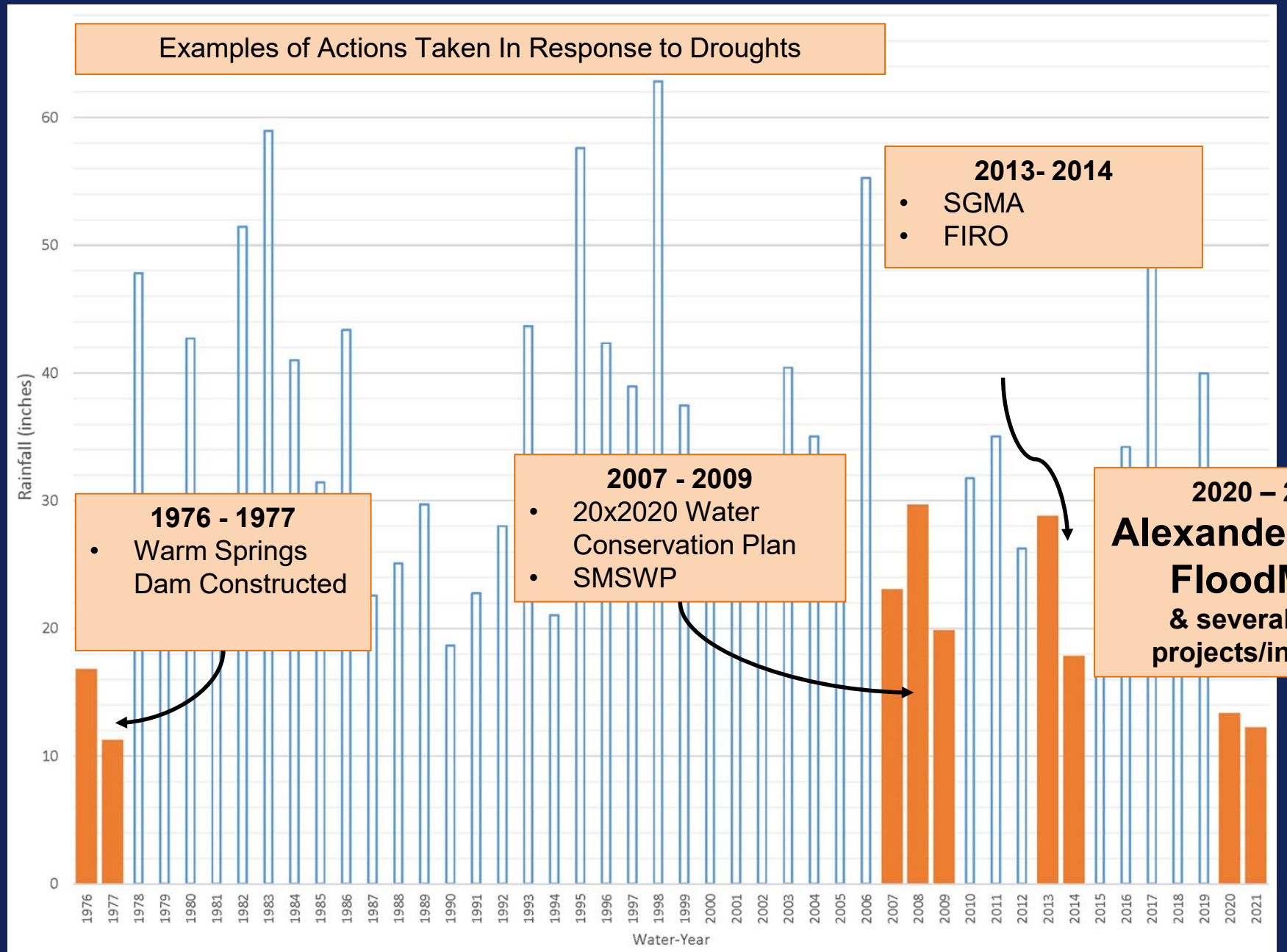
Past Droughts Have Led to Bold Action



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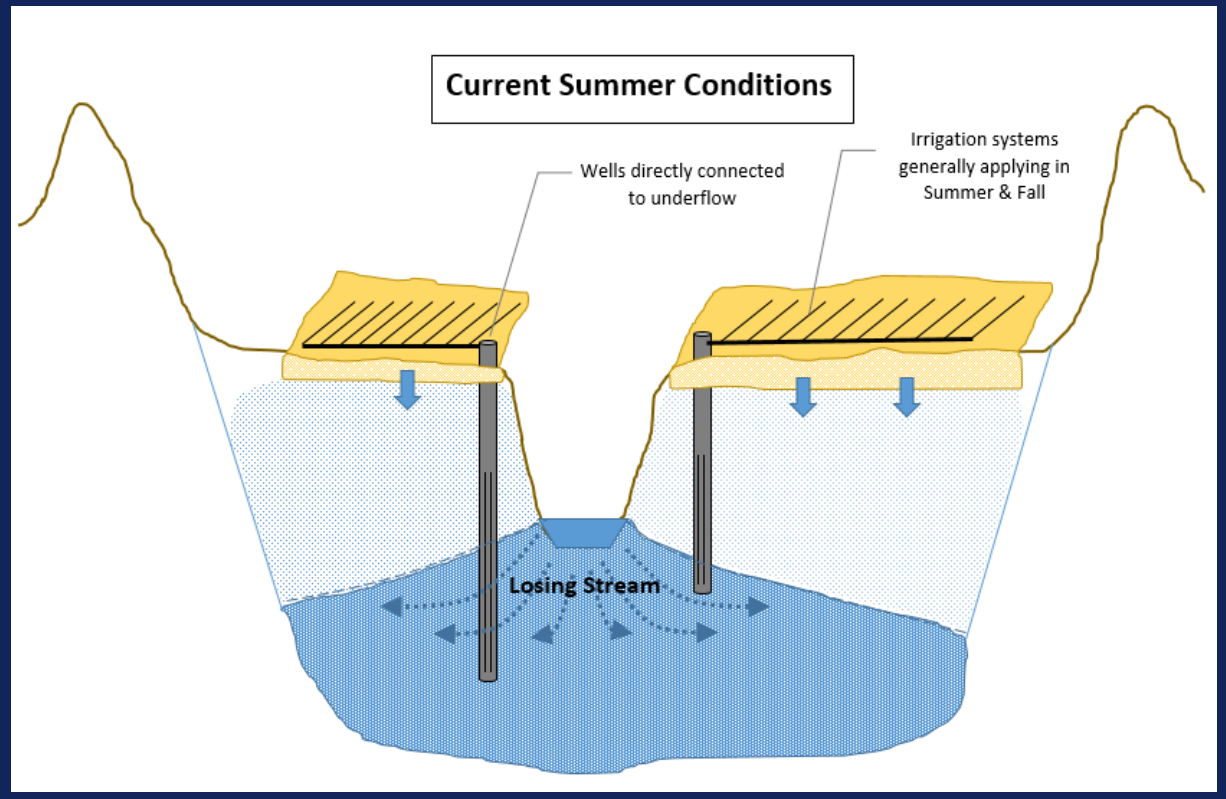
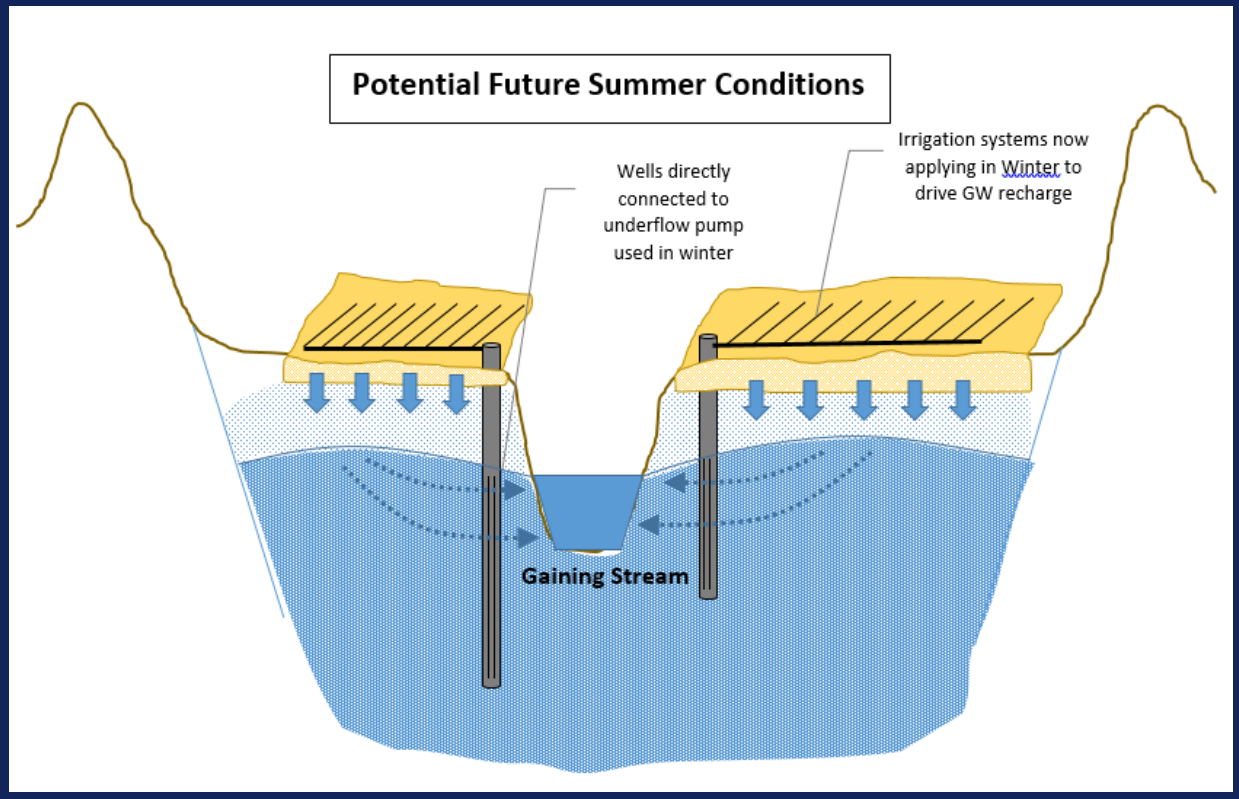
Alexander Valley FloodMAR Project

- Hard to overstate the significance of this moment
- Right mix of drought conditions, needs, ideas, people, and leadership → critical mass & catalyst for FloodMAR
- Ambitious in scale!
  - *Recharge 5,000 acre-feet of high winter flows from the Russian River (RR) through agricultural lands*
- Reimagining our biggest challenges as our biggest opportunities.
- Sonoma County's Climate Resilience Fund provided funding to assist Sonoma Water in monitoring and assessing spatial & temporal impacts to SW/GW interactions

Sonoma Water

Alexander Valley FloodMAR Initiative Project





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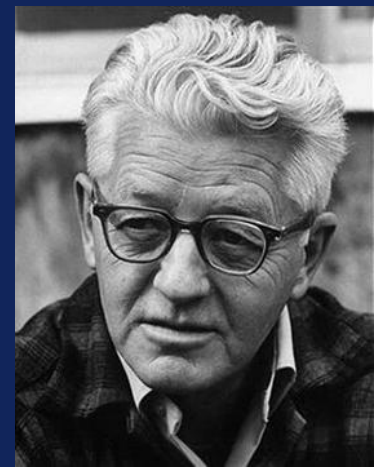
Creating Solutions, Building Resilience, and Taking Action

- Comprehensive and forward-thinking planning is needed – climate variability and change will test our resiliency
- Strategic investments in technology and partnerships
- There will be challenges to overcome
  - But the collective will is there
  - All driving towards a common goal
  - Overcoming paper hurdles

Sonoma Water

ONE CANNOT BE PESSIMISTIC ABOUT THE WEST. THIS IS THE NATIVE HOME OF HOPE. WHEN IT FULLY LEARNS THAT COOPERATION, NOT RUGGED INDIVIDUALISM, IS THE QUALITY THAT MOST CHARACTERIZES AND PRESERVES IT, THEN IT WILL HAVE ACHIEVED ITSELF AND OUTLIVED ITS ORIGINS. THEN IT HAS A CHANCE TO CREATE A SOCIETY TO MATCH ITS SCENERY.

-WALLACE STEGNER



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