

Flood plan is confiscation of property

State Senator Doug LaMalfa, Marysville Appeal-Democrat, 4-1-12

Senator LaMalfa's 4th District includes Colusa, Sutter and Yuba counties.

After years of development with little or no public input, the state Department of Water Resources has quietly submitted a proposal for the Central Valley Flood Protection Plan.

This is yet another example of the Legislature granting carte blanche to a state department that has so far not publicized a plan that would impact the lives and livelihoods of real people who have no idea what is coming.

Not only does this benign-sounding project boast a multi-billion-dollar price tag, but it assumes the confiscation and control of tens of thousands of acres of privately owned, often prime agricultural land extending from Butte County to Fresno County. Many, perhaps most, of the landowners who may be impacted are unaware that this far-reaching plan is nearly a done deal.

In 2007, the Legislature approved SB 5, a bill to require DWR to develop the Central Valley Flood Protection Plan. The stated purpose was to develop a system-wide improvement program for protecting residents and property from floods near the Sacramento and San Joaquin Rivers. S.B. 5 required that the draft plan be submitted to the Central Valley Flood Protection Board by January of 2012 and fully adopted by July of this year.

The recently released 162-page plan identifies 40,000 acres of land within the proximity of the project that DWR intends to claim for "setback levees" or "bypass expansions." Much of this is privately owned prime agricultural land.

There are many things I find disturbing about the plan; among them, the utter lack of public notification regarding the confiscatory impacts of the plan, particularly for the affected landowners, the minimal number of public hearings required, the loss of local control, the absence of any new or improved water storage facilities, the conversion of thousands of acres of private property for wildlife habitat, and the cost.

As far as I know, none of the landowners who will be affected by the state's confiscation of their property have been notified of the plan's potential impact. Landowners and local governments across the valley have been shocked to discover what has been planned for their communities without their knowledge. Notwithstanding the magnitude of the plan, the board is required to hold only two public hearings. That's right: Two. After those hearings, the board may simply adopt DWR's plan.

After that, DWR has the power of eminent domain, and may use it to claim private property or prevent development or agricultural use on private property. If the issue is flood control, why is it that new or improved highly effective reservoir capacity is nowhere to be found in the plan? Water storage facilities provide multiple benefits, including the measured release and retention of flood waters. Ironically, 10,000 acres of the confiscated property will be not for flood control but set aside for new wildlife habitat. It seems the plan must allow rodents burrowing through levees, the accumulation of sediments and debris in waterways as well as the incremental advancement of marshy tidelands that are known to obstruct the flow of flood waters. So which is this: flood control or even more bond money for habitat?

Local elected officials are excluded any right to vote on this regional project, and after 2025, local governments

will forfeit all authority to permit development in designated areas until 200-year flood protection levels are achieved (meaning a flood that might occur once every 200 years, or a risk of one-half of one percent in any given year). Additionally, the loss of property to eminent domain will consequently result in less property tax revenue to local governments.

The plan commits taxpayers to expenditures totaling between \$14 billion and \$17 billion over a 20-25 year period. The board anticipates \$5 billion from a 2006 flood control bond, but at least another \$5 billion in taxpayer-approved bond funding would be required, as well as federal funds to complete the project. At a time when both the state and federal governments are awash in red ink, these are significant financial assumptions to make.

It's a problem when a board of unelected bureaucrats can redefine 40,000 acres of prime agricultural land without notification, usurp local government of their land use authority and property tax revenue, commit billions in tax dollars we don't have to a flood control project that has no provision to store water — and think that no one will notice.

You have a right to know how your government's plans and actions may affect your property, your community and your future.