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CITY OF SACRAMENTO



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April 15, 1983

APPROVED
BY THE CITY COUNCIL

APR 19 1983

OFFICE OF THE
CITY CLERK

Honorable City Council
Sacramento, California

In re: AB 1522 (Connelly, Isenberg) - American River
Parkway Legislation

Members in Session:

DISCUSSION

AB 1522 would require all actions of state and local agencies to be consistent with the American River Parkway Plan. The Law and Legislation Committee asked that its action on the above bill be forwarded to the City Council for its information. The Committee voted 3-0 (Councilmember Shore absent) to support the bill if it is amended to:

1. address the concerns of the American River Flood Control District regarding flood control activities;
2. address City concerns regarding any present or future litigation challenging the validity of the Parkway Plan by allowing any action deemed necessary to the conduct or settlement of such litigation;
3. address the need for future public works projects in the Plan area by allowing public projects conducted or carried out within the Plan area; and,
4. assure the continuance of local planning authority by the Council and County Board of Supervisors.

The staff report to the Committee is attached.

RECOMMENDATION

The Law and Legislation Committee voted to support the bill if amended as indicated above.

Very truly yours,

Theodore H. Kobey, Jr.
THEODORE H. KOBEY, JR.
Assistant City Attorney

THK:kn

Attachment



CITY OF SACRAMENTO

DEPARTMENT OF COMMUNITY SERVICES
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CROCKER ART MUSEUM DIVISION
GOLF DIVISION
METROPOLITAN ARTS DIVISION
MUSEUM AND HISTORY DIVISION
RECREATION DIVISION
PARKS DIVISION
ZOO DIVISION

ROBERT P. THOMAS
DIRECTOR

April 13, 1983

G. ERLING LINGGI
ASSISTANT DIRECTOR

MEMORANDUM

TO: LAW & LEGISLATION COMMITTEE
FROM: ROBERT P. THOMAS, Director of Community Services
RE: AB 1522 (Connelly and Isenberg)

SUMMARY

This report presents information on Assembly Bill 1522 which adopts the American River Parkway Plan by the State of California. Staff recommends that the bill be amended to satisfy the concerns of the City.

BACKGROUND INFORMATION

On February 22, 1983 the City Council received draft language for an assembly bill sponsored by Assemblymen Connelly and Isenberg regarding the state adoption of the American River Parkway Plan. At this meeting, the Council directed staff to obtain more specific information about the proposed legislation and report back to the Law and Legislation Committee of the Council.

Following Council direction, staff has had several meetings with City and County staff, the American River Flood Control District staff, and Assemblyman Connelly to discuss the proposed legislation. Based upon these meetings, staff does not recommend City Council support of the bill in its present form for the following reasons:

1. The bill should be amended to address the concerns of the American River Flood Control District regarding flood control activities (refer to Attachment A).
2. The bill should be amended to address the City of Sacramento's concerns regarding pending litigation. Language should be inserted which allows any action deemed necessary by any local agency to the conduct or settlement of any litigation concerning the validity or effect of the American River Parkway Plan.

3. The bill should be amended to address the need for future public works projects of the City of Sacramento. Language should be inserted in the bill which allows any public project conducted or carried out by any local agency within the American River Parkway Plan area.

4. The bill should be amended to assure local planning authority of the Sacramento City Council and the Sacramento County Board of Supervisors.

RECOMMENDATION

It is recommended that the City seek amendments to AB 1522 as indicated above.

Respectfully submitted,



ROBERT P. THOMAS

Director of Community Services

RPT:kn

Attachments

ASSEMBLY BILL

No. 1522

Introduced by Assemblymen Connelly and Isenberg
(Coauthor: Senator Leroy Greene)

March 3, 1983

An act to add Chapter 10 (commencing with Section 5840) to Division 5 of the Public Resources Code, relating to the American River.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as introduced, Connelly. American River Parkway Plan.

(1) Under existing law, the Lower American River from Nimbus Dam to its junction with the Sacramento River is included in the California Wild and Scenic Rivers System.

This bill would adopt the American River Parkway Plan, as adopted by the City of Sacramento and the County of Sacramento pursuant to specified actions, so as to provide coordination with local agencies in the protection and management of specified resources of the American River Parkway. The bill would require actions of state and local agencies to be consistent with the plan and thus would impose a state-mandated local program, and would make related legislative findings.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is

made, and no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10 (commencing with Section
2 5840) is added to Division 5 of the Public Resources Code,
3 to read:

4
5 CHAPTER 10. URBAN AMERICAN RIVER PARKWAY
6 PRESERVATION

7
8 5840. This chapter shall be known and may be cited
9 as the Urban American River Parkway Preservation Act.

10 5841. (a) "American River Parkway Plan" means the
11 management plans adopted by the County of Sacramento
12 on March 9, 1976, by Resolution No. PO-76-22, and the
13 City of Sacramento on September 25, 1975, by Resolution
14 No. 75-477 and Ordinance No. 3581-4th Series, for the
15 Lower American River.

16 (b) "Lower American River" means that portion of
17 the American River between Nimbus Dam and the
18 confluence of the American River with the Sacramento
19 River and the adjacent lands as described in the
20 American River Parkway Plan.

21 (c) "American River Parkway" means the area
22 described in the American River Parkway Plan.

23 5841. (a) The American River Parkway and its
24 environs contribute to the quality of life within the City
25 of Sacramento and the County of Sacramento, enhance
26 the image of the city and the county as desirable places
27 to live, and thereby contribute to the economic
28 well-being of the community.

29 (b) The Lower American River sustains a myriad of
30 fish populations, including steelhead, king salmon,
31 striped bass, shad, and other fish and wildlife populations,
32 which in turn annually support millions of recreation
33 user-days and commercial, scientific, and educational

) 1 uses and benefits.

2 (c) The recreation capacity of the American River
3 Parkway is immense, including such diverse activities as
4 hiking, bicycling, picnicking, birding, horseback riding,
5 canoeing, kayaking, rafting, sailing, and power cruising.

) 6 (d) It is essential that the function of the Lower
7 American River and its environs, as a regional open space
8 resource within the center of the City of Sacramento and
9 County of Sacramento, be supported and maintained.

10 (e) Actions undertaken by a state agency can
11 drastically affect the American River Parkway and
12 negate planning steps taken by appropriate local
13 agencies.

14 (f) Adoption of the American River Parkway Plan by
15 the State of California provides necessary recognition so
16 that local planning efforts are eligible to receive planning
17 grants through the Land and Water Conservation Fund,
18 technical staff assistance through the National Park
19 Service, and financial assistance through the Soil
) 20 Conservation Service's Cooperative River Basin Planning
21 Program.

22 5842. The Legislature hereby adopts the American
23 River Parkway Plan so as to provide coordination with
) 24 local agencies in the protection and management of the
25 diverse and valuable natural land, water, native wildlife,
26 and vegetation of the American River Parkway. Actions
27 of state and local agencies shall be consistent with the
28 American River Parkway Plan.

29 5843. It is the intent of the Legislature that the duties
30 and responsibilities provided for in this chapter be
31 accomplished by utilizing existing staff resources and that
32 no additional funding be provided other than that which
) 33 is appropriated by the Legislature in the annual Budget
34 Act.

35 SEC. 2. No appropriation is made and no
36 reimbursement is required by this act pursuant to Section
37 6 of Article XIII B of the California Constitution or
38 Section 2231 or 2234 of the Revenue and Taxation Code
) 39 because the local agency or school district has the
40 authority to levy service charges, fees, or assessments

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AB 1522

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- 1 sufficient to pay for the program or level of service ()
- 2 mandated by this act.

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March 23, 1983

The Honorable Lloyd Connelly
Member of the Assembly
State Capitol
Sacramento, California 95814

Re: Lower American River

Dear Lloyd:

The American River Flood Control District Board of Trustees has directed me, as its attorney, to write to you regarding the possible impact of AB 1522 on flood control along the Lower American River.

The American River Flood Control District maintains the levees on both sides of the American River to the Cal-Expo site on the north and to Rancho Cordova on the south. The District is greatly concerned as to the limited floodway capacity of this reach of the River and the work which will be needed to protect and preserve that capacity.

The paramount interest and concern of the City of Sacramento regarding the Lower American River must be as a safe and reliable floodway for American River flood waters. Upon the reliability of that floodway depends the safety of the entire City as far as Sutterville Road on the south and to the north to high ground into what was formerly North Sacramento. Assurance of the integrity of that floodway requires two principle activities.

1. Maintenance and preservation of the levees and banks of the river against erosion. This requires protection by rock revetment where erosion has intruded into the bank, or even into the levee section, and where the bank or levee must be replaced and restored and protected by revetment against further erosion.

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- 2. Constant surveillance of the vegetation between the flood control levees within the overflow area, and periodic selective clearing, to assure that the continued capacity of the floodway is maintained.

If restricted and uncontrolled growth were to be allowed between the flood control levees, the overflow area could become so clogged with vegetation that it would not carry the flood waters and the levees would be over-topped, even if they were constructed of steel. The U. S. Bureau of Reclamation believes that existing vegetation has already reduced the capacity of the floodway below the amount of water which it was designed to carry.

Your bill, AB 1522, would require all actions of local agencies to be consistent with the American River Parkway Plan. There need be no conflict or inconsistency between the American River Parkway Plan and the flood control safety of the Lower American River provided flood control activities as needed, for either maintenance of the levee or control of vegetation required for floodway capacity, are specifically made paramount, and the recreational activities are recognized as being subordinate to flood control safety. No other order of priority could be appropriate considering the importance of this floodway to the safety of the City of Sacramento. Sacramento has been flooded more often and more recently from the American River than from the Sacramento. The American poses by far the greater threat.

The attempt by the Secretary of the Interior to include the Lower American River within the "wild and scenic rivers" authority, now in question as a result of a recent Court decision, was interpreted by the U. S. Corps of Engineers as probably preventing any federal assistance for flood control within the Lower American River. This would be most unfortunate from the standpoint of the safety of the City of Sacramento and should be carefully avoided in any state or federal actions which would impose further restrictions upon activities within that reach of the river.

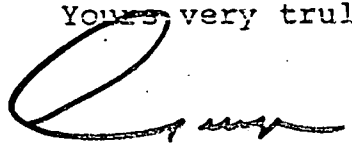
The District Trustees are confident that you would not allow any action which would impair the flood protection of the City of Sacramento. They urge, therefore, that you amend your bill to include a recital recognizing the importance of flood protection

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and providing a first priority for that protection. Your consideration for the flood control concerns of the American River Flood Control District are greatly appreciated.

Kindest regards.

Yours very truly,



George Basye

GB:pb

- cc: Assemblyman Phil Isenberg
- Senator Leroy Greene
- Robert Thomas, Director of Community Services
- John Varozza, City Engineer
- Joseph A. Alessandri, Chief, Water Resources
- ARFCD