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

MAY 1 4 2008

CECW-PB

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

SUBJECT: Implementation Guidance for Section 5040 of the Water Resources Development Act of 2007 (WRDA 2007) – Calaveras River and LittleJohn Creek and Tributaries, Stockton, California

1. Section 5040 of WRDA 2007 provides authorization for a non-Federal interest to reconstruct and relocate, at full non-Federal expense, a specified portion of the Calaveras River and Littlejohn Creek and tributaries, California project approximately 300 feet in a westerly direction unless the Secretary determines, by not later than 30 days after the date of enactment of WRDA 2007, that the relocation would be injurious to the public interest. An explicit description of the portion of the project to be reconstructed and relocated is included in section 5040. A copy of Section 5040 is enclosed.

2. Because section 5040 is separate, specific authority to allow reconstruction and relocation of the specified portion of the project, previous action to seek approval of the alteration pursuant to 33 U.S.C. 408 is no longer necessary. However, NEPA compliance and approval for any other applicable permits, such as Section 10 or Section 404, are still required. The plan for reconstruction and relocation of the portion of the levee project that is submitted by the non-Federal interest should be evaluated as a post-authorization change, per Engineering Regulation 1105-2-100, Appendix G, and documentation should be prepared per ER 100, Appendix G, paragraph G-16, as applicable. Authority to approve the non-Federal interest's plan for reconstruction and relocation is delegated to the Division Commander.

FOR THE COMMANDER:

Encls

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

ENCLOSURE 1

SEC. 5040. CALAVERAS RIVER AND LITTLEJOHN CREEK AND TRIBUTARIES, STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the portion of the project described in subsection (b)(2) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that portion of the project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—
(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 902).
(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the portion of the project described in subsection (b)(2) shall be 100 percent.