



DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

REPLY TO
ATTENTION OF

Operations and Readiness Branch

AUG 21 2012

Mr. William Edgar
President, Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Edgar:

The U.S. Army Corps of Engineers (USACE) recognizes the Central Valley Flood Protection Board's (CVFPB) significant achievement in adopting the Central Valley Flood Protection Plan (CVFPP). We look forward to working with the CVFPB and the State of California to achieve the plan's public safety goals.

It remains a high priority for USACE to ensure that thorough maintenance of the existing levee systems in the Central Valley continues in order to consistently reduce risks to public safety. Levee safety is a shared responsibility at all levels of government. For levees within USACE's authorities, USACE's role includes setting standards for levee safety and providing rehabilitation assistance to levee maintaining agencies that maintain active status in the USACE Public Law 84-99 Rehabilitation and Inspection Program (RIP). For all levees, USACE can offer flood fighting assistance in cases of emergency.

Recognizing the significant challenge of addressing the many, widespread deficiencies throughout Central Valley levee systems, USACE was pleased to work with the CVFPB, as well as other federal, state and local agencies, through the California Levees Roundtable to develop the Central Valley Flood System Improvement Framework (Framework) in 2009. The Framework, which provided interim guidance for levee maintenance while the CVFPP was developed, temporarily afforded continued RIP eligibility for levee systems sponsored by the CVFPB with five categories of deficiencies: channel capacity, seepage, erosion, encroachments, and vegetation.

As discussed at the California Levees Roundtable meetings, and as stated in the Framework, the purpose of the Framework was to allow time for developing a long-term strategy for bringing CVFPB-sponsored levees into compliance with USACE operation and maintenance standards, a strategy that was intended to be described in the CVFPP. It was further understood that with the adoption of the CVFPP, the Framework would expire. As the CVFPP was being developed, USACE notified the CVFPB and California Department of Water Resources (DWR) in phone calls, CVFPB meetings, comments on the draft plan, and in formal letters that the draft CVFPP did not adequately describe how the CVFPB intends to comply with USACE operation and maintenance standards; therefore, that the CVFPP would not serve as a replacement of the

Framework agreement, nor provide the support to justify continued RIP eligibility for unacceptable systems. The final CVFPP does not address USACE concerns.

During the past four years, USACE has completed inspections of 32 of the 118 levee systems sponsored by the CVFPP, while the Framework was in effect. Because of the Framework agreement, USACE allowed 17 of these levee systems to remain active in the RIP, despite unacceptable ratings according to USACE inspection standards. A list of the 17 systems along with the primary deficiencies that resulted in the overall levee system rating of unacceptable is enclosed. USACE previously sent inspection letters to the CVFPP providing the details of the deficiencies for these 17 levee systems. It is important to note that for all 17 systems, the unacceptable rating was due to encroachments, erosion and/or bank caving – the most prevalent and potentially hazardous deficiencies. While non-compliant vegetation and other items were also found to be an unacceptable deficiency in most of these systems, it was determined that these alone would not have resulted in an overall unacceptable system rating, with or without the Framework.

With the adoption of the final CVFPP and expiration of the Framework, these 17 systems described above are now inactive in the RIP as a result of the overall unacceptable rating due to encroachments, erosion and/or bank caving as set forth in the inspection letters and consistent with 33 C.F.R. Part 203 and Engineer Regulation 500-1-1. If the CVFPP believes sufficient improvements have been made to change the inspection rating, please notify us to request a re-inspection to determine continuing eligibility. Alternatively, if the CVFPP disagrees with the unacceptable rating, it can pursue its appeal rights as set forth in Engineer Regulation 500-1-1 Paragraph 5-5.d.

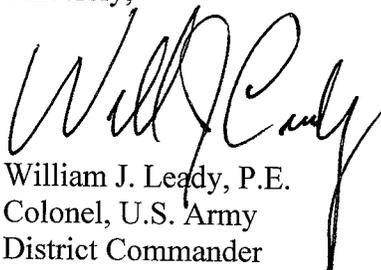
All future levee system inspections conducted by USACE will use standard inspection procedures using the inspection checklist and the project Operation and Maintenance Manuals. Regardless of RIP status, the CVFPP is still obligated to ensure that levee systems it sponsors are maintained in accordance with their USACE Operation and Maintenance Manuals. USACE will not grant extensions for RIP eligibility for unacceptable deficiencies in channel capacity, seepage, erosion, encroachments, and vegetation as was previously done under the Framework agreement. Any system with a serious deficiency in any of the rated items on the inspection checklist will receive an overall unacceptable rating and become immediately inactive in the RIP. This approach will also apply to inspections conducted prior to June 29, 2012 for which inspection result letters have not yet been sent to the CVFPP. A system's RIP status does not affect the USACE's ability to assist the state with flood fight activities.

USACE strongly encourages the CVFPP to develop System-Wide Improvement Frameworks (SWIFs) to allow Central Valley levee systems to retain RIP eligibility while system-wide improvements are made in a "worst-first" approach to transition them to USACE standards over time. Where it would not be practical or feasible for the CVFPP to complete a SWIF, USACE encourages levee maintaining agencies to generate SWIFs and submit them through the CVFPP.

-3-

If you have any questions regarding this matter, please contact the Levee Safety Officer, Mr. Rick Poepelman, at (916) 557-7301. For more information about the process for submitting a SWIF, please contact Ryan Larson, acting Levee Safety Program manager, at (916) 557-7568. A copy of this letter is being furnished to the Department of Water Resources Flood Operations Center, the county office of emergency services of the affected systems, FEMA Region IX and the associated Congressional representatives.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Leady". The signature is written in a cursive, flowing style.

William J. Leady, P.E.
Colonel, U.S. Army
District Commander

Enclosure

USACE-Sacramento District
Listing of Systems Rated Unacceptable-Active During the Framework

	System Name	Deficiencies leading to Unacceptable Rating	Type of Inspection	Location/Nearest Populated Area
1	RD 1000 - Natomas	Encroachments and Erosion/Bank Caving	PI	Sacramento
2	MA 09 - City of Sacramento - American R left bank	Encroachments	PI	Sacramento
3	RD 0404 and Duck Creek right bank - Boggs Tract	Encroachments and Erosion/Bank Caving	PI	Stockton
4	Bear Creek - Units 7 west and 21	Encroachments and Erosion/Bank Caving	PI	Stockton
5	Bear Creek - Units 7, 22, and 23	Encroachments and Erosion/Bank Caving	PI	Stockton
6	Bear Creek - Units 7 east	Encroachments	PI	Stockton
7	Bear Creek - Units 8, 25, and 27	Encroachments and Erosion/Bank Caving	PI	Stockton
8	Bear Creek - Units 8, 24, 26, and 9	Encroachments	PI	Stockton
9	Bear Creek - Units 8, 10, and 11	Encroachments	PI	Stockton
10	Bear Creek - Units 12 south, 10, and 13	Encroachments	PI	Stockton
11	Mormon Slough - Calaveras R right bank - RD 2074	Encroachments and Erosion/Bank Caving	PI	Stockton
12	Mormon Slough - Diverting Canal right bank	Encroachments	PI	Stockton
13	Mormon Slough left bank along RR tracks - Unit 16	Encroachments	PI	Stockton
14	Mormon Slough right bank - Unit 15 east	Encroachments	PI	Stockton
15	North Fork Feather River at Chester - east levee	Encroachments	CEI	Chester
16	Knights Landing U2 - Yolo Bypass - Service Area 6	Encroachments and Erosion/Bank Caving	CEI	Knights Landing
17	LSJLD Units 2,25	Erosion/Bank Caving	CEI	Gustine

PI= Periodic Inspection
CEI= Continuing Eligibility Inspection

As of June 29, 2012