

**Meeting of the Central Valley Flood Protection Board  
April 24, 2015**

**Staff Report**

**Middle and Upper Sacramento River Basin Study  
Letter of Intent to the U.S. Army Corps of Engineers**

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**1.0 – ITEM**

Consider Central Valley Flood Protection Board approval of Draft Resolution No. 2015-08 (Attachment A) to participate in a future comprehensive study of the Middle and Upper Sacramento River Basin (Attachment B) by:

- Approving a Letter of Intent to participate as the Non-federal Sponsor with the U.S. Army Corps of Engineers in the Middle and Upper Sacramento River Basin Study (Attachment C).
- Delegate to the Board's Executive Officer the authority to sign and execute the Letter of Intent in substantially the form attached hereto.

**2.0 – SPONSORS**

Federal: U.S. Army Corps of Engineers, Sacramento District (USACE)

State: Central Valley Flood Protection Board (Board) and Department of Water Resources (DWR)

**3.0 – STUDY LOCATION**

The Middle and Upper Sacramento River Basin (Attachment B). The geographic study boundaries are currently unknown and will be determined during the scoping phase of the basin study.

**4.0 – PROJECT DESCRIPTION**

In the context of the USACE Civil Works program, a Letter of Intent (LOI) is intended to convey interest of a potential Non-Federal sponsor to participate in a cost-shared project. An LOI states that the sponsor is ready, willing, and able to participate as a cost share sponsor for a potential Civil Works project as described by the LOI. All parties understand that an LOI constitutes an expression of intent and is not a

contractual obligation, and that the sponsor or USACE may opt to discontinue the project development process at any time. The LOI also indicates the sponsor's understanding of their eventual requirement for participating in project implementation, i.e., cost sharing, provision of all project lands, etc.

The Central Valley Integrated Flood Management Study (CVIFMS) is a multipurpose federal study being conducted by USACE in partnership with the Board and DWR for the Sacramento River Basin. CVIFMS was initiated in 2010 with the signing of a three-party Feasibility Cost Sharing Agreement (FCSA) in which the two non-federal sponsors, the Board and DWR, agreed to contribute 100 percent of their cost share as in-kind work, meaning there would be no cash contribution. It should be noted that the CVIFMS will produce a Watershed Report instead of a Feasibility Report and that this study is anticipated to recommend subsequent actions such as follow-on feasibility analyses as well as actions that may be undertaken by organizations outside the USACE (such as DWR), including this basin study.

The Middle and Upper Sacramento Basin Study will enable USACE to formulate and present the results of investigations for congressional authorization of a flood control project(s). If the USACE is successful in obtaining additional federal funding in 2017, they intend to develop a Middle and Upper Sacramento River Basin Study to compliment CVIFMS and to fulfill the original intent of the 2001 Sacramento and San Joaquin River Basins Comprehensive Study (Comp Study) planning effort.

## **5.0 – STUDY AUTHORITIES**

Federal:

- Rivers and Harbors and Flood Control Act of 1962, § 209 (Public Law 87-874), Sacramento Basin
- May 8, 1964 Congressional Resolution of the House Committee on Public Works, San Joaquin Basin

State:

- California Water Code § 8534, 8590 – 8609, 8615 – 8623, and 8710

## **6.0 – CVIFMS STUDY BACKGROUND**

The initial CVIFMS FCSA signed in 2010 provided \$1.7M to:

- 1) produce a comprehensive Project Management Plan (PMP),
- 2) allow the USACE to participate in the development of the State's sister study, the Central Valley Flood Protection Plan (CVFPP), and
- 3) produce a USACE interim "framework document" to coincide with the Board's adoption of the 2012 CVFPP.

An amendment to the 2010 FCSA was anticipated as the initial \$1.7M was intended to be used to scope out the study and indeed, the PMP laid the framework for a comprehensive \$43M effort over five years. Similar to the Comp Study, CVIFMS was initially anticipated to produce a recommended "Master Plan" for the development of integrated flood damage reduction and ecosystem restoration projects throughout the Central Valley.

The progress of the study was delayed by several actions. Early on, as development of the CVFPP was underway, execution of the CVIFMS agreement was delayed by California's budget issues and a Department of Finance hold on new funding commitments. USACE issuance of its Engineering Technical Letter 1110-2-571 in 2009 dealing with vegetation on levees resulted in disagreement between the State and the USACE over federal levee vegetation policy in California, which slowed progress on CVIFMS. In late 2011 the Board approved an amendment to the FCSA, but it was never executed by the USACE due to new Planning Modernization guidelines in 2012. USACE Major General Walsh also directed that all new feasibility studies are to be completed in less than three years, at a cost of no more than \$3M, and with three levels of vertical integration (District, Division, and Headquarters; commonly known as "3X3X3").

The USACE held a series of CVIFMS planning "charrettes" in August and December of 2012 to re-scope CVIFMS. It was envisioned that the re-scoped CVIFMS would be a multi-objective study to propose a series of strategies to manage the Sacramento River Basin facilities of the State Flood Control System and to identify and assess the potential federal interest in system-based improvements for flood risk management and ecosystem restoration. Importance was placed on scheduling the CVIFMS milestones to coincide with the State's Basin Wide Feasibility Studies (BWFS), which are investigating improvements to the large system features such as bypasses and flood control structures.

Prior Board CVIFMS actions include:

- August 28, 2009: Approved Resolution No. 09-26, approving the Feasibility Cost Sharing Agreement (FCSA).
- July 21, 2010: Officially signed and executed the FCSA (delayed due to Department of Finance budgetary constraints)
- October 28, 2011: Approved Resolution No. 11-28, amending the FCSA. This amendment was never executed by the USACE
- August 23, 2013: Approved Resolution No. 2013-17, amending the FCSA.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

This action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and thus is not a “project” for purposes of the California Environmental Quality Act (Public Resource Code § 21065; Guidelines § 15378(a)).

## **8.0 – STAFF RECOMMENDATION**

Staff recommends that the Board:

- adopt Resolution No. 2015-08 (Attachment A)
- approve the draft Letter of Intent to the USACE (Attachment C), in substantially the form provided; and
- direct the Executive Officer to sign and send the Letter of Intent to the USACE

## **9.0 – LIST OF ATTACHMENTS**

A – Draft Resolution No. 2015-08

B – Project Location Map

C – Draft Board Letter of Intent

Prepared By: Chris Williams, DWR, CVFPO Office  
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Reviewed By: Andrea Buckley, Senior Environmental Scientist (Specialist)  
Eric Butler, PE, Projects and Environmental Branch Chief  
Len Marino, PE, Chief Engineer  
Nicole Rinke, Deputy Attorney General

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
CENTRAL VALLEY FLOOD PROTECTION BOARD

DRAFT RESOLUTION NO. 2015-08

INTENT TO PARTICIPATE IN A FUTURE  
MIDDLE AND UPPER SACRAMENTO RIVER BASIN STUDY

**WHEREAS**, on August 28, 2009, the Central Valley Flood Protection Board (Board) and the Department of Water Resources (DWR) entered into a *Memorandum of Understanding with each other regarding the Central Valley Integrated Flood Management Plan* to jointly participate with the U.S. Army Corps of Engineers (USACE) in the Central Valley Integrated Flood Management Study (CVIFMS – formerly the Sacramento and San Joaquin River Basins Comprehensive Study) as the non-federal partners under CVIFMS; and

**WHEREAS**, the purpose of CVIFMS, as originally scoped, was to conduct a comprehensive investigation of flood and related ecosystem issues of the Sacramento and San Joaquin River Basins and to develop a comprehensive approach to flood management of the river basins through a three-party Feasibility Cost Share Agreement (FCSA) between the Board, DWR and USACE; and

**WHEREAS**, on July 21, 2010, the Board and the DWR entered into a FCSA with the USACE for a Programmatic Implementation Framework Document and Programmatic Feasibility Study of the Sacramento River Basin under the authority pursuant to Section 209 of the Flood Control Act of 1962 (Public Law 87-874) and of the San Joaquin River Basin pursuant to May 8, 1964 resolution of the House Committee on Public Works; and

**WHEREAS**, the FCSA for CVIFMS was subsequently amended in 2011, but execution was halted upon implementation of the USACE 2012 Planning Modernization Initiative; and

**WHEREAS**, the USACE has conducted two planning charrettes, one in August 2012, and another in December 2012 with direct Board and DWR involvement to focus and refine the goals of the study and re-scope the CVIFMS to comply with the 2012 “Planning Modernization” Initiative; and

**WHEREAS**, the California Water Code Section 9612 states as follows:

- (a) The Department [Department of Water Resources] shall prepare, and the board shall adopt, a plan identified as the Central Valley Flood Protection Plan in accordance with this part.
- (b) No later than January 1, 2012, the department shall prepare the Central Valley Flood Protection Plan in accordance with this part, and shall transmit the plan to the board, which shall adopt the plan no later than July 1, 2012; and

**WHEREAS**, DWR prepared the Central Valley Flood Protection Plan (CVFPP) for the Board and presented it at their January 27, 2012 meeting; and

**WHEREAS**, the CVFPP was adopted by the Board at their June 29, 2012 meeting; and

**WHEREAS**, the CVFPP is intended to be a sustainable, integrated flood management plan; and

**WHEREAS**, the purpose of the Middle and Upper Sacramento River Basin Study is to conduct a comprehensive investigation of flood and related ecosystem issues of the Sacramento River Basin and to develop a comprehensive approach to flood management, ecosystem restoration, and water supply for the river basin; and

**WHEREAS**, the Middle and Upper Sacramento River Basin Study will provide a vehicle for ongoing participation by the USACE in the State's Basin Wide Feasibility studies identified in the 2012 CVFPP, and

**WHEREAS**, the parties acknowledge that coordination between the USACE, Board, and DWR is integral to a major objective of the CVFPP to develop a sustainable and integrated flood management plan for areas protected by the facilities of the State Plan of Flood Control in the Central Valley for which the Board has given assurances to partner with the USACE.

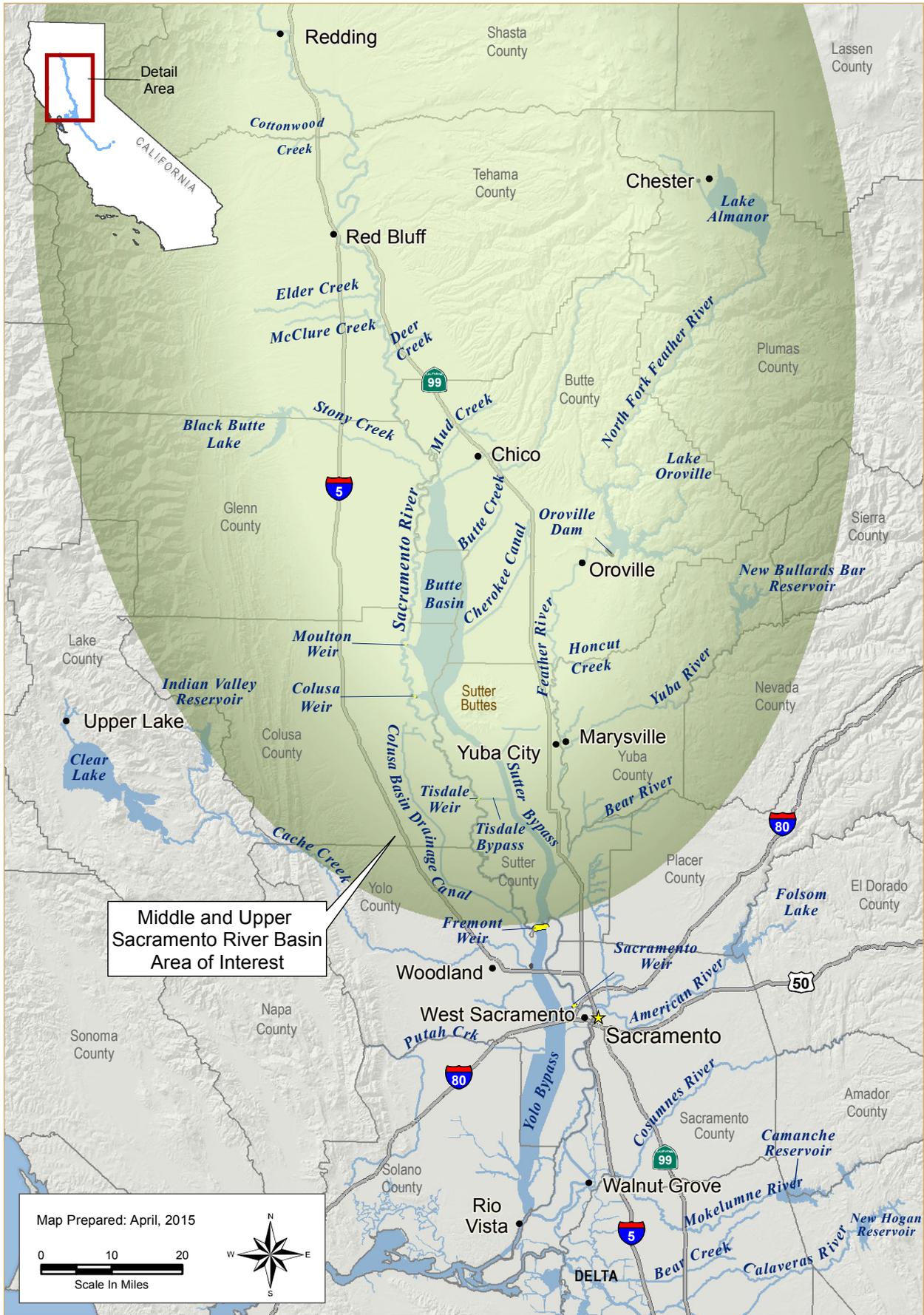
**NOW, THEREFORE, LET IT BE RESOLVED** that the Central Valley Flood Protection Board:

1. Approves sending a Letter of Intent to the USACE, Sacramento District
2. Delegates to the Executive Officer to sign and send the letter

PASSED AND ADOPTED by vote of the Board on \_\_\_\_\_, 2015

\_\_\_\_\_  
William H. Edgar  
President

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Jane Dolan  
Secretary



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**CENTRAL VALLEY FLOOD PROTECTION BOARD**

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SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682



April 24, 2015

Colonel Michael Farrell  
Commander, Sacramento District  
Executive Office  
1325 J Street  
Sacramento, CA 95814-2922

Dear Colonel Farrell:

The Central Valley Flood Protection Board (Board) is willing and able to participate as the Sponsor for the Middle and Upper Sacramento River Basin Study in partnership with the U.S. Army Corps of Engineers (USACE), to cooperatively investigate alternatives to improve flood risk reduction, environmental restoration, and water supply within a portion of the Sacramento River Basin in California's Central Valley.

The Board understands that a study cannot be initiated unless it is selected as a "new start study" with associated allocation of federal funds provided through the annual Congressional appropriations process. If selected, we intend to sign a Feasibility Cost Sharing Agreement (FCSA) to initiate the study with USACE. It is our understanding that the FCSA targets completion of the feasibility study within three (3) years at a total cost not to exceed \$3 million contributed equally between USACE and the non-federal sponsor. After signing the FCSA, a Project Management Plan will be developed and agreed upon. The study will be conducted and managed by USACE. The cost-sharing for the study is based on a 50 percent contribution by the Federal government, with a non-federal 50 percent contribution provided in cash, or by a portion or all of the contribution provided through in-kind non-monetary services.

The Board is aware that this letter constitutes an expression of intent to initiate a study partnership to address the specified water resources problems and is not a contractual obligation. It is understood that the Board or USACE may opt to discontinue the study at any time after the FCSA is signed but will commit to work together as partners from the scoping phase, and subsequent decision points throughout the feasibility study, on providing the necessary support to risk-informed decision making. If it is determined that additional time or funding is necessary to support decisions to be made in order to complete the study, the Board will work with USACE to determine the appropriate course of action.

If you require additional information, please contact our Chief Engineer, Mr. Len Marino at (916) 574-0608 or by Email at [len.marino@water.ca.gov](mailto:len.marino@water.ca.gov).

Sincerely,

Leslie Gallagher  
Acting Executive Officer