



# San Bernardino County

## Legislation Text

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**File #: 3433, Agenda Item #: 44**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND RECORD OF ACTION**

**January 5, 2021**

#### **FROM**

**BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District**

#### **SUBJECT**

Amendment to Local Cooperation Agreement with the United States Army Corps of Engineers, Orange County Flood Control District, and Riverside County Flood Control and Water Conservation District for the Santa Ana River Mainstem Project

#### **RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Flood Control District, approve Amendment No. 1 to Local Cooperation Agreement No. 89-1087 with the United States Army Corps of Engineers, Orange County Flood Control District, and Riverside County Flood Control and Water Conservation District, to revise the project management plan and scope of work descriptions.

(Presenter: David Doublet, Assistant Director, 387-7906)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Pursue County Goals and Objectives by Working with Other Agencies.**

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property taxes, fees, and other local, state, and federal funding. The action to approve Amendment No. 1 (Amendment) has minimal financial impact. The United States Army Corps of Engineers (Corps) will utilize Bipartisan Budget Act of 2018 funds that are expected to cover 100% of the costs outlined in the proposed Amendment.

#### **BACKGROUND INFORMATION**

Major floods in Orange County in 1937 and 1938 prompted Congress to direct the Corps to proceed with design and construction of the Prado Dam, which was completed in 1941. Subsequent studies by the Corps determined that the existing Prado Dam and Santa Ana River improvements only provided a 70-year level of flood protection. As such, the Corps recommended an "All River Plan" alternative (later renamed the Santa Ana River Mainstem Project (Project) which includes seven independent features: Seven Oaks Dam, Mill Creek Levee, San Timoteo Creek, Oak Street Drain, Prado Dam, Santiago Creek, and Lower Santa Ana River.

The Project is designed to provide flood protection to businesses and the more than 3.35 million people residing within the growing urban communities in Orange, Riverside, and San Bernardino counties. The proposed Project improvements cover 75 miles, from the headwater of Santa Ana River east of the City of San

Bernardino to the mouth of the river at the Pacific Ocean between the cities of Newport Beach and Huntington Beach.

Congress authorized the Project in 1988 through the Water Resources Development Act of 1986, Public Law 99-662. On December 11, 1989, the District Board of Supervisors (Board) approved (Item No. 41) the Local Cooperative Agreement (LCA) with the Corps, the Orange County Flood Control District, and the Riverside County Flood Control and Water Conservation District in order to implement and cost share in the Project. Construction of the Project began in 1989 with improvements to the Lower River near the Pacific Ocean.

The Seven Oaks Dam has been completed and turned over to the District, the Orange County Flood Control District, and the Riverside County Flood Control and Water Conservation District for operation and maintenance. The Prado Dam embankment has been raised and the outlet works have been reconstructed to convey discharges of up to 30,000 cubic feet per second. Several protective dikes in the Prado basin remain to be built and the spillway for Prado Dam has yet to be raised. It is anticipated that the Project may be completed in 2021, pending Federal appropriations.

The LCA has been revised for various Project needs over time as follows:

Document Name	Board Approval	Item No.	Summary of Revision
Modification to LCA	8/31/93	52	Modified definition of Hazardous Substances
Supplement No. 1	6/21/94	43	Added San Timoteo construction project feature with 100% cost share to District
Supplement No. 2	4/3/01	9	Addition of \$10,662,500 San Timoteo Loan Deferment
Second Modification to LCA	2/4/03	13	Removed Prado Dam feature from LCA

Currently the Corps has proposed the Amendment in order to utilize funds from the Bipartisan Budget Act of 2018 (BBA) for select features of the Project. Pursuant to the Amendment, BBA funds will be used to complete environmental monitoring downstream of Prado Dam such as noise mitigation, Oak tree planting, Arundo mitigation, Least Bell Vireo monitoring, cowbird trapping, wildlife corridor monitoring, environmental compliance and adaptive management, and close out activities for Mill Creek, San Timoteo, and Seven Oaks Dam. BBA funds will partially support the Project management office at Prado Dam. The Amendment also authorizes the use of BBA funding for final notices of completion, including contract research and reconciliation and other necessary documentation, such as the final crediting and audits as part of the final financial reconciliation for the District's portion of the Project. No other changes to the revised LCA are proposed as a part of the Amendment.

The proposed Amendment is consistent with the County and Chief Executive Officer's goals and objectives of working with other agencies. The approval of the Amendment will aid in completing the Project and improve the safety of County residents from flooding risk.

#### **PROCUREMENT**

Not applicable.

#### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on December 2, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on December 9, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on December 14, 2020.