

**WATER CODE - WAT**

**DIVISION 5. FLOOD CONTROL [8000 - 9651]**

*( Division 5 added by Stats. 1943, Ch. 369. )*

**PART 2. STATE FLOOD CONTROL [8300 - 8457]**

*( Part 2 added by Stats. 1943, Ch. 369. )*

**CHAPTER 1. General Powers of Department of Water Resources [8300 - 8307]**

*( Heading of Chapter 1 renumbered from Chapter 2 by Stats. 1969, Ch. 1115. )*

**8300.**

The department may make examinations of lands subject to inundation and overflow by flood waters and of the waters causing the inundation or overflow and may make plans and estimates of the cost of works to regulate and control the flood waters.

*(Amended by Stats. 1957, Ch. 1932.)*

**8301.**

Whenever the law provides for any drainage or improving or rectifying river channels or other work on any river or slough flowing into San Francisco Bay, San Pablo Bay, and Suisun Bay, or on the tide waters flowing into said bays, the management and control of the work is in the department, if no other agency is specified.

*(Added by Stats. 1943, Ch. 369.)*

**8302.**

The department shall have charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands.

*(Added by Stats. 1943, Ch. 369.)*

**8303.**

The department may purchase, construct and operate one or more dredges or any other needed appliances to promote or properly carry out the work of the department.

*(Added by Stats. 1943, Ch. 369.)*

**8304.**

The department may obtain or condemn any right-of-way necessary for any construction under this chapter.

*(Amended by Stats. 1975, Ch. 1239.)*

#### **8306.**

(a) Notwithstanding any other provision of law, the department may provide meals and other necessary support to any person, including, but not limited to, an employee of the department, who is engaged in emergency flood fight activities on behalf of, or in cooperation with, the department.

(b) For the purposes of this section, "emergency flood fight activities" mean actions taken under emergency conditions to maintain flood control features, the failure of which threaten to destroy life, property, or resources.

*(Added by Stats. 2007, Ch. 366, Sec. 5. Effective January 1, 2008. See identical section added by Stats. 2007, Ch. 368.)*

#### **8306.**

(a) Notwithstanding any other provision of law, the department may provide meals and other necessary support to any person, including, but not limited to, an employee of the department, who is engaged in emergency flood fight activities on behalf of, or in cooperation with, the department.

(b) For the purposes of this section, "emergency flood fight activities" mean actions taken under emergency conditions to maintain flood control features, the failure of which threaten to destroy life, property, or resources.

*(Added by Stats. 2007, Ch. 368, Sec. 4. Effective January 1, 2008.)*

#### **8307.**

(a) A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project. However, a city or county shall not be required to contribute if, after the amendments required by Sections 65302.9 and 65860.1 of the Government Code have become effective, the city or county complies with Sections 65865.5, 65962, and 66474.5 of the Government Code as applicable with respect to that development. This section shall not be construed to extend or toll the statute of limitations for challenging the approval of any new development.

(b) A city or county is not required to contribute unless an action has been filed against the state asserting liability for property damage caused by a flood and the provisions of subdivision (a) providing for contribution have been satisfied. A city or county is not required to contribute if the state settles the claims against it without providing the city or county with an opportunity to participate in settlement negotiations.

(c) For the purposes of this section:

(1) "State flood control project" means any flood control works within the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6.

(2) "Undeveloped area" means an area devoted to "agricultural use," as defined in Section 51201 of the Government Code, or "open space land," as defined in Section 65560 of the Government Code, that, as of January 1, 2008, is not already designated for development in a general or specific plan or by a local zoning ordinance.

(3) "Unreasonably approving" means approving a new development project without appropriately considering significant risks of flooding made known to the approving agency as of the time of approval and without taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.

(4) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) This section shall not apply to any land or projects for which an application for development has been submitted to the city or county prior to January 1, 2008.

*(Added by Stats. 2007, Ch. 367, Sec. 1. Effective January 1, 2008.)*

## **CHAPTER 2. Cooperation in National Flood Insurance Program [8325 - 8326]**

*( Chapter 2 added by Stats. 1969, Ch. 1115. )*

### **8325.**

The Legislature finds and declares the following:

(a) A large portion of the land resources of the state is subject to recurrent flooding causing loss of life and property, and there is a recognized public need in the state for flood insurance.

(b) The public interest will be served by state cooperation under a national flood insurance program, such as the National Flood Insurance Act of 1968 (Public Law 90-448; 82 Stat. 572).

*(Added by Stats. 1969, Ch. 1115.)*

**8326.**

For the purpose of providing state cooperation under a national flood insurance program, the department may:

- (a) Cooperate with the United States in carrying out studies and investigations with respect to the adequacy of local measures in flood-prone areas as to land management and use, flood control, flood zoning, and flood damage prevention.
- (b) Review and comment upon applications of local public agencies to the United States for making flood insurance available in specific areas.
- (c) Provide assistance to local public agencies by furnishing information on flood plains and in developing flood plain management plans.

*(Added by Stats. 1969, Ch. 1115.)*

**CHAPTER 3. Maintenance and Operation at Sacramento River Flood Control Project [8350 - 8371]**

*( Chapter 3 added by Stats. 1943, Ch. 369. )*

**ARTICLE 1. Adoption of Federal Policy [8350- 8350.]**

*( Article 1 added by Stats. 1943, Ch. 369. )*

**8350.**

The approval and adoption, by and on behalf of the State of California, of the conditions, plans, construction, and mode of maintenance and operation of works within the Sacramento River Flood Control Project, set forth in Senate Committee Print, Seventy-fifth Congress, First Session, as authorized and approved by Act of Congress, Public No. 392, Seventy-fifth Congress, approved August 26, 1937, including the holding and saving the United States from damages due to construction works, are continued in effect

**ARTICLE 2. Powers and Duties of Department of Water Resources [8360 - 8362]**

*( Heading of Article 2 amended by Stats. 1957, Ch. 1932. )*

**8360.**

On behalf of the State the department has supervisory powers over the maintenance and operation of the flood control works of the Sacramento River Flood Control Project.

*(Amended by Stats. 1957, Ch. 1932.)*

**8361.**

The department shall maintain and operate on behalf of the state the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of maintenance and operation shall be defrayed by the state:

- (a) The east levee of the Sutter Bypass north of Nelson Slough.
- (b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.
- (c) The collecting canals, sumps, pumps, and structures of the drainage system of Project No. 6 east of the Sutter Bypass.
- (d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass, and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.
- (e) The levees of the Sacramento Bypass.
- (f) The channels and overflow channels of the Sacramento River and its tributaries and the major and minor tributaries' flood control projects as authorized and defined in Sections 12648, 12648.1, and 12656.5.
- (g) The Knights Landing ridge cut flowage area.
- (h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.
- (i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.
- (j) All weirs and flood relief structures.
- (k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.
- (l) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.
- (m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin; excepting the portion of the southerly levee of Cache Creek lying upstream from State Highway Route 7 (U.S. 99W).
- (n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

(o) The levees of Tisdale Bypass from Tisdale Weir 4.5 miles easterly to Sutter Bypass.

(p) The flood relief structures or weirs and other structures or facilities essential for their proper functioning in the vicinity of the Sacramento River between Big Chico Creek and the north boundary of Glenn County Levee District No. 3.

*(Amended by Stats. 1987, Ch. 1090, Sec. 1. Effective September 24, 1987.)*

### 8362.

The department may contribute funds to the United States and expend funds appropriated or otherwise available to provide all lands, easements, and rights of way for bank revetment for the protection of levees above Cache Slough and the levee reconstruction, including the costs of all alterations to highways, road crossings, and drainage and irrigation facilities incident to the work and the State's contribution of one-third of the costs of bank revetment and levee construction, as provided for and required under the provisions of the Act of Congress, Public No. 392, Seventy-fifth Congress, approved August 26, 1937.

*(Amended by Stats. 1957, Ch. 1932.)*

## **ARTICLE 3. Duties and Liabilities of Districts and Public Agencies [8370 - 8371]**

*( Article 3 added by Stats. 1943, Ch. 369. )*

### 8370.

It is the responsibility, liability and duty of the reclamation districts, levee districts, protection districts, drainage districts, municipalities, and other public agencies within the Sacramento River Flood Control Project limits, to maintain and operate the works of the project within the boundaries or jurisdiction of such agencies, excepting only those works enumerated in Section 8361 and those for which provision for maintenance and operation is made by Federal law.

*(Added by Stats. 1943, Ch. 369.)*

### 8371.

The department shall, in connection with the flood control works of the Sacramento River Flood Control Project, make inspections and prepare reports which are required because of assurances given to the Secretary of the Army pursuant to Article 2 (commencing with Section 8615) of Chapter 3 of Part 4.

*(Amended by Stats. 1982, Ch. 454, Sec. 185.)*