



ASSEMBLY COMMITTEE ON  
WATER, PARKS AND WILDLIFE

EDUARDO GARCIA  
CHAIR

## 2017 Legislative and Budget Actions Related to Dam Safety Background

Wednesday, January 10, 2018  
9:30 a.m. State Capitol, Room 4202

Following the Oroville disaster and May 11, 2017, joint oversight hearing, the Legislature passed several budget and policy measures to increase dam safety and accelerate flood protection.

Below is a short description of these changes.

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### Dam Safety Funding

The 2017 budget included \$8.3 million (General Fund) for dam safety as follows:

- \$6.5 million as a General Fund loan to the Dam Safety Fund, to be repaid from revenue generated from dam safety fees, and 12 positions, to support the following program enhancements:
  - \$3 million for the Department of Water Resources (DWR) Division of Safety of Dams (DOSD), to conduct more extensive evaluations of appurtenance structures, such as spillways, gates, and outlets; and,
  - \$3.5 million for the DWR to review and approve required inundation maps and coordinate the review of emergency plans.
- \$1.9 million and four positions to the Office of Emergency Services to review and approve dam-related emergency response plans, and coordinate with local emergency management agencies on incorporation into all-hazard emergency plans.

### Emergency Flood Response

The budget included \$111 million to accelerate Proposition 1 funds for flood control projects, with budget bill language specifying, among other things, that the funding must be spent in accordance with the framework established in the 2017 Central Valley Flood Protection Plan update and the Central Valley Flood Protection Plan Conservation Strategy, where applicable. The acceleration of funds for flood projects compliments the dam safety budget allocations and

policy changes to provide a more comprehensive response to dam and flood safety. The money was allocated as follows:

- \$55 million for Delta levee maintenance, flood risk reduction, and emergency response.
- \$7 million for Central Valley flood risk reduction projects including levee repairs and enhancements, creating and enhancing flood bypasses and floodplains.
- \$40 million for flood risk reduction projects in the Central Valley that also enhance ecosystems and water quality downstream. These projects are intended to reduce pressure on levee systems operated by the state while allowing for floodplain habitat for endangered salmon and steelhead.
- \$9 million for coastal watershed flood risk reduction.

### **Dam Safety Trailer Bill Language**

In addition to funding, the Legislature passed, as part of the comprehensive Resources and Environmental Protection trailer bill (SB 92 [Committee on Budget], Chapter 26, Statutes of 2017), an update to the state's dam safety policy. This legislation requires dams (except for low-risk dams) to have an emergency action plan that is updated every ten years, updated inundation maps every ten years, or sooner if specific circumstances change, and provide the DWR with enforcement tools, including fines and operational restrictions for failure to comply.

### ***SB 92 Requirements for Dam Safety—Department of Water Resources (DWR)***

- **Existing Law.** Existing law requires the DWR to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. This prohibits the construction or enlargement of any new dam or reservoir until the owner has obtained approval of plans and specifications from the DWR. Exemptions are allowed for certain farm, ranch and irrigation projects.
- **Classification of Dams.** SB 92 requires the DWR, not later than July 1, 2017, to classify the public safety risk of all state jurisdictional dams, as prescribed, and to revise the classification to reflect changes in downstream population, critical infrastructure, and land use.
- **New Requirements for Construction and Operation—Including Civil Penalty Authority.** SB 92 requires approval for dam construction and operation, and provides for penalties and fines for violations. The bill authorizes the DWR to impose reservoir restrictions and levy property liens on an owner of a dam who fails to comply with certain provisions relating to safety or any approvals; and authorizes a civil penalty of up to \$1,000 per day, in addition to any other penalty. SB 92 requires, if a dam is owned by

one or more persons or entities, that the owners form or delegate legal and financial authority to a single entity that is required to be responsible for the operation and maintenance, as well as the payment of any fees or other costs associated with dam ownership.

***SB 92 Requirements for Dam Safety—Office of Emergency Services***

- **Existing Law.** The California Emergency Services Act requires the Director of Emergency Services to coordinate the emergency services of all state agencies in connection with a state or local emergency. The act requires local governmental organizations, utilities, or other public or private owners of a dam to submit an inundation map that delineates potential flood zones that could result in the event of failure when the reservoir is at specified capacities and requires the Office of Emergency Services (OES) to review the maps to determine whether the maps meet prescribed requirements.
- **New Requirements for Emergency Preparedness.** SB 92 requires the owner of a dam that is regulated by the state be responsible for emergency preparedness with regard to the potential for loss of life and property resulting from the failure of a dam or its critical appurtenant structures. SB 92 requires the owner of a dam that is regulated by the state to prepare and submit an inundation map showing the area that would be subject to flooding under various failure scenarios unique to the dam and its appurtenant structures (dams classified as low hazard are exempted from this).
- SB 92 requires the owner of a dam to develop and submit to the DWR and the OES an emergency action plan with certain components, based upon the inundation map or maps approved by the department, and requires period updates to the plan, among other things.