

Frequently Asked Questions and Talking Points PL 84-99 Levee Repairs

Date: 27 July 2006

Background:

The federally authorized levee system in northern California sustained widespread damages during a significant rainfall event that occurred from December 28, 2005 thru January 9, 2006. Although there were no breaks on the project levee system, erosion and seepage damage did occur during the sustained high river flows. Both President Bush and Governor Schwarzenegger declared an official state of emergency for multiple counties. (The federal disaster declaration included 31 California counties and 6 Nevada counties.) By April 4, the Corps had received 43 eligible requests for assistance that included more than 300 individual sites across 31 different maintenance organizations.

Field inspections have determined that about 140 sites have damage from the January event. Thirty-Five (35) of these sites are protecting urban infrastructure and have severe damage that if not repaired immediately, could lead to the loss of the levee this winter. These 35 sites are our first priority for emergency repairs. Additionally, forty-six (46) more sites are also severely damaged and if not repaired could lead to the loss of the levee. However, these 46 sites are predominately protecting agricultural areas and would be our second priority for repairs, next year. The remaining sites are damaged but are not in any imminent threat of failure and local interests may be better positioned to make repairs on their own.

Current Situation:

The Sacramento District of the Corps of Engineers along with the non-federal sponsor, the State of California, is requesting immediate federal approval and funding to authorize repairs to the 35 priority sites. These sites contain approximately 9,287 feet of damages and will require an estimated \$50.5 million to repair. In the District's opinion, these repairs need to be made before the start of the next flood season under our emergency authority and procedures. We are also anticipating a second wave of requests that would authorize and fund repairs to the additional 46 severely damaged sites that are protecting predominately agricultural lands. That work contains over 27,820 feet of damages with an estimated cost of repair of \$110 million. This second phase of emergency work would be preformed during the 2007 construction season. The remaining sites, although possibly eligible for federal assistance, are farther down the list of priorities and local maintaining authorities will be encouraged to take action.

Talking Points

1. The Army Corps of Engineers, Sacramento District, is requesting emergency approval and funding to repair 35 levee sites that were damaged during the January 2006 high water event.
2. The request requires approval by our headquarters in Washington DC and federal funding will have to be appropriated by Congress.
3. The Corps is advising Congress of the need for emergency federal funds, typically made available through a supplemental appropriations bill. It is likely that federal funds will not be immediately available and we are working with the State of California to discuss the availability of State funds to initiate repairs before the rainy season begins.
4. These 35 sites would be repaired under our “emergency authority” of PL 84-99. As much of the work as possible will be done this year before the rainy season.
5. These 35 sites are severely damaged and protect improved property, therefore they represent our first priority for emergency repairs.
6. Our second priority for repairs is an additional 46 sites that are also severely damaged, but predominately protecting agricultural property. We anticipate requesting approval and funding to perform work on those sites during the 2007 construction season.
7. There are other sites that are less severely damaged and could be authorized for federal repairs in the future, however local maintaining organizations are best positioned to make repairs in the near term.
8. The Army Corps of Engineers and the State of California are continuing to meet and discuss the most effective way to repair the damaged sites as quickly as possible.
9. We will also be developing contingency plans for any of the severely damaged sites that are not able to be repaired this year, so that we can quickly conduct a flood fight operation.
10. State and Federal governments have increased their funding and focus on making additional repairs to the flood control system this year. Cities, counties as well as levee and reclamation districts are encouraged to do the same.

Frequently Asked Questions:

Q: Why are you just now determining that these sites are an emergency priority?

A: Due to the extremely wet conditions this water year, flows on the rivers were high for much of the rainy season precluding us from being able to identify the damages until late May and early June. (We received the requests for assistance in April.) After an in-house review, the Corps and DWR staff conducted field inspections during the first two weeks of June. After applying evaluation criteria, we prioritized the work to determine what needed immediate attention.

Q: What flood event?

A: Although there were no levee breaks on the project levees, December 28, 2005 through January 9, 2006, represented a widespread high-water event across the northern CA levee system. Water was above the normal channel and against the levee. Our emergency operations center was activated, as was the flood operations center of the State of CA. There were official disaster declarations at both the federal and state level.

Q: Shouldn't erosion and seepage be repaired by local maintaining authorities?

A: Local maintaining authorities are always required to do all they can to make repairs to the levee system. However, damages from a flood event can often qualify for federal assistance even if the levee does not fail. Erosion and seepage repairs can be made under PL 84-99.

Q: Shouldn't the federal government be making all of the flood repairs?

A: Under PL 84-99 the federal government is authorized to make repairs to assist the state and local interests after they have exhausted their repair capability. The Sacramento District is requesting that authorization and funding to begin repairs to the 35 sites. The District will then continue with project information reports for the remaining 46 severely damaged sites, followed by any remaining eligible sites. The state and local authorities are always required to do everything they can to make repairs.

Q: What is the difference between the 35 significantly damaged sites and the 46 significantly damaged sites?

A: Both have considerable damage; the only difference is the type and value of the infrastructure the levee is protecting. The 35 sites are protecting improved property, while the 46 sites are protecting more rural land.

Q: What is the condition of the rest of the sites and when might those be repaired?

A: The remaining sites have damage that is not as severe and not in imminent danger of failing. We have not determined if and when those sites could be repaired, but it is unlikely the federal government will act on those this year or next. Local interests should make any and all repairs that they are able to conduct.

Q: What are the other options if the Corps is not authorized to do the emergency repairs this year?

A: We will consider all forms of federal and state funding and authority to allow the work to go forward.

Q: Are these sites in danger of failing this winter?

A: Yes. There are 81 sites with significant damage. (35 protecting improved property and 46 protecting Ag land.) Those sites could potentially fail during another high water event.

Q: What if one of these sites has problems or fails this winter?

A: We can always conduct emergency flood fight operations if the levee sites experiences problems during the winter. We will develop contingency plans for each of the sites so that repairs will be expedited.

Q: Will the State be paying any of the costs?

A: As the non-federal sponsor the state is required to provide all of the lands easements and right-of-ways as well as the soil to make the repairs.

Q: If the Corps is not funded to make the repairs this year, could the repairs be made next year?

A: We are asking for approval and funding now and are prepared to move forward as soon as we are given the go ahead. Given the volume of all of the sites much of it will have to be worked over the next two or even three construction seasons. The 35 sites represent the most critical sites that we would be attempting to complete this year.

Q: Does the high volume of on-going levee repairs make this a challenge to repair now?

A: Yes. Both the state and Corps are already undertaking over \$200 million worth of levee repairs in the region this summer. Adding these 35 sites to an already full construction season will have a big impact on resources, availability of materials and contractors as well as the likely increase in prices.

Q: How did you determine which sites were severely damaged? Sites were categorized as severely damaged if they had at least one of the following: A vertical cut in the levee slopes higher than 10 feet, vertical cut close to the levee crown with high traffic on the paved road on the levee crown (i.e. Hwy 160), slides in the waterside or landside levee slope close to the levee crown that may lead to progressive failure of the levee, or sand boils removing material from the levee foundation that may lead to collapse of the levee due to piping.

Q: If you don't get enough funding to fix all 35 sites, how will you decide which to fix?

A: We will work with the State to prioritize which sites will be repaired with any funds that are available this year.

Q: Why are your estimated costs so expensive?

A: Due to the large amount of levee repair work already ongoing, prices have increased significantly. A shortage of contractors, barges, availability of rock as well as fuel prices are all factors in the costs.

Q: How could such a small event damage the levees so severely?

A: Many of the levees within the system are not engineered but rather were built by farmers and later adopted into the Federal system. Many of these levees are in poor condition and are damaged by low flows. In addition, many of these same locations experienced high water again in the Spring potentially extending the damage from the New Year's flood event.

Q: What is the State doing to help with the damaged levees?

A: The State of California, through the Department of Water Resources and the Reclamation Board, has been taking unprecedented actions in recent years to improve maintenance, repair both locally and federally constructed Central Valley levees, and to complete significant advance measures/repairs during flood fights. In addition to significantly improving maintenance and inspection funding, staffing, and procedures, over the last two years, the State has:

1. Lead the effort to flood-fight, repair the levee breach, and reclaim the flooded Upper and Lower Jones Tracts in the Sacramento-San Joaquin Delta following a June 2004 levee failure along Middle River. State costs for this effort were approximately \$23 million, which were only partially reimbursed by FEMA.
2. Responded to the federally declared December 2005/January 2006 flood event with numerous flood fights led by the State and local agencies. The State requested no Corps direct assistance for flood fights – only technical assistance. The estimated cost to the Department of Water Resources for this flood response and the repairs that followed is approximately \$5 million. The repairs include damaged slope protection and waterside slopes along many Delta levees, and the closure and repair of several levee breaches in the Suisun Marsh.
3. Responded to the federally declared April 2006 flood event with numerous flood fights and advance measures (emergency repairs) led by the State and local agencies. The State requested no Corps direct assistance for flood fights – only technical assistance. The estimated cost to the Department of Water Resources for this flood response is approximately \$10 million.

4. Declared an emergency on February 24, 2006 to facilitate timely repairs of 24 critical erosion sites (which has expanded to 29 sites to be repaired this year, plus at least 3 more sites next year). All 29 of these sites qualified for repair under the Sacramento River Bank Protection Project, which has a 75 percent federal cost share. The State is repairing 16 of the sites and doing so with no assurance of federal crediting. The total cost for the 29 sites is estimated at \$170 million, with the State advancing all of the money to have this work completed this year.
5. Funded and lead effort to complete a Delta Risk Management Strategy to better evaluate the risks, impacts to beneficiaries, and potential risk reduction measures associated with the vulnerability of levees in the Sacramento-San Joaquin Delta. A catastrophic set of levee failures in the Delta would impact the State's water supply and have major impacts on the State and national economy. This two-year effort is targeted to be completed by the end of 2007 at a cost of approximately \$6 million. While it is being conducted in coordination with the federal government, only State funds have been provided to date for this effort.
6. Appropriated \$500 million for levee evaluations, repairs, and flood control improvements with which the Department of Water Resources is funding the critical erosion repairs, funded other multi-million dollar critical levee repairs, and will soon begin geo-technical explorations of the levees protecting urban areas, estimated to cost in excess of \$30 million.

Q. What level of protection will the levees be built to? Will they be improved?

A: PL 84-99 allows the Corps to repair the storm damage and re-build the levee to its condition before the event. Improvements above and beyond that should be handled through the normal civil works program.