

## ITEM 1

Agenda of September 15, 2011

**TO: Board of Directors  
Sacramento Area Flood Control Agency**

**FROM: Richard M. Johnson, Executive Director  
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**SUBJECT: EXECUTIVE DIRECTOR'S REPORT FOR SEPTEMBER 15, 2011**

We are bringing a number of items to the Board this month including:

- Contract, real estate and other actions related to the Natomas Levee Improvement Program
- Information updates from the U.S. Army Corps of Engineers (USACE):
  - South Sacramento Streams Group
  - Common Features General Re-evaluation Report
  - Folsom Dam Modifications – Joint Federal Project

We will also be thanking Lizette Longacre for all of her efforts and service to SAFCA and the community, as she prepares to take a position in San Diego.

We also wanted to provide some additional information on the following:

### **Federal Fiscal Year 2012 Energy and Water Appropriations Bill Update**

On September 7<sup>th</sup> the U.S. Senate Appropriations Committee marked up the fiscal year 2012 Energy and Water Appropriations bill which had previously been passed by the House of Representatives. The Senate Appropriations Committee did not alter the President's budget request for SAFCA projects. Attachment 1 is a chart showing the status of the FY 2012 budget for each of the projects.

The full Senate still needs to pass the bill and then it would have to go to Conference Committee to reconcile the differences between the House and Senate versions. The version coming out of the Conference Committee would then have to go back to the House and Senate to be voted on again, before going to the President for signature. This all needs to be completed before the end of the Federal Fiscal Year, September 30<sup>th</sup>.

There are 12 appropriation bills that need to be executed to fund the Federal Government for FY 2012. Of those 12 bills, the House Appropriations Committee has cleared nine and the full House has passed six. The Senate Appropriations Committee has passed four of those and the full Senate has only passed one bill; none have gone to Conference Committee.

### **Permit Obligation Field Trip**

On Tuesday September 6, 2011 SAFCA staff hosted a field trip with representatives of the U.S. Fish & Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (USACE). The intent of the field trip was to assess SAFCA's compliance with permit obligations, review the status of SAFCA's habitat compensation measures and discuss conservation measures needed to ensure ground disturbing work proposed beyond the active season of the Giant Garter Snake are implemented correctly. This ground disturbing work is necessary to enable completion of the levee construction this year. Apart from some ongoing challenges associated with borrow site excavations in the Fisherman's Lake area, both the USACE and USFWS are very satisfied with SAFCA's progress in minimizing impacts to listed species and implementing its overall NLIP conservation and mitigation strategy.

### **Vegetation on Levees**

On April 10, 2009, the USACE implemented Engineering Technical Letter 1110-2-571, Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures (ETL). This ETL essentially requires the toes and slopes of levees to be free of vegetation other than approved grasses.

This ETL has met a lot of resistance from communities such as vegetation, including trees that have been established on the levees over the decades. Coming into compliance with the ETL could be very expensive, environmentally damaging, and in some cases, not possible.

The Central Valley of the State of California is as impacted by the ETL as any area of the country. In response, the USACE Headquarters agreed to work with the State of California through the California Roundtable for Central Valley Flood Management to try to address California's concerns. This group, consisting of representatives from USACE Headquarters, Division, and District, the State of California, USFWS, U.S. NOAA National Marine Fisheries Services, California Department of Fish and Game, SAFCA, and others, meet at least monthly to try to find acceptable solutions to this issue.

One of the items all agreed to was that more scientific information was needed on the affects of trees and other vegetation on levee performance. The USACE initiated a study at their Engineering and Research Development Center (ERDC). At the same time the

State of California and SAFCA teamed up to undertake a complimentary research program. The goal was to develop scientific information that could help lead to informed decisions on how to deal with vegetation on levees.

### The Sacramento Bee

There has been some confusion created by newspaper articles recently in the Sacramento Bee about the conclusions of the USACE's research program. An August 27<sup>th</sup> article in the Sacramento Bee highlighted some of the findings in the study. The article was based on a draft copy of the research report that was being reviewed at USACE Headquarters. The article is included as Attachment 2. Based on the article, there was some confusion about whether vegetation needed to be removed from levees. Included below is the USACE's actual conclusions to the research report.

### USACE Conclusions

On September 8<sup>th</sup>, the USACE put out a press release announcing the availability of the research document. The press release is included as Attachment 3. Additionally, the USACE released a fact sheet titled "Initial Research into the Effects of Woody Vegetation on Levees" it is included as Attachment 4.

The USACE summarized the results as follows:

#### ***"Results:***

- Initial research has advanced our knowledge and understanding of some aspects of this complex issue.*
- The presence of trees on a levee increases the uncertainty associated with levee integrity and performance.*
- ERDC researchers considered the effects of trees at various locations on levees and found that a tree may either increase or decrease the factor of safety; at some locations where a tree was found to increase the factor of safety under one set of conditions, that same tree was found to decrease the factor of safety when other likely conditions were considered.*
- ERDC researchers have determined that because of the many variables, including climate, moisture, soil types, tree species and levee designs, the full impacts of trees on levees may never be fully quantifiable....*

*Though this initial research on impacts of vegetation on levees resulted in additional valuable information, the total impact of vegetation, such as large trees, on levees continues to be extremely complex, highly variable, and unquantifiable. USACE remains confident that a well-constructed levee with well-maintained grass cover represents the optimal goal for reducing the uncertainty of the performance of levee systems. This better ensures long-term reliability throughout the project life. Although the results of this initial research do not warrant a change to the USACE national vegetation management*

*standard, USACE will use the results to inform its decision making for trees on levees in the USACE levee safety program, such as with prioritizing deficiencies.”*

The USACE is working on three levee vegetation management-associated products as follows:

- (1) The report release on ERDC’s initial research on the effects of woody vegetation on levees;
- (2) A system-wide improvement framework policy. This policy will allow sponsors to develop plans to address the worst levee risks first, but ultimately bring their levee systems into compliance with the ETL; and
- (3) The third product is the revised vegetation variance request policy guidance, which outlines the process by which a levee sponsor may request a variance to current vegetation standards.

On September 9<sup>th</sup>, after the release of the USACE Report and Press Release, the Sacramento Bee ran another article addressing the USACE’s conclusions (attachment 5). The article hints at flexibility by the USACE on the issue. Just to be clear on this point, the USACE is not changing the ETL. The flexibility that they were referring to was with the variance process. This is the process SAFCA used to get the Natomas design approved.

#### What Does this Mean to SAFCA?

All of SAFCA’s projects that will be funded and/or constructed by or through the USACE must meet the USACE Vegetation ETL, as well as the USACE requirements on levee encroachments and required access roads at the levee toes. The only option would be to come up with an alternative acceptable plan and go through the process to obtain an approved variance.

#### Natomas Levee Improvement Program

This project already has an approved variance under which the project is being constructed and maintained. As long as the conditions of the variance are met, no additional action needs to be taken.

#### South Sacramento Streams Group

Even though the USACE has completed approximately two-thirds of the project construction, not all of the levee sections meet the requirements of the ETL. We will be working with the USACE to figure out how to bring these levees into compliance, or how to obtain a variance.

General Re-evaluation Report

The USACE is taking a look at all of the levees in SAFCA's jurisdiction to determine what additional work needs to be done to ensure they meet the latest standards, including the ETL. We have been working closely with the USACE to determine how to accomplish this. It may require additional work, or a new variance, for some of the areas where the structural work has already been complete. An example of this is the levees along the American River. The USACE is wrapping up activities to complete the installation of cut-off walls. However, these levees do not meet the requirements of the ETL or have the required access road at the levee toe.

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Attachment(s)