DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
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WASHINGTON, D.C. 20314-1000

OCT 30 2009

CECW-PB

MEMORANDUM FOR COMMANDER, South Pacific Division (CESPD-DE)

SUBJECT: Implementation Guidance for Section 3033 of the Water Resources Development Act of 2007 (WRDA 2007) – Santa Ana River Mainstem, California

1. Section 3033 of WRDA 2007 modifies the project for flood control, Santa Ana River Mainstem, California, authorized by Section 401(a) of the Water Resources Development Act of 1986 and modified by Section 104 of the Energy and Water Development Appropriation Act of 1988 and Section 309 of the Water Resources Development Act of 1996. Section 3033 increases the authorized total cost of the project to $1,800,000,000 and clarifies that work on the Santa Ana River Interceptor (SARI) Line is considered an element of the project. Enclosure 1 contains the text of Section 3033, Section 401(a), Section 104 and Section 309.

2. In accordance with Section 3033 and Section 2008(a) of the Water Resources Development Act of 2007, the Local Cooperation Agreement (LCA) for this project will be amended to include the new authorized total cost of the Santa Ana River Mainstem, California project of $1,800,000,000. The Los Angeles District should prepare a post authorization report, to be approved by the South Pacific Division, to classify the work necessary on the SARI Line as LERRD or construction, or a combination thereof as appropriate, in accordance with the provisions of the LCA and Corps policy.

FOR THE COMMANDER:

Encl

STEVEN L. STOCKTON, P.E.
Deputy Director of Civil Works

TEXT OF LEGISLATIVE PROVISIONS

SECTION 3033, SANTA ANA RIVER MAINSTEM, CALIFORNIA.

The project for flood control, Santa Ana River Mainstem (including Santiago Creek, California), authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113) and modified by section 104 of the Energy and Water Development Appropriation Act, 1988 (101 Stat. 1329–111) and section 309 of the Water Resources Development Act of 1996 (110 Stat. 3713), is further modified to authorize the Secretary to carry out the project at a total cost of $1,800,000,000 and to clarify that the Santa Ana River Interceptor Line is an element of the project.

SECTION 401(a), WATER RESOURCES DEVELOPMENT ACT OF 1986, SANTA ANA RIVER MAINSTEM, CALIFORNIA.

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at a total cost of $1,090,000,000, with an estimated first Federal cost of $809,000,000 and an estimated first non-Federal cost of $281,000,000, except that in lieu of the Mentone Dam feature of the project and subject to the provisions of section 903(b) of this Act, the Secretary is authorized to plan, design, and construct a flood control storage dam on the upper Santa Ana River. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood. If a non-Federal sponsor agrees to pay at least 50 percent of the cost of such investigation, the Secretary is authorized to investigate the feasibility of including water supply and conservation storage at Prado Dam. The Secretary of the Interior, in consultation with the Secretary, shall carry out such studies and analyses as he deems necessary to determine **(1)** the effects of water supply and conservation at Prado Dam on existing oil and gas leasehold interests owned by Prado Petroleum Company, and (2) the feasibility of exchanging the leasehold interests owned by Prado Petroleum Company for property of substantially equivalent value under the jurisdiction of the Secretary of the Interior. Such studies and analyses shall be completed within one year of the date of enactment of this Act. Pursuant to the Water Supply Act of 1958, any additional water supply and conservation 43 USC 390b. storage at Prado Dam as may be recommended by the Secretary based on the investigation under this paragraph is authorized upon the exchange of leasehold interests in accordance with the recommendations of the Secretary of the Interior's studies. Nothing in this paragraph affects the Secretary's and the Secretary of the Interior's existing authority to operate Prado Dam for water supply and conservation.

SECTION 104, ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT OF 1988.

A project for flood control along the San Timoteo Creek in the vicinity of Loma Linda is authorized for construction as part of the Santa Ana Mainstem including Santiago Creek Project

in accordance with plans described in the San Timoteo Interim I1 of the Santa Ana Basin and Orange County study. For purposes of economic justification the benefits and costs of the San Timoteo Project shall be included together with the benefits and costs of the entire Santa Ana Mainstem, including Santiago Creek. The total costs for the Santa Ana Mainstem, including Santiago Creek, is to be raised by $25,000,000.

SECTION 309 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1996, PRADO DAM, CALIFORNIA.

(a) REVIEW.—

(1) SEPARABLE ELEMENT DETERMINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element (as defined in section 103(f) of such Act (33 U.S.C. 2213(f))).

(2) MODIFICATION OF COST-SHARING REQUIREMENT.—If the Prado Dam feature is determined to be a separable element under this subsection, the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of such Act and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) SAFETY IMPROVEMENTS.—The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project referred to in subsection (a)(1).