

**Meeting of the Central Valley Flood Protection Board
September 27, 2013**

**Staff Report – Transmittal of City of Sacramento Utilities Department: Letter of Intent to
Submit a System-Wide Improvement Framework to the U.S. Army Corps of Engineers**

Sacramento County

1.0 – ITEM

Consider authorizing the Executive Officer to send a letter to the U.S. Army Corps of Engineers (USACE) transmitting a Letter of Intent (LOI) for a System-Wide Improvement Framework (SWIF) prepared by the City of Sacramento Utilities Department for the Maintenance Area (MA) 09 – City of Sacramento, American River left bank levee system (Levee System) as defined by the USACE’s Periodic Inspection dated January 2010.

2.0 – LOCATION

The Levee System is located partially within the City of Sacramento, and wholly within Sacramento County. It lies south of the American River and east of the Sacramento River. The levees covered by the proposed LOI for a SWIF consist of nearly 11 miles of levees along the left bank of the American River, and about 23 miles of levee along the left bank of the Sacramento River.

3.0 – AGENCY

The Local Maintaining Agencies (LMAs) in this Levee System are the California Department of Water Resources (DWR), City of Sacramento Utilities Department (City), and the American River Flood Control District (ARFCD). These LMAs have the responsibility of maintaining this levee system, and play a key role in planning, coordinating, and implementing flood risk reduction activities within the levee system. The City and ARFCD, member agencies of the Sacramento Area Flood Control Agency (SAFCA), in partnership with DWR, have undertaken significant levee improvements to the Levee System through programs that include the American River Common Features project, Joint Federal Project at Folsom Dam, the South Sacramento County Streams project, and USACE’s American River Common Features General Reevaluation Report (GRR).

The City will be taking the lead in developing a SWIF plan with the support and assistance of DWR, ARFCD, SAFCA, and CVFPB staff, as well as collaboration with USACE and environmental and historical resource agencies

4.0 – USACE PERIODIC INSPECTION

In January 2010, the USACE performed a Periodic Inspection (PI) of the Levee System. PIs are conducted to verify proper operation and maintenance; evaluate operational adequacy and

structural stability; identify features to monitor over time; and improve the ability to communicate the overall condition. The PI Report produced by the USACE for the Basin determined that the levee system was “Unacceptable,” which, upon the expiration of the California’s Central Valley Flood System Improvement Framework, resulted with an “Inactive” status for USACE Public Law 84-99 Rehabilitation and Inspection (RIP) assistance.

5.0 – PURPOSE OF THE LOI AND SWIF

USACE approval of the LOI will allow the City to move forward with the preparation of a SWIF that is intended to meet the policy and public safety objectives of USACE and the State of California concurrent with making improvements that address system-wide issues and correct unacceptable inspection items in a prioritized manner to optimize flood risk reduction. USACE approval of the LOI will make the levee system active for PL 84-99 RIP for a period of two years while the SWIF is being prepared.

If the SWIF is accepted by the USACE, the Levee System will remain eligible for USACE PL84-99 RIP, while the local levee maintainers perform the work described in the SWIF.

6.0 – STAFF RECOMMENDATION

As agreed to in the initial operations and maintenance assurances to the USACE, the CVFPB serves as the non-federal sponsor for all of the State-federal project levees within the jurisdiction of the Sacramento-San Joaquin Drainage District, including the MA-09 – City of Sacramento, American River left bank levee system. In this capacity, it is the CVFPB’s responsibility to transmit the LOI and subsequent SWIF to the USACE on behalf of the LMAs.

Staff has reviewed the draft LOI (See Attachment 2) submitted by the City, and finds that it adequately addresses the six requirements for submitting a LOI for a SWIF as described in the USACE’s November 29, 2011 Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs) (See Attachment 4).

Staff has received formal statements of support for the LOI from the Levee System’s LMAs. In order to submit the LOI as soon as possible, the City has requested that the CVFPB authorize the Executive Officer to transmit the LOI once finalized and signed. Staff agrees with this request and is recommending that the CVFPB authorize the Executive Officer to finalize a letter of transmittal to the USACE and forward it with the signed LOI to the USACE.

7.0 – ATTACHMENTS

1. Draft Letter of Transmittal to USACE.
2. Draft Letter of Intent Prepared by the City of Sacramento Utilities Department
3. Letters of Support from DWR and ARFCD for an LOI for a SWIF.

4. Excerpt from USACE Policy for Development and Implementation of System-Wide Improvement Frameworks, dated November 29, 2011.

CENTRAL VALLEY FLOOD PROTECTION BOARD

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SACRAMENTO, CA 95821
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September 17, 2013

Colonel Michael J. Farrell
District Commander
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

Subject: Maintenance Area 09 – City of Sacramento, American River left bank levee system (Levee System) – Letter of Intent for Developing and Implementing a System-Wide Improvement Framework Plan

Colonel Farrell:

The Central Valley Flood Protection Board wishes to notify the U.S. Army Corps of Engineers (USACE) by this letter that the local maintaining agencies within the Levee System intend to develop and implement a System-Wide Improvement Framework (SWIF) plan in order for the Levee System to retain eligibility for rehabilitation assistance as authorized under Public Law 84-99. The City of Sacramento Department of Utilities (City) will lead the SWIF effort, supported by partner agencies, the California Department of Water Resources and the American River Flood Control District.

The system levees were originally constructed by local interests and USACE. Improvements and remedial measures to bring the levees up to Federal standards were implemented over the course of their existence, but due to the less rigorous State and Federal encroachment permitting standards of the past, some areas of the Levee System received unacceptable ratings in recent USACE periodic inspection reports.

USACE approval of this Letter of Intent (LOI) will allow the City and its partners to move forward with preparation of a SWIF intended to meet the policy and public safety objectives of USACE, the State of California, and local maintaining agencies, concurrent with making improvements that address system-wide issues and correct unacceptable inspection items in a prioritized manner to optimize flood risk reduction.

Colonel Farrell
September 17, 2013

We respectfully submit this Letter of Intent on behalf of the Levee System's local agencies in accordance with the USACE November 29, 2011 *Policy for Development and Implementation of System-Wide Improvement Frameworks*, and request a two-year extension of eligibility for Public Law 84-99 rehabilitation assistance for the Levee System while the City develops and implements a SWIF. Upon approval of this Letter of Intent the City will commence efforts to develop a SWIF for USACE approval.

Sincerely,

Jay S. Punia
Executive Officer

Attachments: City of Sacramento – American River Flood Control District – State Maintenance Area 09—Letter of Intent to Develop and Implement a System-Wide Improvement Framework

cc: Mr. David Brent, Director of Utilities
City of Sacramento Department of Utilities
1395 35th Avenue
Sacramento, California 95822

Mr. Tim Kerr, General Manager
American River Flood Control District
165 Commerce Circle, Suite D
Sacramento, California 95815

Mr. Keith Swanson
Department of Water Resources

Mr. Noel Lerner
Department of Water Resources

Mr. Len Marino
Central Valley Flood Protection Board

City of
SACRAMENTO
Department of Utilities

September 9, 2013
130207:BB:dt

Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

SUBJECT: City of Sacramento – American River Flood Control District – State Maintenance Area 09 - - Letter of Intent to Develop and Implement a System-Wide Improvement Framework

Dear Mr. Punia,

The City of Sacramento, American River Flood Control District (ARFCD) and State Maintenance Area 09 (MA-09) intend to cooperate in the preparation of a System-Wide Improvement Framework plan to address maintenance issues affecting the levee system protecting the Sacramento urban area south of the American River. The Sacramento Area Flood Control Agency (SAFCA) is the regional flood control agency formed under a joint powers authority agreement between the City of Sacramento, Sacramento County, Sacramento County Water Agency, Sutter County, Sutter County Water Agency, Reclamation District 1000 and the American River Flood Control District. SAFCA plays a vital role in planning, coordinating and implementing flood risk reduction activities within the region, and we expect that some of SAFCA's initiatives, including those in partnership with other agencies, will be included in the SWIF.

The City of Sacramento Utilities Department is taking the lead in developing the supporting materials for a Letter of Intent (LOI) for a System-Wide Improvement Framework (SWIF) plan and coordinating with ARFCD and MA-09 in order for the levee system to regain eligibility for rehabilitation assistance authorized under Public Law 84-99. The ARFCD Board is scheduled to meet on September 13th to take action on participating in this effort; a letter to the CVFPB stating such intent will follow. The Department of Water Resources, operator of MA-09, will be sending CVFPB a letter stating DWR's intent to cooperate with the City and ARFCD and support SWIF development efforts within the parameters of DWR's maintenance responsibilities and practices.

As the Central Valley Flood Protection Board (CVFPB) is the agency which provided the initial operations and maintenance assurances to the U.S. Army Corps of Engineers (USACE) for the levee system, we respectfully request that the CVFPB forward this package to the USACE on behalf of the City, ARFCD and MA-09

Should you have any questions, please do not hesitate to contact me at 916-808-1444.

Sincerely,



David Brent
Director of Utilities

City of Sacramento Department of Utilities
916-808-1400
1395 35th Avenue
Sacramento, CA 95822

City of
SACRAMENTO
Department of Utilities

Attachment

Support Information, City of Sacramento - American River Flood Control District –
State Maintenance Area 9, Letter of Intent to prepare System-Wide Improvement Framework

cc: American River Flood Control District
Attn: Mr. Tim Kerr, General Manager
165 Commerce Circle, Suite D
Sacramento, CA 95815

Department of Water Resources
Division of Flood Management, Attn: Mr. Mark List
P.O. Box 219000
Sacramento, CA 95821-9000

*September 2013***Attachment - Support Information****City of Sacramento - American River Flood Control District - State Maintenance Area 9
Letter of Intent to prepare System-Wide Improvement Framework*****Introduction and Organization***

All levees covered by this Letter of Intent (LOI) were constructed by local interests, the U.S. Army Corps of Engineers (USACE), are sponsored by the Reclamation Board (now Central Valley Flood Protection Board - CVFPB), and are part of the Sacramento River Flood Control Project and the American River Flood Control Project. The CVFPB has separate agreements with local maintaining agencies (LMAs) to perform the actual maintenance. The levees covered by this LOI are maintained by the following entities: State Maintenance Area 9 (MA-09) operated by the California Department of Water Resources (DWR) at local expense; City of Sacramento, by and through the City's Utilities Department (City); and American River Flood Control District (ARFCD).

As described below, some segments of the American and Sacramento River levees were inspected by USACE as reported in USACE's Periodic Inspection Report (PIR) "MA 09 – CITY OF SACRAMENTO, AMERICAN RIVER LEFT BANK / CALIFORNIA, PERIODIC INSPECTION REPORT NO. 1, January 2010" (see enclosed system map). The LOI expresses the intent to prepare a System-Wide Improvement Framework (SWIF) to address levee segments in the system protecting the area south of American River.

This submittal has been prepared by the Sacramento City Utilities Department in cooperation with ARFCD and MA-09. The Utilities Department is the City department responsible for operation and maintenance of Sacramento River left bank from Sutterville Road upstream to near the mouth of the American River. The City and ARFCD are member agencies of the Sacramento Area Flood Control Agency (SAFCA), which is a joint powers agency (local agency) created under the applicable provisions of the California Government Code. SAFCA's member agencies consist of the City of Sacramento, Sacramento County, Sacramento County Water Agency, Sutter County, Sutter County Water Agency, Reclamation District 1000 and the American River Flood Control District. SAFCA, in cooperation with CVFPB, DWR, USACE and the U.S. Bureau of Reclamation (USBR), is advancing other efforts to reduce flood risk in the basin. SAFCA is cooperating in the American River Common Features project, Joint Federal Project at Folsom Dam, the South Sacramento County Streams project, and USACE's American River Common Features General Reevaluation Report (GRR). It is anticipated that SAFCA will facilitate or implement some of the system-wide improvement framework plan to be developed.

The City is submitting the Letter of Intent and supporting information. ARFCD and DWR will submit separate letters of support for the LOI to the CVFPB for endorsement to USACE, and intend to participate in the SWIF preparation and implementation.

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

Identification of Levee System

All levees covered by the LOI were constructed by local interests and USACE, and are part of the Sacramento River Flood Control Project and the American River Flood Control Project. Further improvements have been or are being made under the Sacramento Urban Area Levee Reconstruction project and the American River Common Features project. The levee system along the American River and Sacramento River is identified as “MA-09 – City of Sacramento – American River left bank” in the National Levee Database. The non-Federal sponsor for this levee system is the CVFPB. This is the levee system inspected by USACE as reported in USACE’s PIR “MA 09 – CITY OF SACRAMENTO, AMERICAN RIVER LEFT BANK / CALIFORNIA, PERIODIC INSPECTION REPORT NO. 1, January 2010.” The system, currently inactive in the Public Law (PL) 84-99 Rehabilitation and Inspection Program (RIP), is comprised of the five segments identified below:

National Levee Database System Name	National Levee Database Segment Name	National Levee Database FC System ID Number	National Levee Database FC Segment ID Number	Maintaining Entity
MA-09 – City of Sacramento – American River left bank	American River FCD - Unit 4, American River left bank	5205000441	5204000394	ARFCD
MA-09 – City of Sacramento – American River left bank	American River FCD - Unit 5, Sacramento River	5205000441	5204000399	ARFCD
MA-09 – City of Sacramento – American River left bank	City of Sacramento - Sacramento River left bank	5205000441	5204000441	City of Sacramento
MA-09 – City of Sacramento – American River left bank	Maintenance Area 09 - Sutterville Rd to Freeport	5205000441	5204000611	MA – 09
MA-09 – City of Sacramento – American River left bank	Maintenance Area 09 - Freeport to Snodgrass Slough *	5205000441	5204000612	MA – 09

*Note: Two segments reported in PIR, Freeport to Hood (MA9B) and Hood to Snodgrass Slough (MA9C) have since been combined into one segment in the National Levee Database as “Maintenance Area 09 - Freeport to Snodgrass Slough”.

The Sacramento area behind the levee system downstream to about Freeport has a population of about 450,000, about 134,000 structures, and an estimated value of physical property of about \$70 billion. Downstream of Freeport is a more rural area of Sacramento County with small communities such as Hood.

Description of Deficiencies and Justification of SWIF Approach

Deficiencies for the American River and Sacramento River levees were identified in USACE’s PIR “MA 09 – CITY OF SACRAMENTO, AMERICAN RIVER LEFT BANK / CALIFORNIA, PERIODIC INSPECTION REPORT NO. 1, January 2010.” While unwanted vegetation growth was rated unacceptable in all segments, it was not considered likely to prevent performance in the next flood event. Table 1 below summarizes the ratings in the PIR for each of the segments inspected, with Unacceptable items to be addressed in SWIF.

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

Table 1. Levee deficiencies identified in PIR for each levee segment, and status in Rehabilitation and Inspection Program (RIP) under provisions of PL 84-99.

	ARFCD - Unit 4, American River left bank (10.67 miles)	ARFCD - Unit 5, Sacramento River (0.41 miles)	City of Sacramento- Sacramento River left bank (3.69 miles)	MA 09 - Sutterville Rd to Freeport (11.21 miles)	MA 09 - Freeport to Hood (6.59 miles)	MA 09 - Hood to Snodgrass Slough (1.81 miles)
Operations and Maintenance Manuals	M	M	M	M	A	A
Emergency Supplies and Equipment	A	A	A	A	A	A
Flood Preparedness and Training	A	A	A	A	A	A
Unwanted Vegetation Growth	U	U	U	U	U	U
Sod Cover	A	A	M	M	M	A
Encroachments	U	U	U	U	U	U
Closure Structures	N/A	N/A	N/A	N/A	N/A	N/A
Slope Stability	M	A	M	M	M	M
Erosion/Bank Caving	M	M	M	M	M	M
Settlement	A	A	A	A	A	A
Depressions/Rutting	M	A	A	M	A	A
Cracking	A	A	A	A	A	A
Animal Control	M	M	M	M	M	M
Culverts/Discharge Pipes	N/A	N/A	N/A	N/A	N/A	N/A
Riprap Revetments & Bank Protection	M	M	M	M	M	A
Revetments other than Riprap	N/A	N/A	M	M	N/A	N/A
Underseepage Relief Wells / Toe Drain Systems	N/A	N/A	N/A	N/A	N/A	N/A
Seepage	A	A	A	A	U	A
Flood Wall	U	N/A	U	N/A	N/A	N/A
RIP Status	<i>Inactive</i>	<i>Inactive</i>	<i>Inactive</i>	<i>Inactive</i>	<i>Inactive</i>	<i>Inactive</i>

A = Acceptable M = Minimally Acceptable U = Unacceptable N/A = Not Applicable

U
U

Likely Prevents Performance in Next Flood Event

Not Likely to Prevent Performance in Next Flood Event

Note: National Levee Database combines "Freeport to Hood" and "Hood to Snodgrass Slough" segments and lists as "Freeport to Snodgrass Slough" Segment 5204000612.

Encroachments and unwanted vegetation growth make up a substantial number of deficiencies listed in the USACE Unacceptable Items lists. Though these would appear to be the more significant risks to safety in the basin, extensive analyses by DWR (Urban Levee Evaluation

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

Program), and USACE (American River Common Features GRR) disclose that the consequences of deep underseepage pose a greater hazard to the basin than vegetation and encroachments. Tackling these issues along this levee system will reduce flood hazard and consequences in a risk-prioritized manner over time. As part of the SWIF, MA-09, the City and ARFCD in coordination with the CVFPB will present a plan for addressing “unwanted vegetation growth” in light of complex environmental issues related to endangered species and permitting and compliance requirements for encroachments because of complex property rights issues. Given the complexity of resolving the encroachment deficiencies due to property rights and permitting issues, and the complexities in resolving vegetation issues due to endangered species habitats and permitting, such efforts would be best completed through a SWIF process. MA-09, the City and ARFCD in coordination with the CVFPB will take a worst-first prioritized approach with the overall goal of correcting outstanding deficiencies to improve the flood control system. MA-09, the City and ARFCD will continue levee maintenance under California Water Code Sections 8370 and 12878 as guided by the standard and supplemental O&M manuals, integrating the levee vegetation management approach embodied in the Central Valley Flood Protection Plan, and continue to prioritize investment into those operation and maintenance activities addressing the highest risk.

Commitment of Non-Federal Resources towards the SWIF

The LMAs have the following resources available to continue to address maintenance, encroachment, vegetation and other issues.

American River Flood Control District - Revenues are raised through a special benefit assessment on properties in the District that benefit from the flood protection provided.

Maintenance Area 9 – Revenues are raised by assessing the beneficiaries under special authority given by State law. On June 28, 2013, DWR staff briefed the CVFPB on how Maintenance Area budgets are being developed to address unacceptable items identified in USACE’s PIRs.

City of Sacramento – Revenues are raised by fees, assessments, taxes, and agreements with other agencies.

In addition, SAFCA has and will continue to participate in capital improvement projects in the Sacramento area, with efforts funded through the Consolidated Capital Assessment, passed in 2007. This assessment also has a maintenance component which is shared with its member agency levee maintaining entities.

SAFCA also is participating in the American River Common Features GRR efforts with CVFPB, DWR and USACE. The intent of the sponsors is to develop a plan that will either meet the requirements, or be able to achieve an approved variance, of the Corps requirements and the State Urban Levee Design Criteria for encroachments, real estate, access, and vegetation. The intent of the LMAs is to develop a System-Wide Improvement Framework to

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

reflect vegetation, encroachment, real-estate, and other issues being addressed as part of the plan being developed for the GRR.

Funds also may be available from the State of California Department of Water Resources (DWR) which administers funds from two bonds approved by the people of California in 2006, Proposition 84 and Proposition 1E, which provide funding for flood management improvements. DWR has also expended significant resources in the Urban Levee Evaluation (ULE) and Non-urban Levee Evaluation (NULE) programs as well as the development of the Central Valley Flood Protection Plan. These efforts have generated substantial volumes of hydrologic, hydraulic, geotechnical, and mapping information which will greatly inform the development of the SWIF.

It is expected that unacceptable items can be reconciled using funds from the above stated sources over the duration of implementation of a SWIF plan.

Interim Risk-Reduction Measures

Since the PIR was released, a number of the unacceptable encroachment items have been addressed. Sacramento City Utilities Department reported to CVFPB on actions taken on the more serious encroachments in a March 22, 2011, letter report, and on the remaining encroachment items in a September 10, 2012, letter report. DWR reported to the CVFPB on actions taken on the more serious encroachments in MA-09 in a June 14, 2011, report. The City of Sacramento Utilities Department and DWR have addressed most of the more serious encroachment items identified in the PIR and continue with ARFCD to work to resolve remaining unacceptable items.

SAFCA is evaluating efforts required to certify the levee system for FEMA's National Flood Insurance Program. Evaluations are ongoing, with SAFCA developing a program for accomplishing any work required to achieve levee certification.

Significant activities are ongoing that will reduce flood risk in the area. Folsom Dam is the backbone of the flood management system for the Sacramento region. The most immediate action being undertaken to reduce the risk to the system is the construction by USACE and USBR, with cost sharing from CVFPB and SAFCA, of the Joint Federal Project at Folsom Dam and the development of the new operations manual to go along with it. Once complete in 2017, this will be the most significant risk reduction action for the region.

USACE, CVFPB, DWR and SAFCA are also in the process of completing construction of the American River Common Features Project. This project has installed deep slurry cutoff walls along approximately 25 miles of levees along both banks of the American River. When the cutoff walls were installed, gaps were left around bridges, pipelines, and other utilities since these areas require specialized designs and construction. The project is currently filing in these gaps in the cutoff walls. The project is over 90 percent complete and has significantly addressed deficiencies along the American River.

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

The City and County of Sacramento have emergency notification, evacuation and response plans. An Interim Risk Reduction Measures (IRRM) Plan will be developed as a part of the SWIF. When complete, the IRRM Plan will include measures to identify, monitor, and communicate specific locations where deficiencies exist that have the potential to increase flood risk. Primary communications will occur with appropriate local officials but will also include outreach to landowners and the public.

Interagency Collaborative Efforts

As noted above, SAFCA was formed under a joint powers authority agreement, member agencies consisting of the City of Sacramento, American River Flood Control District, and others. The City of Sacramento Utilities Department, American River Flood Control District and MA-09 will coordinate with the respective risk management, emergency response, and land use functions for the region. SAFCA, representing its member agencies, is already coordinating with USACE, California DWR, and CVFPB on the American River Common Features project and Joint Federal Project at Folsom Dam. USACE approval of this LOI will allow MA-09, the City and ARFCD to move forward with preparation of a SWIF that is intended to meet the policy and public safety objectives of USACE and the State of California, while providing a pathway for reaching functional compatibility between USACE policy and CVFPB levee vegetation management strategy during the two-year SWIF development period. The City, ARFCD and MA-09 plan to collaborate with SAFCA and a number of other agencies, including USACE, during the development, implementation, and oversight of the SWIF. These agencies, listed with their expected areas of contribution, include:

- U.S. Fish and Wildlife Service (protected species consultation)
- National Marine Fisheries Services (protected species consultation)
- California Department of Fish and Wildlife (protected species consultation and Wildlife Areas)
- California Department of Water Resources (Funding resources, flood risk management, levee evaluations, State maintained areas)
- Central Valley Flood Protection Board (Vegetation management, encroachment permitting and floodway technical assistance)

Anticipated Permitting and Consultation Requirements

The development and implementation of the SWIF will require consultation with a number of resource, regulatory, and permitting agencies. For example, many endangered and threatened species are found in the region, and species in or adjacent to the footprint of the American River and Sacramento River levees include:

- Valley Elderberry Longhorn Beetle (USFWS)

September 2013

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent

- Giant Garter Snake (USFWS)
- Sacramento River winter-run Chinook salmon (NMFS)
- Central Valley spring-run Chinook salmon (NMFS)
- Central Valley steelhead (NMFS)
- North American Green Sturgeon (NMFS)

The required permits and approvals to implement the SWIF will likely include:

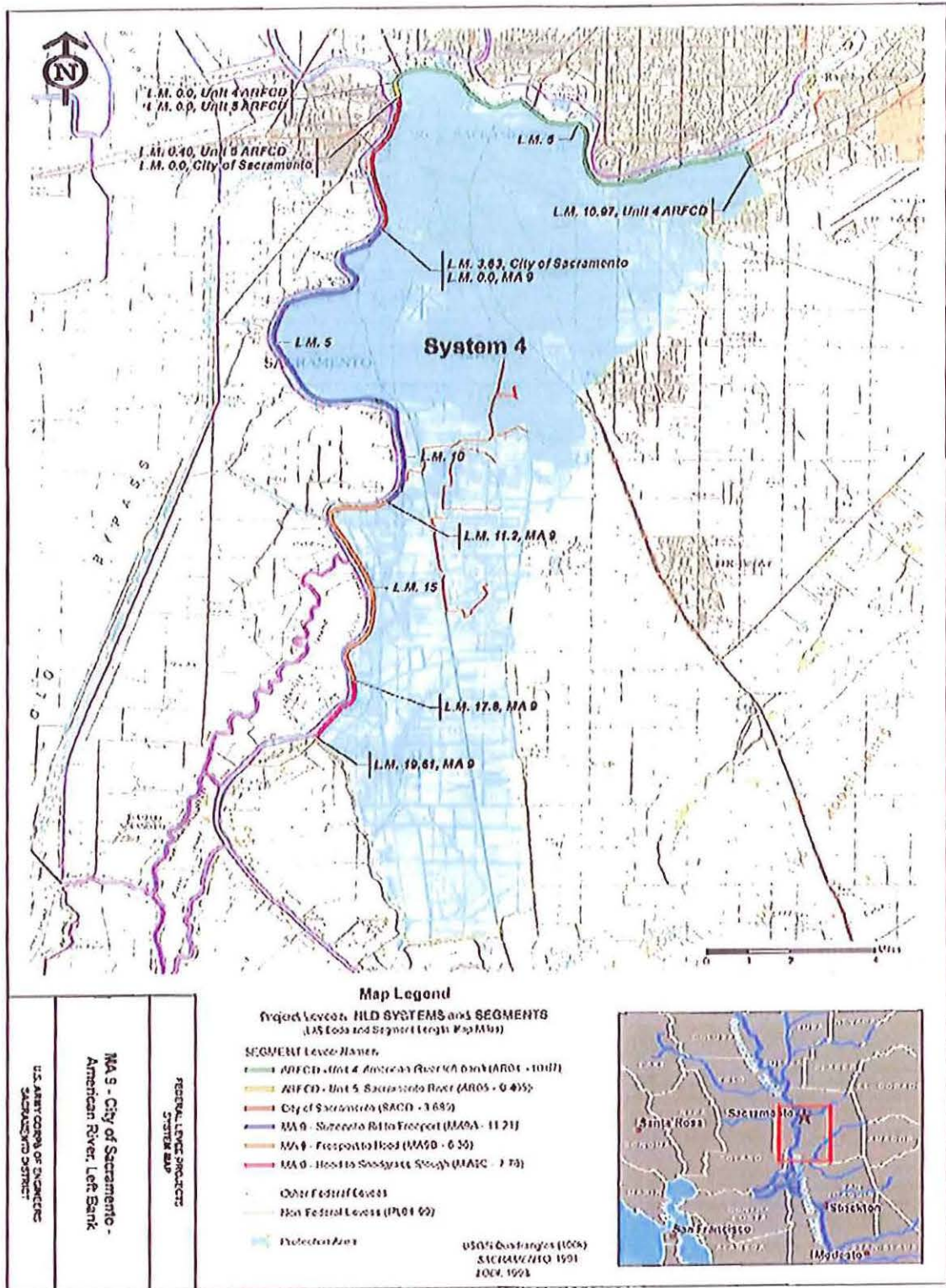
- Compliance with the California Environmental Quality Act (CEQA).
- California Department of Fish and Wildlife Streambed Alteration Agreement
- Central Valley Flood Protection Board encroachment permits
- Compliance with the National Environmental Policy Act (NEPA).
- U.S. Fish and Wildlife Service (protected species consultation)
- National Marine Fisheries Services (protected species consultation)
- Clean Water Act Sec 404 permits
- Clean Water Act Sec 401 Water Quality Certification and Construction Stormwater permits
- USACE approvals under 33 USC 408
- Sacramento County (American River, Wild and Scenic River)

Removal of vegetation, particularly if it is riparian vegetation, and removal or modification of encroachments may impact one or more of the above listed species as well as other non-listed species. Consultation with USFWS, NMFS, and CADFW would be required in any instance where the action could impact these listed species. Vegetation removal and encroachment removal or modification may also involve actions such as alterations in the streambed or disturbance to waters of the United States and as such could require consultation and permits with CADFW, USACE and the Central Valley Regional Water Quality Control Board. In addition to consultation under fish and wildlife protection authorities and other environmental regulations, encroachment permitting, removal or modification will require significant consultation among MA-09, the City, ARFCD and CVFPB as well as individual encroachment owners and landowners. CVFPB is responsible for enforcing encroachment permit terms and conditions and has a process in place for such enforcement. It includes research of permit and as-built records, informal coordination with easement- and land-owners, noticing, and potentially public hearings. This process can take a significant amount of time and can become litigious. Further, in some cases, encroachments pre-date the establishment of operations and maintenance regulations and/or are found in project as-built drawings. The above will be considered in the SWIF schedule for reconciling unacceptable items.

Enclosure

1. PIR System Map

Information Supporting MA-09, City and ARFCD System-Wide Improvement Framework Letter of Intent



Enclosure – PIR System Map



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September 13, 2013

Bill Edgar, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Mr. Edgar:

We are writing to inform you that the American River Flood Control District supports the Letter of Intent (LOI) for a System Wide Improvement Framework (SWIF) for the American River Left Bank System as drafted by the City of Sacramento. District staff has participated in the development of the LOI with our City of Sacramento and State of California partners and will continue being an integral partner in the development of the SWIF.

Please contact our General Manager, Tim Kerr, at (916) 929-4006 or tkerr@arfcd.org if you have any questions.

Sincerely,

Karolyn W. Simon, President
Board of Trustees
American River Flood Control District

DEPARTMENT OF WATER RESOURCES

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September 18, 2013

Mr. William H. Edgar, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Edgar:

This letter is in support of the City of Sacramento's (City) letter dated September 9, 2013 to the Central Valley Flood Protection Board (CVFPB) stating the City's desire to submit a Letter of Intent (LOI) to develop a System-Wide Improvement Framework (SWIF) for the levee system protecting the Sacramento urban area south of the American River. The City envisions submitting the LOI on behalf of its member agencies and other public entities that maintain federal levees within the City's levee system, including the Department of Water Resources' (DWR) Sacramento Maintenance Yard.

DWR operates and maintains Maintenance Area 9 (MA 9), which lies along portions of the left bank of the Sacramento River, and intends to cooperate with the City and support the SWIF development effort within the parameters of our maintenance responsibilities and practices. The overall goal of resolving levee deficiencies, on a systemwide level in order to steadily reduce flood hazard and consequence in a risk-prioritized manner over time, is a common theme articulated in three key documents: (1) the City's LOI; (2) the Central Valley Flood Protection Plan (CVFPP), adopted by CVFPB on June 29, 2012; and (3) USACE's "Policy for Development and Implementation of System-Wide Frameworks (SWIF Policy)" dated November 29, 2011.

DWR endorses the City's responses to the six "Requirements for Submitting a Letter of Intent for a SWIF" as described in Section 7.a of USACE's SWIF Policy. DWR will, upon approval of the LOI, collaborate with the City in fulfilling the nine "Requirements for Development of a SWIF" described in Section 7.b of the SWIF Policy. DWR will continue its levee maintenance under California Water Code Sections 8361 and 12878 as guided by the Standard O&M manual, integrating the levee vegetation management approach embodied in the CVFPP.

USACE approval of this LOI will allow the City to move forward with preparation of a SWIF that is intended to meet the policy and public safety objectives of USACE, the State of California, and the Sacramento River and American River levee maintaining agencies (LMAs), while providing a pathway for reaching functional compatibility between USACE policy and CVFPP levee vegetation management strategy during the two-year SWIF development period.

Mr. William H. Edgar
September 18, 2013
Page 2

The CVFPP, adopted on June 29, 2012, articulates the State's long-term vision for reducing flood risk through prioritization of management actions. The CVFPP's State Systemwide Investment Approach (SSIA) is a 25-year, \$14 to \$17 billion effort to address the whole range of flood system performance issues from emergency response to operations and maintenance to land use to planning to capital investment.

It is important to note that remediation of many of the levee defects highlighted by USACE's periodic inspections and/or DWR's Flood Control System Status Report is beyond the reasonable scope of responsibility of LMAs. Thus, collaboration at the federal, State, and local levels on remediation of levee defects that transcend the technical and financial resource capabilities associated with annual maintenance programs would serve the public well. For example, DWR is developing a number of programs to cost share with the LMAs on certain types of repairs which exceed their resource capabilities, as well as a new program to address larger-scale levee repairs and improvements requiring construction of stability berms, seepage berms, and seepage cutoff walls.

Table 1 of the City's letter to the CVFPB indicates that the majority of the unacceptable items for American River Flood Control District and MA 9 that were likely to prevent performance in the next flood event were in the category of encroachments. The unacceptable items that were not likely to prevent performance in the next flood event were in the category of unwanted vegetation. The SWIF to be developed will present a risk-prioritized plan to address vegetation management issues in light of complex environmental issues related to endangered species and associated permitting challenges, within the context of limited available resources.

Regarding the difficult situation with encroachments, we applaud CVFPB for its commitment to reinforce its role in resolving encroachment related issues (such as abandoned pipelines and structures within the easements), including initiation of legislative action (SB 753) to supplement the CVFPB's authority to carry out encroachment enforcement actions.

We look forward to working with CVFPB, the City of Sacramento, and USACE in this important effort to improve the long-term performance of the Central Valley flood protection system.

Sincerely,



Keith E. Swanson, Chief
Division of Flood Management

cc: Mr. David Brent, Director of Utilities
City of Sacramento Department of Utilities
1395 35th Avenue
Sacramento, California 95822

CECW-HS

SUBJECT: Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs)

c. Transitioning “Acceptable” or “Minimally Acceptable” Levees. Levee sponsors with levees that are “Active” in the rehabilitation assistance program under an existing vegetation variance or deviation from the standard that want to use the SWIF process to transition to a new vegetation inspection standard through the vegetation variance request process, or that would like to systematically improve the condition of participating levees, may maintain their P.L. 84-99 rehabilitation assistance eligibility as long as they continue to meet the milestones set forth in their applicable SWIF.

d. Reinstating Eligibility While Developing and Implementing a SWIF. Levee sponsors that receive an overall levee system inspection rating of “Unacceptable” or have been “Inactive” in the rehabilitation program may regain eligibility for P.L. 84-99 rehabilitation assistance through the SWIF process. Upon approval by USACE of the letter of intent, requirements described below, the levee sponsor will receive an initial of up to two-year reinstatement of eligibility for P.L. 84-99 rehabilitation assistance. Continued eligibility will be determined annually based on milestones described in the subsequent SWIF. Levee sponsors who have never been eligible for rehabilitation assistance under P.L. 84-99 cannot gain P.L. 84-99 rehabilitation assistance eligibility through the SWIF process.

7. Requirements for Development and Submittal of a SWIF. The development of a SWIF is a two-step process consisting of (1) a Letter of Intent from the sponsor briefly describing levee system deficiencies and justification for how a system-wide approach will optimize flood risk reduction, and (2) development of a SWIF for addressing deficiencies and reducing flood risk. Once a Letter of Intent has been approved by USACE, a levee sponsor has up to two years to develop a SWIF plan. Eligibility after this two-year period will be dependent on the levee sponsor’s progress in achieving the milestones defined in the SWIF. The SWIF plan is intended to be a specific document that guides sponsor activities, including anticipated milestones, but may also be adaptable and should be revised if conditions or needs change during implementation. The requirements for the Letter of Intent and SWIF are described as follows:

a. Requirements for Submitting a Letter of Intent for a SWIF. A Letter of Intent must be signed by all associated levee sponsors for each levee system involved in developing the SWIF and must include the following:

(1) Identification of levee system or systems to be covered by the SWIF, including system name and system identification number as listed in the National Levee Database;

(2) Brief description of deficiencies or issues that will be included in the SWIF and discussion of how a system-wide approach will improve and optimize overall flood risk reduction. This includes identifying any conditions not within the control of the levee sponsor(s) that prevents them from correcting “Unacceptable” inspection items in a timely manner;

MA09 – City of Sac – ARFCD Draft LOI

CECW-HS

SUBJECT: Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs)

- (3) Demonstration that significant non-federal resources have been, or will be, committed for developing and/or implementing the SWIF (e.g., state legislative action, bond financing);
- (4) Anticipated interim risk reduction measures that will be implemented throughout the SWIF process, including overall risk communication approach that addresses the risk to life increased by system-wide deficiencies;
- (5) Brief description of existing or planned interagency collaborative efforts that will contribute positively to SWIF development, implementation and oversight; and
- (6) List of anticipated state and federal permits and consultation requirements, needed to implement the SWIF.

b. Requirements for Submittal of a SWIF. SWIFs are developed and implemented by levee sponsor(s), reviewed and accepted by USACE, and monitored by a USACE district to address system-wide issues in a prioritized way to optimize system-wide risk reduction. As a minimum for acceptance by USACE, the levee sponsor's SWIF must include the following:

- (1) Identification of levee system or systems covered by the system-wide improvement framework, including system name and identification number as listed in the National Levee Database;
- (2) Description of proposed levee improvement and justification on how the SWIF optimizes flood risk reduction;
- (3) A plan and schedule for interagency collaboration, including environmental and/or Tribal consultation if applicable, in the implementation of the SWIF;
- (4) Documentation of specific agreements, such as project specific agreements, between levee sponsors and USACE or other agencies/organizations related to implementation of levee modifications, under Section 408 or other overlapping USACE policies and studies, applicable to the levee systems identified in the system-wide improvement framework;
- (5) Documentation of any regional considerations, approaches, and tools to be used during implementation of the system-wide improvement framework;
- (6) Description of interim maintenance standards that will be implemented during the SWIF to mitigate conditions of uncorrected "Unacceptable" inspection items;