DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

CESPK-DE

MAY 16 2006

MEMORANDUM FOR

BG Joseph Schroedel, Commander, South Pacific Division, 333 Market Street, RM 1101, San Francisco, CA 94105-2195
LTG Carl A Strock, Commanding General and Chief of Engineers, 441 G Street NW, Washington, D.C. 20314

SUBJECT: Section 408 Approval of a Flood Control Project Alteration

1. The Sacramento District is requesting the Chief of Engineers' approval of a State of California, Reclamation Board permit application (#17979), under U.S.C. Title 33, Chapter 9, Subchapter I, Section 408, to relocate Federal Project levees at the confluence of Bear River and Feather River in Yuba County, California. Section 408 approval authority was delegated to the Chief of Engineers in a Memorandum dated 16 April 2004, from Mr. John Paul Woodley, Jr., Assistant Secretary of the Army (Civil Works).

2. These levees are a part of the Sacramento River Flood Control Project which are currently being maintained and operated per the requirements of 33 CFR Section 208.10. SPK Engineering Division has completed a technical review of the proposal including design elements and determined that there will be increased flood control benefits to the Sacramento River Flood Control Project. In addition, the proposed construction schedule will ensure the benefits will be realized prior to the flood control season beginning 1 Nov 2006. The State of California has agreed to accept the alteration as part of the Sacramento River Flood Control project, perform operation and maintenance at 100% their cost, and hold and save the United States free from claims for damages resulting from construction of the alteration.

3. The alteration consists of degrading portions of the Bear River and Feather River Federal Project levees and constructing a 2.0-mile long setback levee on the right bank of the Bear River. Initial embankment construction will be accomplished using material from detention basins being constructed north of the setback levee as part of the alteration. Portions of the existing Federal Project levees would be degraded as the setback levee is being constructed so that suitable material from these levees may be used in the alteration. Degradation of the existing Federal Project levee will not begin until at least 30% of the setback levee embankment has been constructed.

4. The proposed levees are designed to the 200-year flood event using current Corps design standards. Regional benefits associated with the setback levee include improved public safety, water surface elevation reduction benefits to Reclamation Districts 784 and 1001, and creation of over 300 acres of restored floodplain habitat.

5. A 404 permit (#200400685) was issued by Regulatory Branch in September of 2005 for Phase I of the project. This permit is currently being amended to include Phase II pending modifications which have been approved by the Regulatory Project Manager.

6. The Sacramento District recommends Section 408 approval to alter Federal Project levees that have been transferred to the State of California for operation and maintenance in accordance with our determination that the public works will not be impaired and the alteration will not be injurious to the public interest. My point of contact in Sacramento District is James Sandner at (916) 557-5275.

RONALD N. LIGHT
COL, EN
Commanding

5 Encls
1. Reclamation Board Request Letter Dated 7 Apr 2006
2. Executive Summary
3. Title 33, Chapter 9, Subchapter I, Section 408
4. 408 Approval Memorandum dated 16 April 2004
5. 33 CFR Sec 208.10
6. Project Map

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

THE RECLAMATION BOARD
3310 El Camino Ave., Rm. LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0653 FAX: (916) 574-0682

April 7, 2006

Colonel Ronald N. Light
District Engineer
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

RE: Three Rivers Levee Improvement Authority
Bear River Levee Setback Project

Dear Colonel Light:

As conditioned by your letter of February 9, 2006, The Reclamation Board (Board) is requesting review by the U.S. Army Corps of Engineers (Corps) on behalf of the Three Rivers Levee Improvement Authority (TRLIA) to alter a portion of the Sacramento River Flood Control Project (SRFCP). TRLIA has received a permit from the Board for construction of the Bear River setback levee and is desirous of coordinating that construction with the degradation of the existing Bear River levee. The Board has determined that the TRLIA will accomplish this alteration in a manner that will not be injurious to the public interest and will not impair the usefulness of the SRFCP.

Once the alteration project has been completed and the alteration has been formally incorporated within the federal project by the Corps, the State of California acting through the Board will accept the altered project for operation and maintenance and hold and save the United States free from damage due to the construction works.

Within 180 days of completion of the project alteration, the Board will provide information to the Corps for the purposes of preparing a revised Operation and Maintenance Manual for this portion of the SRFCP and as-built Plans and Specifications for the alteration.

In order to achieve the flood control benefits of the setback levee prior to the 2006-2007 flood season, the Board is requesting Corps' review be completed so TRLIA may proceed with this alteration no later than May 19, 2006.

If you have any questions or need further information, please do not hesitate to contact me at (916) 574-0609.

Sincerely,

Dan S. Fua

Dan Fua
Acting General Manager
Reclamation Board

Enclosure

SECTION 408 APPROVAL OF ALTERATION TO A FEDERAL PROJECT

EXECUTIVE SUMMARY

REQUEST FOR 408 APPROVAL. The State of California, The Reclamation Board, in a letter dated April 7, 2006, has requested permission from the U.S. Army Corps of Engineers to alter a portion of the Sacramento River Flood Control Project (SRFCP). Under U.S.C. Title 33, Chapter 9, Subchapter I, Section 408, the Secretary of the Army must grant permission for alterations to a levee built by the United States. In a Memorandum dated 16 April 2004, Mr. John Paul Woodley, Jr., Assistant Secretary of the Army (Civil Works), delegated 408 approval authorities to the Chief of Engineers.

The alteration will include construction of a setback levee designed to the 200-year flood event using current Corps design standards. The alteration will consist of relocating the southern most project levee of Reclamation District (RD) 784 by constructing a 2.0-mile long setback levee that will replace 2.5 miles of existing project levee along the right bank of the Bear River and 0.9 mile of existing project levee along the left bank of the Feather River, and degrading portions of these existing levees to allow Bear River flows access to historical floodplain.

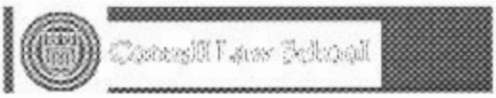
Regional benefits associated with the setback levee include water surface elevation reduction benefits to RD 784 and 1001 and creation of over 300 acres of restored floodplain habitat. Portions of the existing project levee would be degraded as the setback levee is being constructed so that suitable material from these levees may be used in the alteration. The existing levees will not be degraded until the new levee has at least reached elevation 44 and the embankment, up to that point, has performed adequately with no signs of cracking, slides, unstable slope, or other defects during construction. It is anticipated that one third of the embankment will be constructed by mid-June. Achieving this level of progress will allow for a reliable determination of construction rates and assurances that the setback embankment can be completed prior to the next flood season (November 1 to April 15).

The documents listed below have been reviewed by our Engineering Division and found to be acceptable:

- Bear River Setback Levee Design Report, Volumes 1, 2, 3, & 4 – Issued for Approval dated December 12, 2005
- The Bear River Levee Setback Design: Assessment of Potential Geomorphic Effects dated December 12, 2005
- Riparian Restoration Plan for the Bear River Setback Levee Project dated December 15, 2005
- Bear River Setback Levee Foundation and Feather River Tie-In Project Specifications – Issued for Construction September 13, 2005
- Bear River Setback Levee Foundation and Feather River Tie-In Project Drawings – Issued for Construction September 13, 2005
- Bear River Setback Levee Specifications – Issued for Construction March 10, 2006
- Bear River Setback Levee Drawings – Issued for Construction March 10, 2006

- 050506 Corps Meeting Memo-Final – Corps of Engineers-TRLIA Meeting Regarding Bear River Setback Levee Project

A 404 permit (#200400685) was issued by Regulatory Branch in September of 2005 for Phase I of the project. This permit is currently being amended to include Phase II pending modifications which have been approved by the Regulatory Project Manager.



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TITLE 33 > CHAPTER 9 > SUBCHAPTER I > § 408

§ 408. Taking possession of, use of, or injury to harbor or river improvements

Release date: 2005-10-11

It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: Provided, That the Secretary of the Army may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest: Provided further, That the Secretary may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any of the aforementioned public works when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.

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DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

REPLY TO
ATTENTION OF

16 APR 2004

MEMORANDUM FOR THE CHIEF OF ENGINEERS

SUBJECT: Delegation of Authority Pursuant to 33 U.S.C. 408

This memorandum delegates to the Chief of Engineers the authority given to the Secretary of the Army in 33 U.S.C. 408 to approve the temporary or permanent alteration, occupation, or use of any seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States upon a finding that such alteration, occupation or use will not be injurious to the public interest and will not impair the usefulness of such Federal facilities. This authority may be re-delegated to the Director of Civil Works, or Division or District Commanders.

John Paul Woodley, Jr.

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

208.25 Pensacola Dam and Reservoir, Grand (Neosho) River, Okla.
208.26 Altus Dam and Reservoir, North Fork Red River, Okla.
208.27 Fort Cobb Dam and Reservoir, Pond (Cobb) Creek, Oklahoma.
208.28 Foss Dam and Reservoir, Washita River, Oklahoma.
208.29 Arbuckle Dam and Lake of the Arbuckles, Rock Creek, Okla.
208.32 Sanford Dam and Lake Meredith, Canadian River, Tex.
208.33 Cheney Dam and Reservoir, North Fork of Ninnescah River, Kans.
208.34 Norman Dam and Lake Thunderbird, Little River, Okla.
208.82 Hetch Hetchy, Cherry Valley, and Don Pedro Dams and Reservoirs.

AUTHORITY: Sec. 7, 58 Stat. 890; 33 U.S.C. 709.

§ 208.10 Local flood protection works; maintenance and operation of structures and facilities.

(a) *General.* (1) The structures and facilities constructed by the United States for local flood protection shall be continuously maintained in such a manner and operated at such times and for such periods as may be necessary to obtain the maximum benefits.

(2) The State, political subdivision thereof, or other responsible local agency, which furnished assurance that it will maintain and operate flood control works in accordance with regulations prescribed by the Secretary of the Army, as required by law, shall appoint a permanent committee consisting of or headed by an official hereinafter called the "Superintendent," who shall be responsible for the development and maintenance of, and directly in charge of, an organization responsible for the efficient operation and maintenance of all of the structures and facilities during flood periods and for continuous inspection and maintenance of the project works during periods of low water, all without cost to the United States.

(3) A reserve supply of materials needed during a flood emergency shall be kept on hand at all times.

(4) No encroachment or trespass which will adversely affect the efficient operation or maintenance of the project works shall be permitted upon the rights-of-way for the protective facilities.

(5) No improvement shall be passed over, under, or through the walls, levees, improved channels or floodways, nor shall any excavation or construction be permitted within the limits of the project right-of-way, nor shall any change be made in any feature of the works without prior determination by the District Engineer of the Department of the Army or his authorized representative that such improvement, excavation, construction, or alteration will not adversely affect the functioning of the protective facilities. Such improvements or alterations as may be found to be desirable and permissible under the above determination shall be constructed in accordance with standard engineering practice. Advice regarding the effect of proposed improvements or alterations on the functioning of the project and information concerning methods of construction acceptable under standard engineering practice shall be obtained from the District Engineer or, if otherwise obtained, shall be submitted for his approval. Drawings or prints showing such improvements or alterations as finally constructed shall be furnished the District Engineer after completion of the work.

(6) It shall be the duty of the superintendent to submit a semiannual report to the District Engineer covering inspection, maintenance, and operation of the protective works.

(7) The District Engineer or his authorized representatives shall have access at all times to all portions of the protective works.

(8) Maintenance measures or repairs which the District Engineer deems necessary shall be promptly taken or made.

(9) Appropriate measures shall be taken by local authorities to insure that the activities of all local organizations operating public or private facilities connected with the protective works are coordinated with those of the Superintendent's organization during flood periods.

(10) The Department of the Army will furnish local interests with an Operation and Maintenance Manual for each completed project, or separate useful part thereof, to assist them in

carrying out their obligations under this part.

(b) *Levees*—(1) *Maintenance.* The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structures in time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees. Periodic inspections shall be made by the Superintendent to insure that the above maintenance measures are being effectively carried out and, further, to be certain that:

(i) No unusual settlement, sloughing, or material loss of grade or levee cross section has taken place;

(ii) No caving has occurred on either the land side or the river side of the levee which might affect the stability of the levee section;

(iii) No seepage, saturated areas, or sand boils are occurring;

(iv) Toe drainage systems and pressure relief wells are in good working condition, and that such facilities are not becoming clogged;

(v) Drains through the levees and gates on said drains are in good working condition;

(vi) No revetment work or riprap has been displaced, washed out, or removed;

(vii) No action is being taken, such as burning grass and weeds during inappropriate seasons, which will retard or destroy the growth of sod;

(viii) Access roads to and on the levee are being properly maintained;

(ix) Cattle guards and gates are in good condition;

(x) Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained;

(xi) There is no unauthorized grazing or vehicular traffic on the levees;

(xii) Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.

Such inspections shall be made immediately prior to the beginning of the flood season; immediately following each major high water period, and otherwise at intervals not exceeding 90 days, and such intermediate times as may be necessary to insure the best possible care of the levee. Immediate steps will be taken to correct dangerous conditions disclosed by such inspections. Regular maintenance repair measures shall be accomplished during the appropriate season as scheduled by the Superintendent.

(2) *Operation.* During flood periods the levee shall be patrolled continuously to locate possible sand boils or unusual wetness of the landward slope and to be certain that:

(i) There are no indications of slides or sloughs developing;

(ii) Wave wash or scouring action is not occurring;

(iii) No low reaches of leave exist which may be overtopped;

(iv) No other conditions exist which might endanger the structure.

Appropriate advance measures will be taken to insure the availability of adequate labor and materials to meet all contingencies. Immediate steps will be taken to control any condition which endangers the levee and to repair the damaged section.

(c) *Flood walls*—(1) *Maintenance.* Periodic inspections shall be made by the Superintendent to be certain that:

(i) No seepage, saturated areas, or sand boils are occurring;

(ii) No undue settlement has occurred which affects the stability of the wall or its water tightness;

(iii) No trees exist, the roots of which might extend under the wall and offer accelerated seepage paths;

(iv) The concrete has not undergone cracking, chipping, or breaking to an extent which might affect the stability of the wall or its water tightness;

(v) There are no encroachments upon the right-of-way which might endanger the structure or hinder its functioning in time of flood;

(vi) Care is being exercised to prevent accumulation of trash and debris adjacent to walls, and to insure that no fires are being built near them;

(vii) No bank caving conditions exist riverward of the wall which might endanger its stability;

(viii) Toe drainage systems and pressure relief wells are in good working condition, and that such facilities are not becoming clogged.

Such inspections shall be made immediately prior to the beginning of the flood season, immediately following each major high water period, and otherwise at intervals not exceeding 90 days. Measures to eliminate encroachments and effect repairs found necessary by such inspections shall be undertaken immediately. All repairs shall be accomplished by methods acceptable in standard engineering practice.

(2) *Operation.* Continuous patrol of the wall shall be maintained during flood periods to locate possible leakage at monolith joints or seepage underneath the wall. Floating plant or boats will not be allowed to lie against or tie up to the wall. Should it become necessary during a flood emergency to pass anchor cables over the wall, adequate measures shall be taken to protect the concrete and construction joints. Immediate steps shall be taken to correct any condition which endangers the stability of the wall.

(d) *Drainage structures*—(1) *Maintenance.* Adequate measures shall be taken to insure that inlet and outlet channels are kept open and that trash, drift, or debris is not allowed to accumulate near drainage structures. Flap gates and manually operated gates and valves on drainage structures shall be examined, oiled, and trial operated at least once every 90 days. Where drainage structures are provided with stop log or other emergency closures, the condition of the equipment and its housing shall be inspected regularly and a trial installation of the emergency closure shall be made at least once each year. Periodic inspections shall be made by the Superintendent to be certain that:

(i) Pipes, gates, operating mechanism, riprap, and headwalls are in good condition;

(ii) Inlet and outlet channels are open;

(iii) Care is being exercised to prevent the accumulation of trash and debris near the structures and that no fires are being built near bituminous coated pipes;

(iv) Erosion is not occurring adjacent to the structure which might endanger its water tightness or stability.

Immediate steps will be taken to repair damage, replace missing or broken parts, or remedy adverse conditions disclosed by such inspections.

(2) *Operation.* Whenever high water conditions impend, all gates will be inspected a short time before water reaches the invert of the pipe and any object which might prevent closure of the gate shall be removed. Automatic gates shall be closely observed until it has been ascertained that they are securely closed. Manually operated gates and valves shall be closed as necessary to prevent inflow of flood water. All drainage structures in levees shall be inspected frequently during floods to ascertain whether seepage is taking place along the lines of their contact with the embankment. Immediate steps shall be taken to correct any adverse condition.

(e) *Closure structures*—(1) *Maintenance.* Closure structures for traffic openings shall be inspected by the Superintendent every 90 days to be certain that:

(i) No parts are missing;

(ii) Metal parts are adequately covered with paint;

(iii) All movable parts are in satisfactory working order;

(iv) Proper closure can be made promptly when necessary;

(v) Sufficient materials are on hand for the erection of sand bag closures and that the location of such materials will be readily accessible in times of emergency.

Tools and parts shall not be removed for other use. Trial erections of one or more closure structures shall be made once each year, alternating the structures chosen so that each gate will be erected at least once in each 3-year period. Trial erection of all closure structures shall be made whenever a change is made in key operating personnel. Where railroad operation makes trial erection of a closure structure infeasible, rigorous inspection and drill of operating personnel may be substituted

therefor. Trial erection of sand bag closures is not required. Closure materials will be carefully checked prior to and following flood periods, and damaged or missing parts shall be repaired or replaced immediately.

(2) *Operation.* Erection of each movable closure shall be started in sufficient time to permit completion before flood waters reach the top of the structure sill. Information regarding the proper method of erecting each individual closure structure, together with an estimate of the time required by an experienced crew to complete its erection will be given in the Operation and Maintenance Manual which will be furnished local interests upon completion of the project. Closure structures will be inspected frequently during flood periods to ascertain that no undue leakage is occurring and that drains provided to care for ordinary leakage are functioning properly. Boats or floating plant shall not be allowed to tie up to closure structures or to discharge passengers or cargo over them.

(f) *Pumping plants*—(1) *Maintenance.* Pumping plants shall be inspected by the Superintendent at intervals not to exceed 30 days during flood seasons and 90 days during off-flood seasons to insure that all equipment is in order for instant use. At regular intervals, proper measures shall be taken to provide for cleaning plant, buildings, and equipment, repainting as necessary, and lubricating all machinery. Adequate supplies of lubricants for all types of machines, fuel for gasoline or diesel powered equipment, and flash lights or lanterns for emergency lighting shall be kept on hand at all times. Telephone service shall be maintained at pumping plants. All equipment, including switch gear, transformers, motors, pumps, valves, and gates shall be trial operated and checked at least once every 90 days. Megger tests of all insulation shall be made whenever wiring has been subjected to undue dampness and otherwise at intervals not to exceed one year. A record shall be kept showing the results of such tests. Wiring disclosed to be in an unsatisfactory condition by such tests shall be brought to a satisfactory condition or shall be promptly replaced. Diesel and gasoline engines shall be started at such intervals and allowed to run for such length of time as may be necessary to insure their serviceability in times of emergency. Only skilled electricians and mechanics shall be employed on tests and repairs. Operating personnel for the plant shall be present during tests. Any equipment removed from the station for repair or replacement shall be returned or replaced as soon as practicable and shall be trial operated after reinstallation. Repairs requiring removal of equipment from the plant shall be made during off-flood seasons insofar as practicable.

(2) *Operation.* Competent operators shall be on duty at pumping plants whenever it appears that necessity for pump operation is imminent. The operator shall thoroughly inspect, trial operate, and place in readiness all plant equipment. The operator shall be familiar with the equipment manufacturers' instructions and drawings and with the "Operating Instructions" for each station. The equipment shall be operated in accordance with the abovementioned "Operating Instructions" and care shall be exercised that proper lubrication is being supplied all equipment, and that no overheating, undue vibration or noise is occurring. Immediately upon final recession of flood waters, the pumping station shall be thoroughly cleaned, pump house sumps flushed, and equipment thoroughly inspected, oiled and greased. A record or log of pumping plant operation shall be kept for each station, a copy of which shall be furnished the District Engineer following each flood.

(g) *Channels and floodways*—(1) *Maintenance.* Periodic inspections of improved channels and floodways shall be made by the Superintendent to be certain that:

(i) The channel or floodway is clear of debris, weeds, and wild growth;

(ii) The channel or floodway is not being restricted by the depositing of waste materials, building of unauthorized structures or other encroachments;

(iii) The capacity of the channel or floodway is not being reduced by the formation of shoals;

(iv) Banks are not being damaged by rain or wave wash, and that no sloughing of banks has occurred;

(v) Riprap sections and deflection dikes and walls are in good condition;

(vi) Approach and egress channels adjacent to the improved channel or floodway are sufficiently clear of obstructions and debris to permit proper functioning of the project works.

Such inspections shall be made prior to the beginning of the flood season and otherwise at intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections. Measures will be taken by the Superintendent to promote the growth of grass on bank slopes and earth deflection dikes. The Superintendent shall provide for periodic repair and cleaning of debris basins, check dams, and related structures as may be necessary.

(2) *Operation.* Both banks of the channel shall be patrolled during periods of high water, and measures shall be taken to protect those reaches being attacked by the current or by wave wash. Appropriate measures shall be taken to prevent the formation of jams of ice or debris. Large objects which become lodged against the bank shall be removed. The improved channel or floodway shall be thoroughly inspected immediately following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed and all damage to banks, riprap, deflection dikes and walls, drainage outlets, or other flood control structures repaired.

(h) *Miscellaneous facilities*—(1) *Maintenance.* Miscellaneous structures and facilities constructed as a part of the protective works and other structures and facilities which function as a part of, or affect the efficient functioning of the protective works, shall be periodically inspected by the Superintendent and appropriate maintenance measures taken. Damaged or unserviceable parts shall be repaired or replaced without delay. Areas used for ponding in connection with pumping plants or for temporary storage of interior run-off during flood periods shall not be allowed to become filled with silt, debris, or dumped material. The Superintendent shall take proper steps to prevent restriction of bridge openings and, where practicable, shall provide for temporary raising during floods of bridges which restrict channel capacities during high flows.

(2) *Operation.* Miscellaneous facilities shall be operated to prevent or reduce flooding during periods of high water. Those facilities constructed as a part of the protective works shall not be used for purposes other than flood protection without approval of the District Engineer unless designed therefor.

(Sec. 3, 49 Stat. 1571, as amended; 33 U.S.C. 701c)

[9 FR 9999, Aug. 17, 1944; 9 FR 10203, Aug. 22, 1944]

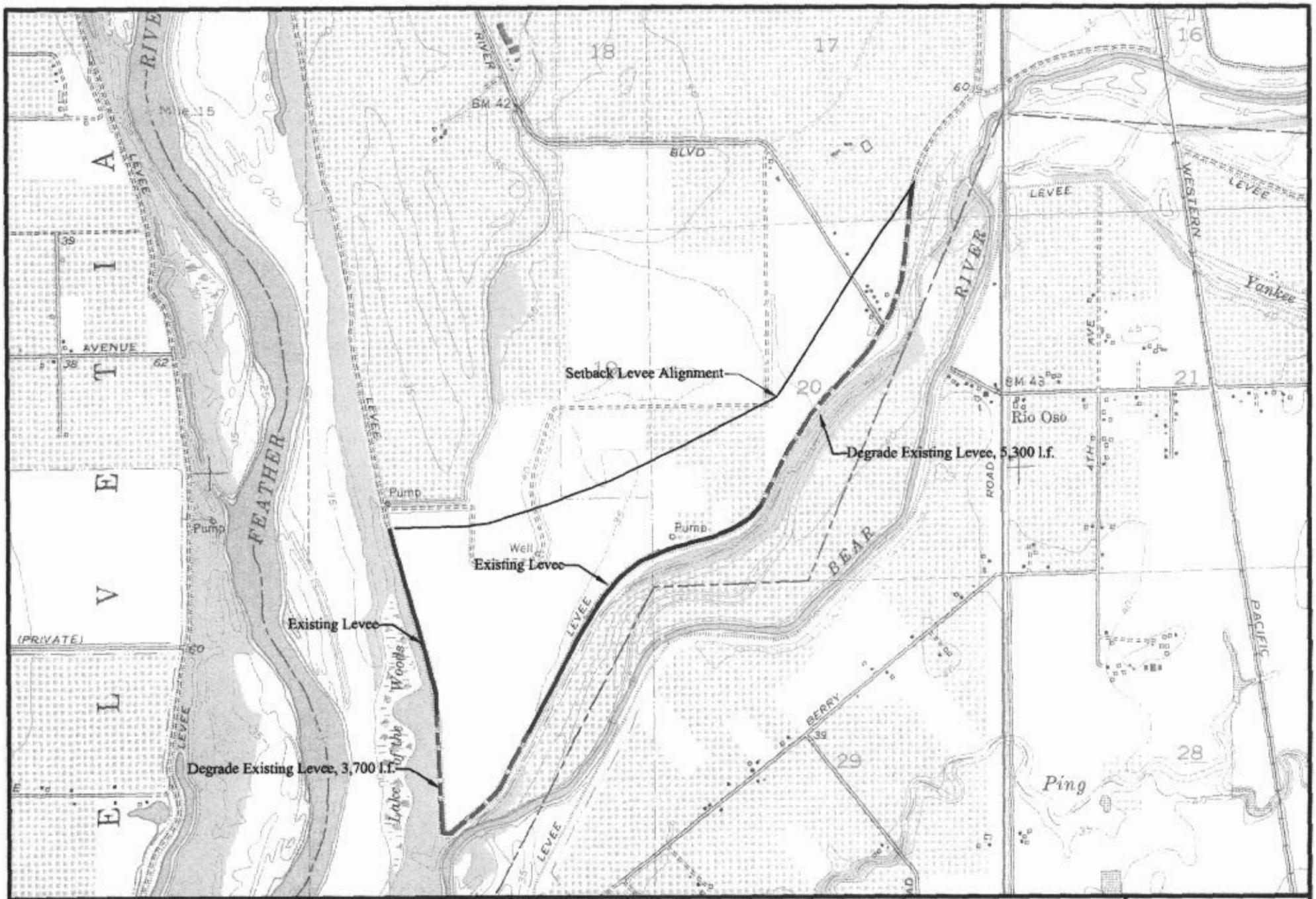
§ 208.11 Regulations for use of storage allocated for flood control or navigation and/or project operation at reservoirs subject to prescription of rules and regulations by the Secretary of the Army in the interest of flood control and navigation.

(a) *Purpose.* This regulation prescribes the responsibilities and general procedures for regulating reservoir projects capable of regulation for flood control or navigation and the use of storage allocated for such purposes and provided on the basis of flood control and navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; and those under the jurisdiction of the International Joint Commission, United States, and Canada, and the Columbia River Treaty. The intent of this regulation is to establish an understanding between project owners, operating agencies, and the Corps of Engineers.

(b) *Responsibilities.* The basic responsibilities of the Corps of Engineers regarding project operation are set out in the cited authority and described in the following paragraphs:

(1) Section 7 of the Flood Control Act of 1944 (58 Stat. 890, 33 U.S.C. 709) directs the Secretary of the Army to prescribe regulations for flood control and navigation in the following manner:

> Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: *Provided,*



MBK ENGINEERS
2450 Alhambra Boulevard, 2nd Floor
Sacramento, California 95817
(916) 456-4400

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Bear River Setback Levee Project - Levee Reachs Subject to Removal

0 1000 2000
Scale in Feet