



FEMA

September 27, 2007

Mr. Ray Kerridge
City Manager
City of Sacramento
1395 35th Avenue
Sacramento, California 95822-2911

Dear Mr. Kerridge:

Thank you for your letter dated June 29, 2007, sent to Ms. Sally Ziolkowski, Director of the Mitigation Division, Federal Emergency Management Agency (FEMA) Region IX, Department of Homeland Security. The area known as the Natomas Basin has recently been identified as protected by a levee which the U.S. Army Corps of Engineers (USACE) has recently decertified. Your letter formally requested that this area known as the Natomas Basin receive a Zone A99 flood designation on your community's Flood Insurance Rate Map. You provided narrative and financial documentation to support this request, as required by Title 44 of the Code of Federal Regulations, Section 61.12 (44 CFR Section 61.12).

Both FEMA Region IX and FEMA Headquarters (HQ) have discussed the submission with representatives of the City of Sacramento, Sacramento County and Sutter County, as well as the Sacramento Area Flood Control Agency (SAFCA). FEMA has carefully reviewed the submission and considered these discussions in making a determination in accordance with 44 CFR Section 61.12. Based on these considerations, the Natomas Basin is not eligible for a Zone A99 designation.

44 CFR Section 61.12 refers to the flood protection system and the costs associated with it. In the case of a levee restoration project, the restoration project alone is considered the "flood protection system" as referenced in the regulations. Therefore, the adequate progress criteria must be measured solely against the restoration project total projected cost. Therefore, 100 % of the cost of the restoration project must be authorized, 60 % must be appropriated and 50% must be expended in order to meet 44 CFR Section 61.12 (b).

The goal of Phase 1 of the Natomas Levee Improvement Project is to improve the levee such that it provides base flood protection. The cost for Phase 1 of the project is \$260 million, with \$11.5 million coming from a federal agency. The submittal estimates the authorized, appropriated and expended costs through December 2007. These estimates indicate that \$260 million will have been authorized (100%), \$123 million (47%) will have been appropriated, and \$41.7 million (16%) will have been expended. The amount of funding that has been appropriated and expended does not meet FEMA's regulations for Zone A99.

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In addition, critical features in a restoration project must include the deficiencies for which the levee was de-certified. Within the submittal for the Natomas basin, documentation was provided to indicate that the USACE de-certified the levees specifically due to inadequacies in freeboard and underseepage protection. Therefore, the height requirements for the levee to meet freeboard and the measures taken to protect against underseepage must be considered critical features. These critical features must be under construction and 50% completed as measured by the actual expenditure of the estimated construction budget. There is not sufficient documentation in the submittal to show what percent of these critical features is complete. However, it appears from Table 1 of the submittal that much of the expended funds are devoted to design activities and erosion control work, therefore it is unlikely that the requirements for critical features are met.

While this submittal does not meet the requirements of 44 CFR 61.12, there are other opportunities for identifying the flood risk during the restoration project. As you are aware, 44 CFR 65.14 addresses the remapping of areas for which local flood protection systems no longer provide base flood protection through the designation of a restoration flood zone, Zone AR. FEMA has reviewed your submission to determine if it meets the basic criteria for the designation of a Zone AR. The general requirements appear to be met for your situation, however additional documentation is required to meet all of the conditions set forth in 44 CFR 65.14.

Enclosed is a checklist which identifies the specific requirements and whether or not your submittal currently meets these requirements. Please use this checklist to prepare a submittal for the request for the remapping of the area as a restoration zone. When the submittal is complete, please submit it to Sally Ziolkowski, Director, Mitigation Division, FEMA Region IX.

I hope this information is useful to you in addressing the flood risk that exists associated with the decertified levee system. If you need additional information or assistance, please contact Kathy Schaefer in FEMA Region IX by telephone at (510) 627-7129.

Sincerely,

A handwritten signature in black ink, appearing to read "David I. Maurstad". The signature is written in a cursive style and is positioned above the printed name.

David I. Maurstad
Assistant Administrator
Mitigation

DM:mjm

cc: Sally Ziolkowski, Director, Mitigation Division, FEMA Region IX
Kathy Schaeffer, Engineer, Mitigation Division, FEMA Region IX
Terry Schutten, County Executive, Sacramento County
Curt Coad, Assistant County Administrator (Interim), Sutter County