



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

NOV 29 2004

CEMP-SPD (1105-2-10a)

SUBJECT: Southwest Valley, Bernalillo County, New Mexico

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the study for implementing flood damage reduction measures in the area of Southwest Valley, Bernalillo County, New Mexico. It is accompanied by the report of the district and division engineers. This study was authorized by the Flood Control Act of 1941 and by Section 433 of the Water Resources Development Act (WRDA) of 1999. Preconstruction engineering and design activities for this project will be continued under the WRDA 1999 authority.
2. The reporting officers recommend reduction of flood damages by modifying existing features of the Middle Rio Grande Conservancy District's surface drain facilities. The recommended plan includes utilizing existing easements, widening existing drains, and providing a gravity outfall to the Rio Grande with the opportunity for wetland enhancement. Approximately 7.5 miles of existing 30- to 40-foot-wide drains would be enlarged to a width of 68 feet to store and convey flood flows on the Isleta, Armijo, and Los Padillas drains. New access roads and trails would be installed on each side of these drains. Existing road crossings would be rehabilitated and/or enlarged to facilitate the proposed improvements and additions to the drainage system. A 25-acre detention pond would be constructed in an existing agricultural field situated east of the Isleta Drain to detain a portion of flood flow during large storm events. Two flood flow channels totaling approximately 1.5 miles would be constructed to connect the Isleta drain to the Los Padillas drain and then to the Rio Grande levee. New access roads 15 feet wide would be placed on each side of these drains. Floodgates would be built at the Rio Grande levee. An engineered outfall would continue from the levee for approximately 700 feet through the floodplain to the Rio Grande. Implementation of this plan would provide protection from the 10 percent chance flood, and would provide protection to about 85 percent of the structures in the one percent chance floodplain. The recommended plan is the national economic development (NED) plan, which provides the highest net flood damage reduction benefits compared to all non-structural, pumping, or detention and cross-basin channel alternatives studied.
3. At October 2003 prices, the estimated total first cost of the recommended plan is about \$17,500,000. Based upon the requirements of WRDA 1986 as amended, cost sharing for the initial project would be 65 percent (\$11,400,000) Federal and 35 percent

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(\$6,100,000) non-Federal. The Albuquerque Metropolitan Arroyo Flood Control Authority and Bernalillo County are the non-Federal sponsors for the recommended plan. The non-Federal sponsors are responsible for the operation, maintenance, repair, rehabilitation, and replacement of the project after construction, a cost currently estimated at \$85,000 per year.

4. Average annual flood control benefits associated with the recommended plan, reflecting a 50-year period of economic analysis and a 5 5/8 percent discount rate, total \$1,697,200. With annual costs of \$1,214,600, the resulting benefit-to-cost ratio would be 1.4 to 1.0. Net benefits would total \$482,600.

5. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that improvements for flood damage reduction for Southwest Valley, Bernalillo County, New Mexico, be authorized in accordance with the reporting officers' recommended plan, with such modifications as in the discretion of the Chief of Engineers may be advisable. This recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including WRDA 1986 as amended. Federal implementation of the authorized project would be subject to the non-Federal sponsor agreeing to comply with applicable Federal laws and policies, including but not limited to:

a. Provide a minimum of 35 percent, but not to exceed 50 percent of total project costs as further specified below:

(1) Enter into an agreement which provides, prior to execution of the project cooperation agreement, 25 percent of design costs;

(2) Provide, during construction, any additional funds needed to cover the non-federal share of design costs;

(3) Provide, during construction, a cash contribution equal to 5 percent of total project costs;

(4) Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations determined by the Government to be necessary for the construction, operation, and maintenance of the project;

(5) Provide or pay to the Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project; and

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(6) Provide, during construction, any additional costs as necessary to make its total contribution equal to at least 35 percent of total project costs.

b. Give the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project.

c. Assume responsibility for operating, maintaining, replacing, repairing, and rehabilitating (OMRR&R) the project or completed functional portions of the project, including mitigation features without cost to the Government, in a manner compatible with the project's authorized purpose and in accordance with applicable Federal and State laws and specific directions prescribed by the Government in the OMRR&R manual and any subsequent amendments thereto.

d. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element.

e. Hold and save the Government free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors.

f. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs.

g. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government.

h. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands,

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easements, or rights-of-way that the Government determines necessary for the construction, operation, or maintenance of the project.

i. Agree that, as between the Federal Government and the non-Federal sponsor, the non-Federal sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and, to the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

j. Prescribe and enforce regulations to prevent obstruction of or encroachment on the project that would reduce the level of protection it affords or that would hinder operation or maintenance of the project.

k. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act.

l. Comply with all applicable Federal and State laws and regulations, including Section 601 of the Civil Rights Act of 1964, Public Law 88-352, and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army", and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)).

m. Comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a Non-Federal interest to have prepared a floodplain management plan within one year after the date of signing a Project Cooperation Agreement. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by Non-Federal interests to preserve the level of flood protection provided by the project. As required by Section 402, implement the plan not later than one year after completion of the construction of the project. Provide an information copy of the plan to the Government upon its preparation.

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- n. Provide the non-Federal share of that portion of the costs of mitigation and data recovery activities associated with historic preservation, that are in excess of one percent of the total amount authorized to be appropriated for the project, in accordance with the cost sharing provisions of the agreement.
- o. Participate in and comply with applicable Federal floodplain management and flood insurance programs.
- p. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is authorized.
- q. Inform affected interests, at least annually, regarding the limitations of the protection afforded by the project.

6. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsors, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



CARL A. STROCK
Lieutenant General, U.S. Army
Chief of Engineers