



Levee 'emergency' is off Declaration could delay Natomas fix, agency says

By Matt Weiser - mweiser@sacbee.com

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Levees protecting neighborhoods in Sacramento's Natomas basin might be substandard, but they don't represent an emergency situation. That's the conclusion of the Sacramento Area Flood Control Agency's boss, who recently recommended against asking Gov. Arnold Schwarzenegger for an emergency declaration to accelerate Natomas levee repairs.

Such a declaration, said SAFCA Executive Director Stein Buer, could actually delay the needed work. "It would cause us to get cross-wise with environmental groups and property groups, who would accuse us of being heavy-handed," Buer said. "Our history is to be thoughtful and respectful. That's a legacy I want to maintain and build on."

Despite losing this round, supporters may continue to press the region's elected officials to consider an emergency declaration. Gregory Thatch, a Sacramento attorney representing several Natomas developers, said the matter still must be "fully examined."

SAFCA proposes to raise and strengthen nearly 25 miles of Natomas levees at an estimated cost of \$576 million. The work is required after the U.S. Army Corps of Engineers ruled in 2006 that the levees don't meet minimal standards for urban safety. As a result, Natomas now faces a mandatory flood insurance requirement and a likely building moratorium next year.

The proposed repairs are complicated, with some 1,500 "execution tasks" that must be achieved to keep the project on track. Also, Buer recently acknowledged that actual levee repairs in Natomas probably won't start this year, as originally planned, due to the time required to obtain Army Corps approval. Instead, SAFCA plans to start drainage and utility work this year, then compress the schedule and finish two years' worth of levee construction in 2009.

In a 61-page report, Buer explains that Natomas levees don't pose "extreme" risk, and don't meet "emergency" definitions under state laws. Perhaps more important, he said, a declaration could prompt lawsuits that would slow the project. SAFCA has already settled one lawsuit that threatened to delay construction.

SAFCA's schedule aims to obtain interim federal levee certification in Natomas by the end of 2009. This "A99" designation by the Federal Emergency Management Agency would eliminate the building moratorium. Insurance would still be required, but at reduced rates. Under the plan, 100-year protection would be restored by the end of 2010. This means the basin could then withstand a flood with a 1 percent chance of striking in any given year, and insurance requirements would be dropped. SAFCA aims for 200-year protection by 2012.

Sacramento City Manager Ray Kerridge was one of the most prominent voices urging an emergency declaration. He now believes it's unnecessary. The city hired a consultant to review SAFCA's construction schedule. The review identified about two dozen "risk factors" and assumptions that could cause delays, but called the schedule aggressive and found no grounds for an emergency declaration. "A gubernatorial declaration wouldn't really do much good for us and wouldn't cover federal permits," said Kerridge. "So as far as I'm concerned, that's sort of like a done issue now."

Developers attorney Thatch, however, said the governor's emergency declaration in 2006 accelerated repairs to more than 100 eroded sections in Central Valley levees. The state action helped grease the wheels in many federal permitting areas, he said. "I think the tools that an emergency declaration can provide are many," said Thatch. "This is a very viable and valuable tool that has precedent."