



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

CECW-SPD

JUL 06 2017

MEMORANDUM FOR COMMANDER, SOUTH PACIFIC DIVISION

SUBJECT: Implementation Guidance for Section 1304 of the Water Resources Development Act (WRDA) 2016, Los Angeles County Drainage Area

1. Section 1304 of WRDA 2016 provides that the Secretary shall prioritize the updating of water control manuals for control structures of the Los Angeles County Drainage Area (LACDA) project and shall integrate and incorporate into the project seasonal operations for water conservation and water supply. Section 1304 further directs that the update shall be done in coordination with all appropriate federal agencies, elected officials, and members of the public. Section 1304 is enclosed.
2. Section 1304 provides specific authority for the U.S. Army Corps of Engineers (Corps) to integrate and incorporate seasonal operations for water conservation and water supply into the LACDA project as a project purpose. Section 1304 does not deauthorize or diminish any existing authorized purpose. The LACDA project includes five major control structures (dams) operated and maintained by the Corps. Updates and revisions to integrate seasonal operations for water conservation and water supply into a water control manual for a dam would modify the water control plan component of the manual. Although Section 1304 does not include specific examples or limitations, seasonal operations for water conservation and water supply that could reasonably be incorporated into a project such as LACDA without interfering with existing purposes may include such measures as storm water capture; releases for ground water replenishment or aquifer storage and recovery; releases to augment water supply at another federal or non-federal storage facility; or other conservation measures that enhance usage of the Corps project for water supply. In evaluating any proposed modifications to water control plans, the Corps shall ensure that the modifications are consistent with other authorized project purposes including flood risk management.
3. USACE will prioritize the updating of water control manuals in coordination with the annual budget and workplan development cycles. Such updates may include revisions for seasonal operations for water conservation and water supply as part of the update when funding permits. In addition, such updates and revisions may be pursued under Section 1304 utilizing the provisions of Section 1116 of WRDA 2016. An evaluation for this purpose shall be formulated when requested by the non-federal interest, upon payment by the non-federal interest of all separable costs of the evaluation, which payments shall be accepted and expended by the district in

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accordance with a Memorandum of Agreement (MOA) executed between the parties.

4. The definition of “separable costs” for purposes of this guidance are the costs of conducting the evaluation, including preparation of the updated and revised water control manual, the costs of performing the technical analyses to determine/assess the viability of the proposed revisions, environmental documentation, public notification and associated coordination, and, where applicable, the incremental costs to the project for implementation, operation, and maintenance of these measures.

5. Engineer Regulation (ER) 1110-2-1156, Chapter 24, concerning dam safety considerations for water supply changes at Corps projects, prohibits the implementation of permanent water supply changes that would raise water levels behind any dams that have Dam Safety Action Classification (DSAC) ratings of 1, 2, or 3, although waivers to allow for the study of such measures or the temporary adoption of such measures may be requested from the USACE Dam Safety Officer. The district must seek a waiver to conduct an evaluation of measures at a LACDA control structure with a DSAC rating of 1, 2, or 3 prior to execution of the MOA to accept non-federal funds. The MOA may not be executed and the evaluation may not be undertaken if a waiver is not granted. If a waiver is granted, the district shall coordinate with the USACE Dam Safety Officer during the evaluation to ascertain the specific conditions required to change the DSAC rating to DSAC IV in order to implement permanent measures.

6. The district commander shall negotiate the MOA, which will outline the scope of the evaluation and provide for the acceptance of non-federal funds to cover the costs of the evaluation. The district commander should use the template MOA posted to the USACE agreements website, under “Agreement Templates.” The template MOA may be modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1304 or Section 1116. If the non-federal interest is providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for the Section 1116 evaluation.

7. Revisions of water control plans to incorporate measures for seasonal operations for water conservation and water supply will be processed and approved in accordance with ER 1110-2-240 and ER 1110-2-1400. The Corps shall coordinate with all appropriate federal agencies, elected officials, and members of the public, including through the National Environmental Policy Act process, when a change to

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the water control plan is evaluated. After completion of the evaluation by the district commander, the evaluation will be submitted to the MSC Commander with the recommendations of the district commander concerning the nature and advisability of the evaluated water supply conservation measures. The MSC Commander may approve the adoption of such measures, after review and comment by CECW-CE in accordance with ER 1110-2-240 and ER 1110-2-1400, paragraph 10.

8. Upon approval of one or more measures for seasonal operations for water conservation and water supply, the district commander may negotiate a further MOA for acceptance of non-federal funds to implement, operate and maintain these measures. Pursuant to Section 308 of WRDA 1996, and Section 1116 of WRDA 2016, the non-federal sponsor shall pay 100 percent of separable costs associated with such implementation, operation, and maintenance, which payments shall be accepted and expended by the district in accordance with the MOA. The district will submit the draft MOA package through the MSC for approval by the Director of Civil Works. Signature authority may be delegated to the district commander upon approval of the draft MOA.

9. The Corps, the Los Angeles County Department of Public Works, and the Water Replenishment District of Southern California are currently conducting a study that will result in a recommendation as to whether and to what extent the water control manual for Whittier Narrows Dam may be modified for additional water conservation. That study shall continue in accordance with the feasibility cost sharing agreement. If a modification to the water control plan is approved by HQUSACE based on that study, all separable costs associated with implementation, operation and maintenance for seasonal water conservation shall be the responsibility of the non-federal interests.

10. 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.

Encl



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

SEC. 1304. LOS ANGELES COUNTY DRAINAGE AREA, LOS ANGELES COUNTY, CALIFORNIA.

a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the water control manuals for control structures for the project for flood control, Los Angeles County Drainage Area, Los Angeles County, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.