

THE RECLAMATION BOARD

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September 5, 2006

Mr. Tom Buford
City of Sacramento
Environmental Planning Services
2101 Arena Boulevard, Second Floor
Sacramento, CA 95834

Mr. Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1121 "I" Street, Suite 100
Sacramento, CA 95814

Re: Greenbriar Development Project
State Clearinghouse (SCH) Number: 2005062144

Dear Mr. Buford and Mr. Lockhart:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the subject project. California Reclamation Board (Board) and Department of Water Resources (DWR) staff has reviewed the environmental document and provide the following comments.

General Comments

The area described in the Project Description is protected by federal levees that have been incorporated into the State plan of flood control. The effective operation of federal flood control levees along the Sacramento River system is essential for the protection of public safety and property located in the floodplain protected by those levees. In California, The Board is responsible for operations and maintenance of the Federal Flood Control Project Levees in the Central Valley. DWR manages the State plan of flood control and coordinates its activities with the Federal Emergency Management Agency (FEMA) in administrating the federal Flood Insurance Program.

A Board permit is required for any plan of work that encroaches on an adopted plan of flood control. A permit is also required for activities outside of the adopted flood control plan if those activities could be injurious to, or interfere with, the successful execution, functioning or operation of any facilities of an adopted plan of flood control. The enclosed Fact Sheet (see Attachment I) provides information on the permitting process.

The EIR should describe in appropriate detail how the regulatory concerns of the Board will be addressed. The regulations of the Board are found in the California Code of Regulations (CCR) Title 23, Division 1. These regulations are designed to protect the integrity and function of the flood control system. Any activity that interferes with the operation, integrity, and function of the adopted plan of flood control is of concern to the Board.

The consequences of urban development in a floodplain protected by levees can be significant in terms of not only public safety and protection of property but to the State in terms of financial resources. When it accepts a federal flood control project, the State agrees to indemnify the federal government. Flooding that result from a failure of a portion of the State plan of flood control exposes both the State and the local maintaining agency to significant liability.

Specific Comments

Impact 6.10-3 On-site Flooding Risk From Potential Levee or Dam Failure

As was noted in the subject document, the Sacramento Area Flood Control Agency (SAFCA) has completed a draft report entitled Natomas Levee Evaluation Program (March 2006). Data was collected and analyzed based on U. S. Army Corp of Engineers (USACOE) guidelines developed for evaluating under seepage and its threat to levee stability. Among the findings were the following:

- At some locations, the calculated exit gradients, based on water surface elevations approximately representing the 100-year flood event, exceeded the guidelines and demonstrated a potential for subsurface permeability that could threaten levee stability;
- Inadequate freeboard (less than 3 feet) in large areas of the east levee of the Sacramento River and the south levee of the Natomas Cross Canal at the 200-year flood event water surface level;
- The east levee of the Sacramento River and the south levee of the Natomas Cross Canal is susceptible to deep under seepage at the 200-year water surface elevation;
- The north levee of the American River is susceptible to through-levee seepage at the 200-year water surface elevation;
- The east levee of the Sacramento River contains ten sites of erosion risk totaling approximately 11,100 feet in length;

The USACOE guidelines used in evaluating levee conditions were adopted in 2004 and were based on observations of levee performance during the 1997 high water events. The knowledge base has increased dramatically since that time with respect to the role of erosion, waterside instability, and deep under seepage. These factors were not taken into consideration in earlier determinations by the USACOE of the Natomas basin level of protection or in FEMA's designation of Zone X in the Flood Insurance Rate maps (FIRM).

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data [California Code of Regulations (CCR) Title 14 Section 15064(b)]. Furthermore, in evaluating the significance of the environmental effect of a project, the Lead Agency is to consider reasonably foreseeable indirect physical changes in the environment which may be

Mr. Tom Buford
Mr. Don Lockhart
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caused by the project [CCR Title 14 Section 15064(d)] and the decision as to whether a project may have one or more significant effects is to be based on substantial evidence in the record of the lead agency [CCR Title 14 Section 15064(f)].

In the Draft EIR, exposing people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of failure of a levee has been identified as one of the "thresholds of significance" from which to evaluate significant impacts from the project. In the draft EIR it is concluded that because the project site lies in an area designated as Zone X in the FIRM, it is protected from a 100-year flood event.

The scientific and factual data based on the Natomas Levee Evaluation Report and the USACOE November 2005 report do not support the conclusion of DEIR of "less than significant" impact to on-site flooding risk from potential levee or dam failure. Data developed in recent years demonstrate a significant risk to failure of the levee system from erosion, overtopping, and under seepage. While the FEMA determination may remain in place, it is a regulatory designation, not a technical evaluation, and certainly does not reflect an analysis of the current data. In fact, the Natomas Levee Evaluation Report concludes that "the data indicates that the risk of levee failure is greater than was previously thought and underscores the urgency of continuing public education efforts to communicate this risk, reinforcing the importance of flood insurance as a key risk management tool for property owners in the Natomas area." This risk is not just at the 200-year flood level but also at the 100-year level.

It should be noted that USACOE, based on the foregoing information, has retracted its certification of levees in the Natomas area (see Attachment II). Likewise, DWR has requested that FEMA revise the FIRM for the Natomas area "to accurately reflect the flood risk" of continued residential development in a deep flood basin.

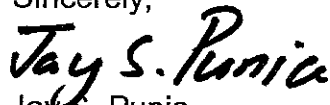
As for the use of a regulatory designation to assess the significance of an impact, the Appellate Court (*Citizens for a Better Environment et al. v. the California Resources Agency*, 126 Cal. Rptr. 2d 441) invalidated former CEQA Guideline Section 15064(h) which allowed finding of no significant impact based on compliance with environmental standards. Again, the current FIRM designation is an outdated regulatory designation, which is not supported by the present best available information regarding the integrity of the Natomas levee system.

Since the conclusion of "no significant impact" to flooding from a levee failure is not supported by the available information then the corollary that there is a significant impact must be adopted. In this case, you should analyze the significant environmental effects the project might cause by bringing development and people into the area affected (14 CCR s 15126.2). Your analysis should specifically explain how you will mitigate for these impacts and provide an appropriate level of flood protection to the area and provide adequate protection to your citizens. Furthermore, you need to discuss what is an acceptable level of protection (e.g. 100-year, 200-year, 500-year storm event), which if exceeded does not constitute a significant risk.

Mr. Tom Buford
Mr. Don Lockhart
September 5, 2006
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Thank you once again for the opportunity to comment on the Draft EIR. If you have any questions or need additional information, please contact Mr. Stephen Bradley, Chief Engineer for the Board at (916) 574-0680.

Sincerely,



Jay S. Punia
General Manager

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Ms. Nadell Gayou
Department of Water Resources
901 "P" Street, Second Floor
Sacramento, CA 95814

Stein Buer, Executive Director
Sacramento Area Flood Control Agency
1007 Seventh Street, Seventh Floor
Sacramento, CA 95814-3407

Attachments: Attachment I Encroachment Permit Fact Sheet
Attachment II USACOE letter of July 20, 2006 to Mr. Stein Buer, SAFCA
Attachment III DWR letter of July 31, 2006 to Sally Ziolkowski, FEMA Region IX

JSP:jap

Fact Sheet

Reclamation Board Encroachment Permit Application Process

Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board [CCR Title 23 Section 6(c)].

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the

additional flood risk to third parties that may be caused by the project.

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not be limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922**

July 20, 2006

Hydraulic Design Section

Mr. Stein Buer
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814-3407

Dear Mr. Buer:

In letters to SAFCA dated February 11, 1998 and February 28, 1998, the Corps of Engineers Sacramento District (Corps), based on technical information available at the time, provided its position that the levee system surrounding the Natomas area and levees protecting portions of North Sacramento were designed and constructed to withstand the FEMA base flood event.

Subsequent to the 1997-1998 flood event, the Corps completed additional analysis that has led to a broader understanding of levee failure attributable to deep under seepage. The Corps convened a Levee Seepage Task Force (LSTF) in February 2003 to better understand levee seepage and developed standards to apply to levees to determine their integrity. The LSTF completed its report in June 2003. The Corps then adopted standard operating procedures (SOP) for levee seepage analysis in August of 2004. The guidance in these reports formed the basis for the findings included in the Corps' "Final Geotechnical Report For Sacramento River East Levee and Natomas Cross Canal South Levee" dated November 29, 2005. Information developed in SAFCA's report titled "Natomas Levee Evaluation Report," dated March 13, 2006, and its associated appendices also confirms the presence of physical conditions that are conducive to deep levee under seepage in the Natomas area.

Based on this information we can no longer support our original position regarding certification of the levee system surrounding the Natomas area. This determination does not apply to those levees previously certified that provide protection for portions of the North Sacramento area.

It is important to note that the Corps was authorized to modify a portion of the Natomas Basin Levees in both WRDA 1996 and WRDA 1999 as part of the American River Watershed, California (Common Features) project. The Corps is currently working with you to design and construct the appropriate levee modifications necessary to meet the requirements of the authorizations. Based on the findings of the reports described above, a Post Authorization Change Report is in progress to include measures to deal with the deep under seepage issues.

In addition to the Corps' authorized projects and SAFCA's existing levee improvements, the Corps recognizes and fully supports SAFCA's proposed additional efforts to construct remedial actions in the Natomas area which are aimed at achieving 200-year level of protection. We understand that these actions will take approximately five years to complete. We will do everything we can to facilitate expedited decision-making and approvals of Federally authorized work and SAFCA's proposed efforts for this work.

In view of our findings described above, the information contained in your report regarding 100-year level of protection issues in the Natomas area, and the length of time required for the Corps and SAFCA to complete the recommended actions, we, by copy of this letter, are informing FEMA of the current risk in the Natomas area.

We are anxious to work with you to prioritize, for design and construction, those areas identified in your report that will remediate where the greatest risk exists in the Natomas area for the FEMA base flood event. Once these areas are remediated and analysis shows the levee system can safely convey the FEMA base flood event, we will recommend to FEMA that the area be certified to that level.

We look forward to continued cooperation between our agencies in improving flood protection for the greater Sacramento area.

Sincerely,



Thomas E. Trainer, P.E.
Chief, Engineering Division

Copies Furnished:

Mr. Les Sakumoto
Federal Emergency Management Agency, Region IX
1111 Broadway, Suite 12
Oakland, CA 94607-4052

Mr. Les Harder
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236



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U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

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February 11, 1998

Central Valley Section

Mr. F.I. Hodgkins
Executive Director
Sacramento Area Flood Control Agency (SAFCA)
1007 7th Street, 5th Floor
Sacramento, California 95814

Dear Mr. Hodgkins:

This is in response to your January 28, 1998 letter requesting the Corps to provide FEMA certification of the levee system and appurtenances around Natomas and portions of North Sacramento. Based on our technical review of as-constructed drawings and associated information, we have determined that the levee system and appurtenances around Natomas and portions of North Sacramento constructed by SAFCA were adequately designed and constructed to withstand the FEMA 100-year base flood. By this letter, the Corps of Engineers is providing our certification for the following features:

- a. East Levee of Sacramento River from approximately River Miles (R.M.) 60.0 to R.M. 79.0
- b. North Levee of American River from approximately R.M. 0.0 to R.M. 1.7
- c. East and West levees of Natomas East Main Drainage Canal (NEMDC) from American River upstream to the SAFCA constructed pump station north of Dry Creek
- d. NEMDC Pump Station
- e. South Levee of Natomas Cross Canal from R.M. 0.0 to R.M. 5.5
- f. Pleasant Grove Canal levee upstream of pump station to Sankey Road
- g. North and South levees along the Arcade Creek from R.M. 0.0 to R.M. 2.15
- h. North and Phase I of South levees along the Dry/Robla Creek from R.M. 0.0 to R.M. 2.25
- i. Main Avenue Bridge
- j. Structural stability and acceptability of closure structures at locations where road or railroad cross at an elevation below the constructed top of levee. Closure structures were constructed at the following locations:

- (1) NEMDC east levee near Del Paso Boulevard at UPRR/SPRR
- (2) NEMDC east and west levees at West El Camino Avenue
- (3) NEMDC east and west levees at Main Avenue
- (4) Dry Creek north levee at UPRR/SPRR and south levee at UPRR/SPRR and at Rio Linda Boulevard
- (5) Arcade Creek north and south levees at UPRR/SPRR
- (6) Arcade Creek north and south levees at Norwood Avenue

Our technical review has confirmed that closure structures originally proposed along Arcade Creek, north and south levees at Rio Linda Boulevard and along Arcade Creek, north and south levees at Marysville Boulevard were replaced with floodwalls. We have determined that the floodwalls at these locations are adequately constructed to withstand the FEMA 100-year flood.

As stated in our April 17, 1997 letter to you, it is our understanding that SAFCA shall independently coordinate with FEMA in preparing an acceptable operation plan to ensure closure structures are properly installed in a timely manner during flood events. SAFCA shall also independently reach agreement with FEMA regarding the complete certification package, with specific responsibility for designation of the residual floodplains that will remain upon completion of the Natomas Local Area Project. The residual floodplains include:

- a. Interior floodplain within Natomas basin
- b. Magpie Creek floodplain along I-80 east of the NEMDC
- c. Floodplain north of the NEMDC pump station
- d. American River floodplain south of Arcade Creek
- e. Floodplain at the east end of the existing Robla Creek levee (Phase I) south of Claire Avenue

If you have any questions regarding the FEMA certification of this levee system, please contact our Project Manager, Mr. Bob Childs, at (916) 557-7831 or our Chief, Civil Design Branch, Mr. John Mack at (916) 557-7201.

Sincerely,



Dorothy F. Klasse
Colonel, Corps of Engineers
District Engineer



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CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

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February 26, 1998

Central Valley Section

Mr. F.I. Hodgkins
Executive Director
Sacramento Area Flood Control Agency (SAFCA)
1007 7th Street, 5th Floor,
Sacramento, California 95814

Dear Mr. Hodgkins:

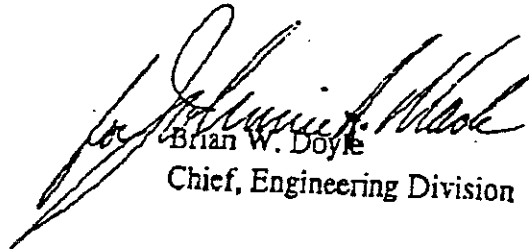
As telephonically requested by Mr. Paul Devcreux of your staff, this letter serves to clarify our prior letter to you dated February 11, 1998 which provided FEMA certification of the levee system and appurtenances around Natomas and portions of North Sacramento. The flood control features requiring clarification are those addressed in items c and f of our February 11, 1998 letter. The revised descriptions for these items are as follows:

c. East and West levees of Natomas East Main Drainage Canal (NEMDC) from the American River upstream to the SAFCA constructed NEMDC pump station north of Dry Creek, and the existing West levee from the NEMDC pump station to Sankey Road.

f. Pleasant Grove Creek Canal levee from Sankey Road upstream to the south levee of the Natomas Cross Canal, and the reinforced levee openings at Howsely Road, Fifield Road, and Sankey Road.

If you have any questions, please contact our Project Manager, Mr. Bob Childs, at (916) 557-7831 or our Chief, Civil Design Branch, Mr. John Mack at (916) 557-7201.

Sincerely,


Brian W. Doyle
Chief, Engineering Division

DEPARTMENT OF WATER RESOURCES1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791**JUL 31 2006**Ms. Sally M. Ziolkowski
Mitigation Division Director
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Dear Ms. Ziolkowski:

The Department of Water Resources (DWR) has just recently reviewed the Natomas Levee Evaluation Report, Public Review Draft, dated March 13, 2006, that was prepared for the Sacramento Area Flood Control Agency (SAFCA). Based on the information presented in the SAFCA report, it is clear that portions of the levees protecting the Natomas Basin do not meet the Federal Emergency Management Agency's (FEMA) levee certification requirements. As a result of this new information, the U.S. Army Corps of Engineers (Corps) issued a letter to SAFCA on July 20, 2006, stating that it no longer can support its 1998 certification of the Natomas levee system for the FEMA-Base Flood Event (see attached letter). Since over 12,000 homes have been constructed in this deep flood basin, and more development is planned, we believe that it is necessary that FEMA revise the Flood Insurance Rate Maps for the Natomas Basin to accurately reflect the level of flood risk. Accurate maps are a primary mechanism for disclosing flood risks to local government, home owners and potential home buyers.

The Natomas Levee Evaluation Report provides a comprehensive summary of the region's construction improvement projects that have been completed to date, and clearly defines the need to improve the levees protecting the Natomas Basin. While the report focuses primarily on the steps required to achieve a 200-year level of flood protection, the report also includes strong geotechnical and hydraulic evidence that the Natomas levees do not meet current Corps criteria for providing 100-year flood protection as mandated by FEMA. Prior to this 1998 certification by the Corps, the Natomas Basin had been mapped into the FEMA 100-year floodplain, and mandatory flood insurance was required by FEMA for homes with federally-backed mortgages.

The Reclamation Board of the State of California has been partnering with SAFCA and the Corps since 1996 to improve the levees protecting the Natomas Basin under the American River Common Features Project. DWR strongly supports expedited levee improvements for the Natomas Basin and will continue to support The Reclamation Board in constructing the American River Common Features Project in partnership with the Corps and SAFCA. We understand that additional analyses are underway to develop a strategy for providing FEMA 100-year flood protection. However, even under the best scenario, it will take several years to make the necessary improvements.

Ms. Sally M. Ziolkowski

JUL 31 2008

Page 2

Over the next few years, we will make it a very high priority to work closely with SAFCA and the Corps to remediate the Natomas levees and upgrade them to the 200-year level of protection. Meanwhile, we will work closely with your staff to incorporate this new information into your floodplain mapping efforts and to determine the appropriate Special Flood Hazard Area zoning for the basin.

If you have any immediate questions regarding this letter, please call me at (916) 653-9502. We look forward to your reply regarding your intentions for incorporating this new information into your floodplain mapping efforts.

Sincerely,

LES HARDER

Leslie F. Harder, Jr.

Deputy Director

Attachment

cc: Honorable Doris Matsui
Representative, U.S. Congress
2310 Rayburn House Office Building
Washington, DC 20515

Colonel Ronald N. Light
District Commander
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Mr. Stein Buer ✓
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, California 95814



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July 20, 2006

Hydraulic Design Section

Mr. Stein Buer
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814-3407

Dear Mr. Buer:

In letters to SAFCA dated February 11, 1998 and February 26, 1998, the Corps of Engineers Sacramento District (Corps), based on technical information available at the time, provided its position that the levee system surrounding the Natomas area and levees protecting portions of North Sacramento were designed and constructed to withstand the FEMA base flood event.

Subsequent to the 1997-1998 flood event, the Corps completed additional analysis that has led to a broader understanding of levee failure attributable to deep under seepage. The Corps convened a Levee Seepage Task Force (LSTF) in February 2003 to better understand levee seepage and developed standards to apply to levees to determine their integrity. The LSTF completed its report in June 2003. The Corps then adopted standard operating procedures (SOP) for levee seepage analysis in August of 2004. The guidance in these reports formed the basis for the findings included in the Corps' "Final Geotechnical Report For Sacramento River East Levee and Natomas Cross Canal South Levee" dated November 29, 2005. Information developed in SAFCA's report titled "Natomas Levee Evaluation Report," dated March 13, 2006, and its associated appendices also confirms the presence of physical conditions that are conducive to deep levee under seepage in the Natomas area.

Based on this information we can no longer support our original position regarding certification of the levee system surrounding the Natomas area. This determination does not apply to those levees previously certified that provide protection for portions of the North Sacramento area.

It is important to note that the Corps was authorized to modify a portion of the Natomas Basin Levees in both WRDA 1996 and WRDA 1999 as part of the American River Watershed, California (Common Features) project. The Corps is currently working with you to design and construct the appropriate levee modifications necessary to meet the requirements of the authorizations. Based on the findings of the reports described above, a Post Authorization Change Report is in progress to include measures to deal with the deep under seepage issues.

In addition to the Corps' authorized projects and SAFCA's existing levee improvements, the Corps recognizes and fully supports SAFCA's proposed additional efforts to construct remedial actions in the Natomas area which are aimed at achieving 200-year level of protection. We understand that these actions will take approximately five years to complete. We will do everything we can to facilitate expedited decision-making and approvals of Federally authorized work and SAFCA's proposed efforts for this work.

In view of our findings described above, the information contained in your report regarding 100-year level of protection issues in the Natomas area, and the length of time required for the Corps and SAFCA to complete the recommended actions, we, by copy of this letter, are informing FEMA of the current risk in the Natomas area.

We are anxious to work with you to prioritize, for design and construction, those areas identified in your report that will remediate where the greatest risk exists in the Natomas area for the FEMA base flood event. Once these areas are remediated and analysis shows the levee system can safely convey the FEMA base flood event, we will recommend to FEMA that the area be certified to that level.

We look forward to continued cooperation between our agencies in improving flood protection for the greater Sacramento area.

Sincerely,



Thomas E. Trainer, P.E.
Chief, Engineering Division

Copies Furnished:

Mr. Les Sakumoto
Federal Emergency Management Agency, Region IX
1111 Broadway, Suite 12
Oakland, CA 94607-4052

Mr. Les Harder
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236