

ITEM 18

Agenda of November 13, 2009

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

**FROM: Stein M. Buer, Executive Director
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**SUBJECT: INFORMATION – NATOMAS LEVEE IMPROVEMENT PROGRAM
UPDATE**

OVERVIEW:

This update includes a status of the construction, design, permitting and right of way activities for the Natomas Levee Improvement Program.

RECOMMENDATION:

Staff recommends that the Board receive and file this report.

MEASURES/EVALUATION:

This is an ongoing item. Success will be measured by implementation of the program on schedule and within budget.

FISCAL IMPACT:

This information item does not have a fiscal impact.

DISCUSSION

Construction, real estate acquisition, permitting activities and encroachment inventory and evaluation for the Natomas Levee Improvement Program (NLIP) are progressing at a reasonable pace with the overall major program milestones on schedule for completion of the Natomas Cross Canal and Sacramento River Reaches 1-15. The entire program is currently divided into four major phases, as shown in the attached figure, "Construction Phasing Map, October 13, 2009" (Attachment 1).

Phases 1 and 2 of the program are in construction, with Phase 1 nearing completion and Phase 2 just getting underway.

SAFCA staff and consultants are working closely with the U.S. Army Corps of Engineers (Corps) to complete NEPA/CEQA, obtain permits and complete the

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design for Phases 3 and 4a. Staff anticipates that planning, permitting, design, and right-of-way acquisition activities will be completed in 2010, setting the stage for the start of construction on both phases in 2010. Critical action items for these program phases are shown in Table 1 and Table 2.

SAFCA staff is working closely with the Corps to transition management of Phase 4b of NLIP to the Corps in anticipation of a Federal authorization in 2010. This sets the stage for a seamless transition from a SAFCA/State lead to a Corps lead as the Corps gears up to complete the program. The following is a summary of the status of key elements of the program.

Organization

The nomenclature used in NLIP for the various geographic and temporal program elements has evolved as the various technical specialists have contributed and can be confusing. The attached Construction Phasing Map serves as a visual cross reference for planning phases, levee reaches, and construction phases. In general, all planning documents refer to "**planning phases**", surveying and design are referenced to "**levee reaches**", and construction contracts are organized for most efficient execution of the work in "**construction phases**".

Status of Construction Efforts

Natomas Cross Canal South Levee (NCCSL) Phase 2/Sacramento River East Levee (SREL) Phase 1 (Reach 1) - Contract 3980

Teichert Construction is currently completing the placement of topsoil and erosion control on the Natomas Cross Canal South Levee (NCCSL). Installation of the of the patrol road aggregate base is anticipated for the week of November 9. The completion of all work on the NCC is anticipated by November 15, 2009.

The slurry wall for the Sacramento River East Levee (SREL), Construction Phase 1A (SREL 1A), has been completed. Placement of the embankment for SREL-1A was delayed by the rain storm of October 13-14, but the subsequent warm, dry weather has allowed the embankment and borrow source materials to dry out sufficiently to allow embankment construction to resume. Earthwork on the SREL 1A resumed on November 6 and will continue through November, as weather and soil conditions permit.

SREL Phase 1B (Reaches 2-4B), Elkhorn Irrigation Canal Phase 1 and Giant Garter Snake Drainage Canal Phase 1 - Contract 4032

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Independent Construction is currently excavating the sedimentation basin and the Giant Garter Snake (GGS) Drainage Canal east of the Garden Highway, between Riego Road and Elkhorn Road. Work on the Elkhorn Irrigation Canal is anticipated to commence during the week of November 9. Minimal traffic control has been required in association with Independent Construction's work because all heavy equipment activity is occurring off-road. Work on the basin and canals is anticipated to continue, weather permitting, into December.

Although complex Federal Aviation Administration permitting issues have been resolved, levee construction for this phase of work will likely be postponed to the spring of 2010 to avoid disturbance of the existing levee during the flood season.

SREL Reaches 1-4A Private Irrigation Facility Relocation Project - Contract 4007

This construction contract was awarded in December 2008. The contract includes construction of a replacement canal and water wells in the Phase 2 adjacent levee and canal footprints. The contract is nearly complete.

SREL Phase 2 Structure Demolition and Tree Removal Project - Contract 4020

This construction contract was awarded in December 2008. The contract includes the demolition of structures in the Phase 2 adjacent levee and canal footprints. Limited orchard tree removal on the Novak parcel, adjacent to Powerline Road at its intersection with the Garden Highway, is the only remaining work under this contract.

SREL Phase 2A (Reaches 5A-9B) Structure Demolition and Tree Removal, Elkhorn Irrigation Canal Phase 2A and GGS/Drainage Canal Phase 2A - Contract 4037 (to be Re-Bid as Contract 4047)

This contract includes the Elkhorn Irrigation Canal Phase 2A Relocation and the Giant Garter Snake/Drainage Canal Phase 2A Construction. This contract will also include demolition of structures in the adjacent levee and canal footprint and the removal of trees in the canal footprint. The goal of this construction contract is to relocate the canals and demolish the structures in advance of the levee construction to prepare the footprint for 2010 construction of the adjacent setback levee and berms along the Sacramento River East Levee in Reaches 5A-9B. All bids for this contract were rejected at the October Board meeting. The contract is being re-bid as Contract number 4047. Bids are scheduled to be opened in late November with a targeted award at the SAFCA Board of Director's Meeting, 10:00 AM, December 10th, 2009.

NLIP – Phase 2 Woodland Corridor Project - Contract 4043

This contract involves planting trees and creating associated habitat along a corridor that parallels the land side of Reaches 1 and 2 of the Sacramento

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River East Levee in accordance with the approved NLIP Habitat Conservation and Mitigation Plan. Bids are scheduled to be opened in late November with a targeted award at the SAFCA Board of Director's Meeting, 10:00 AM, December 10th, 2009.

SREL Phase 2B (Reaches 5A-9B) and Phase 3A (Reaches 10-15) - Contract 4044

The Sacramento River East Levee Phase 2B (Reach 5A through 9B) and Phase 3A (Reach 10 through 15) Tree Removal Project, Sacramento County, California, Contract 4044, will include the removal of trees in the adjacent levee and canal footprint in SREL Reaches 5A through 15 to prepare for levee construction in 2010 and 2011. Bids are scheduled to be opened in late November with a targeted award at the SAFCA Board of Director's Meeting, 10:00 AM, December 10th, 2009. This contract will be structured to allow tree removal to be phased to coincide with fully funded levee construction contracts.

Work in Progress/Public Updates

SAFCA currently posts weekly construction updates on its website at www.safca.org/programs.natomas.html to inform the public of current and pending impacts to the community, including working hours and impacts on traffic.

Right-of-Way Update

SAFCA staff and the NLIP consultant team are moving forward with the appraisals and acquisition of the rights-of-way necessary for levee construction along Sacramento River East Levee for Reaches 5A through 15 (just upstream of Elverta Road to just downstream of San Juan Road). Staff is continuing to negotiate with property owners in areas where the Board has passed Resolutions of Necessity. Our goal is to minimize impacts to property owners and achieve possession of the requisite properties through negotiations whenever possible. In two cases we have been unable to achieve a negotiated settlement and are moving through the formal legal process (Lauppe and Horangic properties).

Roughly 30 waterside drains will be required along SREL reaches 1 through 12 to provide for drainage of storm runoff from the eastern half of the Garden Highway. Because the new adjacent levee on the east side of the roadway is higher than the existing highway in these reaches, highway runoff will no longer drain off the roadway down the back side of the levee. Instead, the runoff will be collected in a roadside swale between the existing Garden Highway and the new adjacent setback levee, and conveyed via 24-inch drain pipes to the river at appropriate intervals. The drainage system is designed in accordance with best management practices to minimize discharge of sediment and pollutants in to the

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river. To the extent feasible, the SAFCA team has sought to place the drains on public properties, but some will need to be placed on private properties.

SAFCA Staff originally communicated with owners of over 50 waterside parcels to gain access for the purpose of studying various potential locations for waterside drainage outlets associated with levee construction. At present, staff has determined that it needs access to 24 parcels. Of the 24 parcels, staff has received access permits for 16. Staff will seek court-ordered access for the remaining eight parcels under SAFCA's eminent domain authority, but will continue to negotiate with willing property owners over the right-of-entry permit language to achieve mutually acceptable access constraints.

NEPA/CEQA and Permitting Update

Phase 3 Project Update

Phase 3 includes the Sacramento River East Levee Reaches 5A-9B, the Pleasant Grove Creek Canal West Levee and the Natomas East Main Drainage Canal West Levee from Elkhorn Boulevard to Northgate Boulevard. The Phase 3 Project Environmental Impact Report (EIR) was certified by the Board on May 21, 2009. The corresponding final Environmental Impact Statement (EIS) has also been completed. The 30-day post completion public comment period has closed and the response to comments has been completed. SAFCA has submitted to the Corps the documentation needed to complete the Record of Decision, the Section 408 permission request, a Section 104 Credit request, and the Section 404 permit application. The Record of Decision, 408 approval, Section 104 Credit Letter, and 404 permit are scheduled to be completed in December 2009. These approvals and permits are contingent upon SAFCA addressing Corps concerns about the accuracy and reliability of the hydrologic and hydraulic models upon which the applications are based. The attached Table 1 summarizes the status of the various approvals needed to award the SREL-2A and SREL-2B construction contracts.

Phase 4A Project Update

The Phase 4A Project includes the Sacramento River East Levee Reaches 10-15 and work on the Natomas Cross Canal South Levee at the Bennett and Northern Main Pump Stations. The public review period for the draft EIS/EIR ended on October 13. The EIR is scheduled to be certified by the SAFCA Board at the November 13 Board meeting. The Record of Decision, 408 approval and 404 permit are scheduled to be completed in April 2010. The Phase 4A Project Construction Contract will be ready for award in early to mid-2010. The attached Table 2 summarizes the status of the various approvals needed to award the major levee construction contract for this phase of the program (Planning Phase 4A/Construction Phase SREL 3).

Phase 4B Project Update

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The Phase 4B Project includes the Sacramento River East Levee Reaches 16-20, the American River North Levee, the Natomas East Main Drainage Canal West Levee from Sankey Road to Elkhorn Boulevard, additional improvements to the Pleasant Grove Creek Canal West Levee, and other improvements needed to complete improvements needed to achieve a 200-year level of flood protection for the Natomas Basin.

The Corps has initiated the preparation of a Post-Authorization Change Report (PACR) to identify the Federal interest in NLIP. The PACR will be the basis for Congress to authorize Federal participation in the program, including authorizing credit for SAFCA and State expenditures for NLIP, increasing the Common Features cost ceiling (Section 902 limit), and authorizing the Corps to construct the remaining elements of the program. The NLIP schedule, posted on our website, will be updated to reflect the Corps' execution of Phase 4B of the program. The Corps is committed to completing the EIS, PACR, and Record of Decision by late 2010. SAFCA staff is working closely with the Corps to transition management of Phase 4B of NLIP to the Corps in anticipation of a Federal authorization in 2010. This sets the stage for a seamless transition from a SAFCA/State lead to a Corps lead as the Corps gears up to complete the program.

SREL Encroachment Report Update

The SAFCA team is in the process of preparing the draft report that maps and evaluates encroachments along the existing levee system to determine which encroachments may need to be modified or removed in order to achieve FEMA certification and to comply with Corps and Central Valley Flood Protection Board standards. SAFCA and RD1000 are in the process of coordinating with the Corps and the Central Valley Flood Protection Board (CVFPB) to seek their input on the criteria that would be the basis for screening the existing encroachments. SAFCA and RD 1000 staff requested a meeting with the Corps and CVFPB staff in October to seek their input on the draft report. The Corps requested this meeting be delayed until November. In addition, the Corps is scheduled to release their guidance for the variance process in December. The Corps has stated that SAFCA's proposed encroachment management criteria will need to comply with this new guidance. As a result, the release of the draft report to the public will be delayed until at least January 2010 to allow SAFCA staff to review the new guidance, discuss with Corps and CVFPB staff and modify the proposed criteria accordingly.

Meanwhile, the encroachment data base, which is a compilation of structures and planted vegetation in the levee footprint, has been essentially completed. Staff is prepared to release this information to the interested public for review.

FINANCIAL IMPLICATIONS

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This report is an informational update on implementation of the NLIP. The program is currently within budget and there is no proposed action with this report.

POLICY IMPLICATIONS

This report is an informational update on implementation of the NLIP. There is no change in policy as a result of this report.

RECOMMENDATIONS

Staff recommends that the Board receive and file this report.

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Attachment(s)