



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

SEP 13 2017

CECW-SPD

MEMORANDUM FOR COMMANDER, SOUTH PACIFIC DIVISION

SUBJECT: Implementation Guidance for Section 1305 of the Water Resources Development Act (WRDA) of 2016, Sutter Basin, California

1. Section 1305 de-authorizes the separable element of the Sutter Basin, California project constituting the Locally Preferred Plan (LPP) increment identified in the report of Sutter Basin, California, Chief of Engineers, dated March 12, 2014 (Chief's Report). The LPP increment was authorized for construction along with a National Economic Development (NED) plan separable element in item 8 of the table contained in Section 7002(2) of the Water Resources Reform and Development Act (WRRDA) of 2014. Section 1305 of the WRDA 2016 is enclosed.

2. Section 1305 specifies that the deauthorization of the LPP increment does not affect the authorization for construction of the NED plan separable element identified in the Chief's Report, nor does it affect previous authorizations providing for the Sacramento River and major and minor tributaries project. As of the date of this guidance, the NED separable element has an estimated total cost of \$391,840,000, with an estimated Federal cost of \$255,270,000, and an estimated non-Federal cost of \$136,570,000. Preconstruction Engineering and Design may continue, subject to the availability of Investigations funds. The de-authorization of the LPP through Section 1305 does not require a new decision document, but the District should complete updates to environmental documentation, and to economic data for budget development, as necessary. No construction work may be undertaken until funds are appropriated for construction. Construction may be considered for inclusion in the budget if it is consistent with current program and budget priorities, including policies and procedures, in effect at the time of consideration.

3. The majority of the design and construction work on both the LPP increment and the NED separable element has already been performed by the non-federal sponsors, the State of California and the Sutter Butte Flood Control Agency, under an In-Kind MOU with the district in accordance with Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b) (Section 221). This circumstance makes application of Section 1036 of WRRDA 2014 (implemented by guidance dated June 17, 2015), which provides authority for the Corps to carry out certain locally preferred plans when requested by project sponsors pursuant to cost shared General Reevaluation Reports, inapplicable to this project. The district will evaluate the in-kind contribution being

CECW-SPD

SUBJECT: Implementation Guidance for Section 1305 of the Water Resources Development Act (WRDA) of 2016, Sutter Basin, California

undertaken by the non-federal sponsors for the NED separable element in an Integral Determination Report for approval by the MSC commander in accordance with current Section 221 guidance (80 Federal Register 78200).

4. Questions regarding this implementation guidance may be directed to Bradd Schwichtenberg, Deputy Chief, South Pacific Regional Integration Team, at (202) 761-1367 or Bradd.R.Schwichtenberg@usace.army.mil.

A handwritten signature in black ink, appearing to read 'J. Dalton', with a long horizontal flourish extending to the right.

JAMES C. DALTON, P.E.
Director of Civil Works

Encl

COMMANDERS, REGIONAL BUSINESS AND PROGRAMS DIRECTORS (SPD)

CECW-SPD

SUBJECT: Implementation Guidance for Section 1305 of the Water Resources Development Act (WRDA) of 2016, Sutter Basin, California

SEC. 1305. SUTTER BASIN, CALIFORNIA.

(a) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—The deauthorization under subsection (a) does not affect—

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 10 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.