Water Resources Development Act (WRDA)

Minor edit to 2005 language impacting Orange County Water District (OCWD) to continue existing separable costs of Prado Dam stormwater capture

**BACKGROUND**

Since 1990, Orange County Water District (the District; OCWD), working collaboratively with the U.S. Army Corps of Engineers (Corps), has captured water which otherwise would have been lost to the Pacific Ocean from Prado Dam. Prado Dam, located on the upper Santa Ana River is generally a dry-dam but seasonally used for flood risk management and temporary stormwater capture.

Stormwater temporarily held at Prado Dam is subsequently recharged into the groundwater basin in Orange County for dry times—like now. The Corps’ successful program to capture stormwater temporarily at Prado Dam for subsequent recharge in Orange County is commonly referred to as ‘water conservation’.

OCWD is currently working with the Corps to increase the amount of water conservation in the future and we respectfully request that existing language from 2005 is edited in the next Water Resources Development Act (WRDA) to continue our existing separation of costs and allow for flexibility to increase stormwater capture.

**2005 WRDA NEEDS LEGISLATIVE EDIT TO CONTINUE EXISTING SEPARABLE COSTS**

Currently, in Section 110 of Division C of the Consolidated Appropriations Act of 2005, there is language specifying that the Corps enter into an agreement with OCWD for purposes of water conservation storage and operation to provide additional conservation at Prado Dam up to a minimum elevation of 498 feet mean sea level during the flood season and up to elevation 505 feet during the non-flood season. In addition, the District is to pay to the federal government only the separable costs associated with implementation and operation and maintenance of Prado Dam for water conservation.

Although not intended as such, the 2005 legislation could be interpreted to only apply to water conservation up to elevation 498 feet at Prado in the flood season and the District wants to ensure that higher elevations of temporary storage in the buffer pool can be reached if deemed acceptable by the Corps.

To keep the existing separation of cost and flexibility in the temporary capture of stormwater, OCWD is requesting the following edit to WRDA in order to continue this framework that was developed in the 2005 legislation passed by Congress, such that OCWD would pay the separable additional costs related to water conservation but would not be required to pay costs to construct the flood risk reduction facilities.

The edit below would clarify that for future water conservation at higher elevations, OCWD would pay only the separable cost related to water conservation.

**Proposed language regarding water conservation and separable costs**

“The Assistant Secretary of the Army for Civil Works shall enter into agreements with local agencies located in drought prone areas for purposes of stormwater capture and operations at dams to provide water conservation to the maximum extent possible without adversely reducing flood risk management or other authorized purposes. Local agencies shall pay to the U.S. Government only the separable costs associated with evaluation, implementation, operation and maintenance of dams for water conservation.”