

COUNTY OF SACRAMENTO CALIFORNIA

RESPONSE TO 2006-2007 GRAND JURY FINAL REPORT

Sacramento Area Flood Control Agency (SAFCA) Sacramento County Municipal Services Agency (MSA) & Department of Economic Development and Intergovernmental Affairs (ED)

The Flood Risk in Sacramento County (pp 41-45)

Finding #1:

SAFCA has proposed increasing protection for the entire Sacramento flood risk area. Its goal is 100-year protection by 2008 and 200-year protection by 2021. Even though these levels of protection are less than what has been achieved at similar flood prone areas in the nation, they seem reasonable and achievable for Sacramento.

SAFCA Response to Finding #1: Concur

SAFCA concurs with Finding # 1, while noting that with our current understanding, we recognize that the Natomas Basin is likely to lose its 100-year certification through a FEMA map revision in 2008. An important part of SAFCA's work program is to expedite the work required to restore that 100-year certification by 2010, while making the improvements needed to achieve 200-year flood protection by 2012. SAFCA staff concurs that its goals are reasonable and achievable for Sacramento.

Sacramento County MSA & ED Response to Finding #1: Concur

Recommendation #1:

All government agencies, elected officers and residents in flood risk areas should support SAFCA in striving to reach the stated goal of providing 100-year and 200-year flood protection for the Sacramento area by 2008 and 2021, respectively, or sooner.

SAFCA Response to Recommendation #1: Concur

Sacramento County MSA & ED Response to Recommendation #1: Concur

The County of Sacramento has consistently supported SAFCA in striving to reach the goal of providing 100-year and 200-year flood protection for the Sacramento area, through its participation in the SAFCA Joint Powers Agreement and through its own General Plan policy. Per 1993 General Plan Safety Element policy SA-6, it is the policy of Sacramento County to coordinate with SAFCA and other agencies to reduce flooding potential by obtaining federal authorization for the construction of flood control projects along the Sacramento and American Rivers that provide 200-year flood protection. The current SAFCA goals for Natomas are to achieve 100-year protection by 2010 and 200-year protection by 2012.

Flood Risk in Sacramento County

Finding #2

Both the City of Sacramento and the County of Sacramento are allowing building to continue in areas that do not have 100-year flood protection. This is especially true in North Natomas that was found to have less than 100-year protection in 2006. Potential flood depths of greater than 15 feet in that area place immense risk to both lives and property.

Sacramento County MSA & ED Response to Finding #2: Concur in Principle

The Natomas basin is a deep floodplain by virtue of the surrounding levees and is currently vulnerable to potential flood damage and loss of life. In 1986, the United States Army Corps of Engineers (the Corps) evaluated the Sacramento flood control system and determined the system inadequate to meet the minimum 100-year level of flood protection required by the National Flood Insurance Program managed by the Federal Emergency Management Agency (FEMA). The Corps estimated that flood depths likely to result from a 100-year flood would range from two feet to in excess of fifteen feet in the Natomas basin.

In 1989, FEMA created a special A99 flood zone for this area to designate that the area was dependent on levees that were under construction but which did not yet meet the 100-year standard. Flood zones are defined by FEMA and describe land area in terms of its risk of flooding. These zones are depicted on a community's Flood Hazard Boundary Map or a Flood Insurance Rate Map. Each zone reflects anticipated severity of flooding in the area, and generally includes regulations concerning building in the zone.

In February 1990, the City and County adopted building restrictions in Natomas that imposed a de facto moratorium on residential development and imposed conditions that all non-residential building permits must meet certain criteria to minimize risks due to flood.

The Congress passed legislation in 1992 directing FEMA to create a new "AR" flood zone designation applicable to communities such as Sacramento. The rationale was that a previously certified 100-year flood protection system had been decertified due to updated hydrologic data. FEMA was prohibited from requiring elevation of improvements to existing structures.

In 1998, the Corps certified that levee work in the North Natomas area had raised the flood protection level to the 100-year standard. While the residential moratorium was lifted in the City, the County adopted General Plan policy in 1996 that requires 200-year protection be provided if residential development is to be allowed in floodplain areas reclaimed by levee construction.

As a result of the high water event in 2005 which exposed some levee weakness, and in view of Hurricane Katrina, The Sacramento Area Flood Control Agency (SAFCA) requested that the North Natomas flood control system be re-evaluated. Based on this evaluation, and the new application of a levee design standard, the Corps found that it

could no longer stand behind its prior certification of the Natomas levees. As a result FEMA has indicated that the area will be re-mapped to reflect the newly identified risk.

Recommendation #2:

The City and County should curtail all building in the North Natomas area until 100-year flood protection is certified by the Corps. A policy stopping all development immediately in North Natomas, as allowed by state law, is imperative. Extending the policy until 200-year protection is achieved is highly recommended.

Sacramento County MSA & ED Response to Response to

Recommendation #2: Concur in Principle

The County of Sacramento has only approved nominal development in the unincorporated area of the Natomas Basin.

The Federal Emergency Management Agency (FEMA), after consultation with the City and County of Sacramento, and the Sacramento Area Flood Control Agency, is in the process of remapping the North Natomas Area into an as yet undetermined flood zone designation. While it is recognized that the levees in Natomas do not meet the new standard set by the Corps, the Natomas levees are stronger than they were in the past and are about to undergo additional improvements to allow them to meet the new Corps levee standard.

While FEMA has not yet determined what new Zone will be applied to Natomas, the City and County have requested that FEMA apply a Zone A99 to Natomas as the appropriate choice for remapping. The Zone A99 is the flood insurance rate zone that corresponds to areas within the 1-percent annual chance floodplain that are protected by a Federal flood protection system that does not currently meet the 100-year standard but for which improvements are underway. No Base Flood Elevations or depths are shown within this zone but mandatory flood insurance purchase requirements apply.

Within Sacramento County, current County General Plan policy already restricts residential development in floodplains reclaimed by new levee construction unless 200-year protection is provided. However, regarding commercial development, in keeping with past FEMA policy as applied to Natomas, and in recognition of the additional improvements to the levees that will bring the levees up to the new Corps levee standard and FEMA requirements, it would be inconsistent to place a moratorium on non-residential development in areas with an A99 designation. Also, the County does issue ministerial permits for new residential and commercial buildings on existing lots consistent with the NFIP regulations.

As previously stated, the County of Sacramento also has policies within the Safety Element of its 1993 General Plan prohibiting urban uses on unprotected flood lands (SA-13) and requiring flood control projects provide 200-year flood protection (SA-6).

Response Requirements

Penal Code sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2007, from:

- Sacramento Area Flood Control agency (1)
- Sacramento County Board of Supervisors (1, 2)