**Bay Area Flood Protection Agencies Association (BAFPAA)**

**Guiding Principles and Legislative Priorities**

**General Statements:** The densely populated areas of the San Francisco Bay region are particularly vulnerable to climatic extremes, such as flooding, erosion, sedimentation, and the future impacts of sea level rise (SLR). In recent years, public flood districts have been expected to shoulder more of the burden of overall watershed health, social challenges such as homelessness/trash, and climate change planning/mitigation, overall stormwater quality, and the legacy of poorly sited development. Funding for flood districts continues to be severely limited and is inadequate to meet the challenges, so local, state, and federal resources need to be prioritized to address the most critical needs. The future of flood protection for the 7.8 million inhabitants in the greater Bay Area depends on the successful integration of both traditional (gray) and new nature-based flood protection approaches, as well as the removal of legacy barriers to SLR adaptation, to meet the challenges created by climatic extremes. BAFPAA represents the agencies around the Bay charged with meeting these immense challenges.

With these things in mind, the following general principles have been identified to provide adaptable, environmentally-friendly, fully-funded, and community-supported flood resiliency projects. The statements below represent a conglomerate of needs and may not be true for all flood districts.

**GENERAL PRINCIPLES**

1. *Nature-based Flood Resiliency Projects Are Preferred Where Feasible and Cost-Effective:* Flood districts desire to use the most environmentally-friendly techniques that are feasible, while still meeting the risk reduction goals. Risks come in the form of not only flooding, but also erosion and sedimentation. Long-term operations and maintenance need to be considered in permitting and budgets, since these types of projects will likely need to be carefully monitored and adapted through time. Some flood districts have built projects modeled on natural processes that did not perform as designed. Projects piloting more natural designs need to have flexible adaptive management built into permits and need to be a key budget consideration. To this end, BAFPAA supports funding for pilot studies and development of cost-effective engineering designs and performance monitoring that go beyond the publication of concept level designs. These designs could be better evaluated if flexible and expedited permitting and monitoring could be facilitated to allow timely implementation and any necessary modification to improve and evaluate designs especially during the operations and maintenance phase.
2. *Acknowledge That Nature Based Solutions (i.e., horizontal levees) or Restoration of Natural Functions to Pre-Development Conditions Are Not Always Possible:* Full natural functions of historical floodplains and tidal wetlands may not always be possible; therefore, State, local, and regulatory agencies need to partner with flood districts to develop projects that provide the highest public good, including natural physical and habitat functions, as possible, and thereby meet the goal of enhancing resiliency and the consideration of real world costs into project permitting.
3. *Environmental Regulatory Permitting Agencies Should Acknowledge That Flood Agencies Attempt to Include Watershed-Based Philosophies in Project Designs:* Overall watershed health is often considered when designing projects. Flood and regulatory agencies should have open communication to reduce regulatory hurdles, build trust, and provide for adaptive management through time to address changing climatic extremes. Flood risk reduction systems will need to be adapted to climatic extremes to improve resiliency. The limitations of what flood districts can bear financially need to be taken into account when projects are designed, permitted, and maintained. Pilot projects should be encouraged to find successful designs that incorporate adaptive management in the permitting process.
4. *Flood Risk Reduction Projects and Funding Need to Be Prioritized and Permitted Similarly to Other Risks Under the Climate Resiliency Umbrella by State and Local Governing Bodies:* Flood risk needs to be viewed in the same light as other impacts from climatic extremes, such as drought and wildfires, and should be included in resiliency portfolio of projects. Budgets need to reflect this priority and flood districts need to advocate for funding, support, and zoning that meets the needs of the impacted communities. The default model for regulatory permitting staff is a for-profit development or similar projects. Training and examples of alternative models should be made available to permitting staff to demonstrate how public agency projects that protect lives and property can also benefit the environment in the long-term. Cost should be an important consideration when evaluating mitigation for flood protection projects that may have long-term benefits that are not realized within the initial evaluation period. Unaffordable mitigation or permitting requirements are, in essence, a denial of the project, and unnecessary when considering that public agencies involved in flood risk reduction, unlike for-profit developers, remain intimately involved with their projects and the landscape for the long term and are as vested in the success of the mitigation as the resource agencies. Mitigating climatic extremes, such as flooding, should be an additional goal of the permitting agencies.
5. *Flood Districts Need to Have Greater Financial Resources and Flexibility:* Most flood districts are limited in funding to a portion of property taxes and subject to Proposition 13 and Proposition 218 restrictions. These factors limit their ability to increase funding to cover the costs of implementing flood resiliency projects and their long-term operation and maintenance costs. Because there is a fixed amount of funds available, this severely limits that ability of flood districts to borrow funds and facilitate larger projects. This also means that some zones within the district are not only underfunded but may have no funds at all. Developing a proactive, asset management plan is not always possible due to these funding limitations. Current funding limitations circumstances encourage reactive maintenance and project development.
6. *Many Disadvantaged Communities are Disproportionately Impacted:* Flooding and sea level rise will disproportionately impact low-lying areas as climate extremes intensify. Many low-lying areas also coincide with disadvantaged or underrepresented communities. The ability to borrow funds for projects in these areas are usually more limited, particularly if little or no property tax revenue allocated for flood protection is received from the flood zone. Projects providing flood risk reduction in low-lying and/or disadvantaged community areas should be given priority and expedited and streamlined permitting should be provided for timely project implementation. Funding for lower property tax areas or areas that receive no flood protection funds may not have the ability to finance projects or to contribute to matching funds. Likewise, for disadvantages communities, low-lying areas near the Bay margin, or other coastal communities, retreat may not be an option due to an inability to find other affordable housing. Therefore, flood protection solutions for disadvantaged communities must take into account their limited financial abilities.
7. *Larger Projects Need to be Implemented Through Alliances and Improved Land-Use Planning:* Adapting to climatic extremes can only be accomplished through careful coordination among multiple agencies, State and local governments, and the public. Facilitation to enhance communication and coordination among agencies needs to be fostered by the highest levels of government. Just as it is critical to plan for projected increases in population to allow for continued economic growth, it is also prudent to plan for enhanced flood protection, such as wider stream corridors, to create environmental and economic resiliency in communities. Growth and flood protection planning should be evaluated equally, and permitting authorities across different entities should be coordinated to provide for such evaluation.

**LEGISLATIVE PRIORITIES**

1. **Project Funding:** Increase funding for climate-extreme, flood resiliency projects and multi-benefit projects.
	1. Continually replenish the Flood Subventions Program account using bond proceeds, the General Fund, or other appropriately available and budgeted sources. The Subventions Program provides State funds that offset the non-federal costs of federally-authorized flood risk management projects. It is important for the State to adequately support projects through Subventions that embody the Administration’s and voters’ priorities, and to partner and cost share on federally-sponsored projects.
	2. Projects that provide substantial flood risk reduction should be eligible for grant funding without the requirement of having to be combined with other multiple benefits. Flood protection projects should be funded and viewed as just as important as water supply projects for the long-term overall health of communities when addressing climatic extremes.
	3. Provide specific funding to address risk to low-lying communities, including disadvantaged communities and vulnerable populations.
	4. Provide jurisdictionally balanced, specific funding to address projects that address climatic extremes, including flooding, erosion, and sedimentation.
	5. Flood Districts strive to create multi-benefit projects; however, historical land-use decisions have sometimes limited the ability of flood districts to design projects that meet all of the potential benefits that could be realized. In certain cases, this is the result of limited setbacks and constrained channels. Providing stronger guidance at the state level for prioritizing flood risk reduction and restoration/habitat corridors in the consideration of channel setbacks would be helpful to facilitate future multi-benefit projects.
	6. Explore modifications to Proposition 218 to allow flood districts to more flexibly address the long-term operations and maintenance of the flood system to adapt to climate extremes. One action BAFPAA has pursued is to define stormwater management (clean water, drainage and flood control systems) as utilities to afford the same opportunity to raise funding as water and wastewater management agencies have.
	7. In the absence of modifications to Proposition 218, provide specific funding to address renewal and replacement of existing flood facilities that have outlived their useful life.
2. **Regulatory Alignment with State Priorities:**
	1. Direction should be given to state regulatory agencies to align with legislative priorities. For example, if priority and funding are identified for sea level rise or drought preparedness, permit streamlining should be included as a part of related legislative packages.
3. **Regulatory Funding:** Provide funding support for regulatory agencies to address increased workload from grant projects.
	1. The provision of state regulatory staff to support projects should be included in any grant program.
	2. Provide State funding to cover the costs of staff to focus on permitting climate resiliency projects. These projects should not be permit fee driven.
	3. Provide direction to regulatory agencies to collaboratively develop guidelines and training schedules for permitting staff to equip them to facilitate faster permitting for climate resilient projects.
	4. Provide funding for the collaborative development of guidelines for the reuse of sediment, including the development of special standards for common contaminants or establishment of background levels.
4. **Community Alignment Funding**: Provide funding for regional coordination.