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

FEB 2 4 2010

CECW-PB

MEMORANDUM FOR: Commander, South Pacific Division (CESPD-DE)

SUBJECT: Implementation Guidance for section 5055 of the Water resources Development Act of 2007 (WRDA 2007) – Upper Calaveras River, Stockton, California

1. Section 5055 of WRDA 2007 directs the Secretary to reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996, to determine the eligibility of such elements for reimbursement under section 211 of WRDA 1996. Section 5055 also provides that in conducting the reevaluation, the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff, and if the Secretary determines that the elements are feasible, the Secretary is directed to reimburse the non-Federal interest under section 211 of WRDA 1996 for the Federal share of the cost of such elements. A copy of section 5055 is enclosed.

2. It is understood that a feasibility-level analysis was performed by the sponsor to develop the Stockton Metropolitan Area project, and that the Corps original evaluation of that analysis was completed only for elements of the project that met the minimum frequency, amount of runoff and drainage area criteria for Corps participation. Based on the original Corps evaluation, a Section 211 reimbursement agreement was entered into on March 2, 2002 between the Corps and the San Joaquin Flood Area Flood Control Agency. As of this date, $22.5 million has been reimbursed of a Federal share of $33.1 million.

3. Available FY 2010 funding may be used to conduct the authorized reevaluation, for the Lower Moser Slough and Upper Calaveras River elements. The reevaluation should demonstrate that the local plan is economically justified, is environmentally sound, and complies with USACE design standards. The reevaluation shall use, to the maximum extent possible, the information developed in the Limited Reevaluation Report dated 23 February 2004, and will consider HQ review comments dated 31 August 2004. Up to $100,000 may be expended at full Federal expense to complete the reevaluation. If the cost to complete the reevaluation will exceed that amount, the additional amount will be cost shared at 50 percent Federal and 50 percent non-Federal expense through execution of a Feasibility Cost Sharing Agreement. The completed reevaluation report should be transmitted to the South Pacific Division and HQ (SPD-RIT) for review and further processing to the Assistant Secretary of the Army (Civil Works) for the feasibility determination.

4. If the Secretary determines that the project elements are feasible, and if funds are appropriated for the reimbursement, the Sacramento District shall prepare and submit an amendment to the Section 211 reimbursement agreement to SPD and HQ (SPD-RIT) for review and further processing to obtain ASA(CW) approval.

FOR THE COMMANDER:

Encl

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

WRDA 2007 LANGUAGE

SEC. 5055. UPPER CALAVERAS RIVER, STOCKTON, CALIFORNIA.

(a) REEVALUATION.—The Secretary shall reevaluate the feasibility of the Lower Mosher Slough element and the levee extensions on the Upper Calaveras River element of the project for flood control, Stockton Metropolitan Area, California, carried out under section 211(f)(3) of the Water Resources Development Act of 1996 (110 Stat. 3683), to determine the eligibility of such elements for reimbursement under section 211 of such Act (33 U.S.C. 701b–13).

(b) SPECIAL RULES FOR REEVALUATION.—In conducting the reevaluation under subsection (a), the Secretary shall not reject a feasibility determination based on one or more of the policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.

(c) REIMBURSEMENT.—If the Secretary determines that the elements referred to subsection (a) are feasible, the Secretary shall reimburse, subject to appropriations, the non-Federal interest under section 211 of the Water Resources Development Act of 1996 for the Federal share of the cost of such elements.

Enclosure