



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS

P. O. BOX 532711

LOS ANGELES, CALIFORNIA 90053-2325

August 27, 2002

Programs and Project Management Division

Mr. Ken Smith, Director
Orange County Public Works
P.O. Box 4248
Santa Ana, California 92702-4048

Dear Mr. Smith:

This letter supercedes the prior letter to turnover the Seven Oaks Dam feature of the Santa Ana River Mainstem Project. The U.S. Army Corps of Engineers has completed construction of Seven Oaks Dam, including the retrofit of the outlet works gate control system and reinstallation of the Minimum Discharge Line 24-inch ball valve.

The dam and appurtenances are ready for turnover to the sponsors with the following exception. Due to the realignment of the Corps' Southern California Construction Area Office, the main project administration building and office trailer at Seven Oaks Dam will be excluded from turnover. These two buildings will be retained for Corps' use until October 1, 2003. The sponsors may continue to occupy the three offices in the main administration building in addition to the joint use of the conference room.

Since completion of the dam in November 1999, representatives from the three sponsors and the State of California Division of Safety of Dams (DSOD) have participated with the Corps in various inspections to collectively identify operation and maintenance concerns toward project turnover. These inspections included a walk-through inspection of the project on November 10, 1999, the initial periodic inspection in December 1999 and February 2000, inspection with DSOD in August 2000, the second periodic inspection conducted in December 2001, and other subsequent inspections. Enclosed is a list of inspection comments and resolutions. All comments have been resolved except for comment nos. 207, 210, and 218. These unresolved comments pertain to pending contractor's submittal of updated equipment operation and maintenance documents.

The control of right-of-way for all remaining lands used for Seven Oaks Dam construction are hereby turned over to the Sponsors. Included are Parcels 301, 301.1, 301.2, 301.3, 301.4, 302.1, 302.2, 302.4, 801, 801.1 (remaining portion north and east of Greenspot Road); 1203, 1203.1, and 1203.2 (remaining portion north and east of

Greenspot Road). Interest in the former Upper Lab Facilities, Parcel 302.3, was released in a letter dated September 15, 1999. In addition, the downstream pervious borrow area, core borrow area, and Alder Creek Access Road were turned over to the sponsors in a letter dated September 24, 2001.

The Memorandum of Understanding (MOU) between the U.S. Forest Service and the Corps of Engineers became effective on August 8, 2001. It specifies the mutual agreements for management of land and water resources, and the construction, operation, and maintenance of the Seven Oaks Dam project within the San Bernardino National Forest. Upon turnover of Seven Oaks Dam to the Sponsors, Section II D of the MOU provides the sponsors the right to access and use National Forest System lands necessary for periodic flooding, and project operation and maintenance at the dam and appurtenances. The Corps will prepare a permit to transfer the project operation and maintenance rights to the sponsors.

The Sponsors will operate and maintain the project based on the prescribed operation and maintenance documents. These documents include: the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) manual, as-built drawings, water control plan, and the emergency action plan. The emergency action plan was previously distributed to the Sponsors, State Division of Safety of Dams (DSOD), and the State Office of Emergency Services (OES) in November 2001. The OMRR&R manual and as-built drawings will be distributed to the Sponsors and DSOD in September 2002. Changes to operation and maintenance requirements may result from current consultation between the Corps and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act of 1973. The Corps will issue any supplemental instructions and/or revisions to the OMRR&R manual and water control plan in coordination with the sponsors when the consultation is completed in the future. Prior to completion of the consultation, sponsors will operate and make water control management decisions as prescribed in the latest approved water control plan titled: "Interim Water Control Plan Prior to and During Section 7 Consultation Period, dated January 2000." A copy of the plan has been distributed to the sponsors.

In accordance with the project Local Cooperation Agreement, Seven Oaks Dam and appurtenances, including: the control of right-of-way on private parcels, the right to access and use National Forest System lands per MOU, and ownership of all permanent structures constructed for the project within these right-of-way are turned over to the sponsors for operation and maintenance responsibility upon receipt of this letter. Excluded from the turnover are the main administration building and office trailer as previously discussed. A separate letter will address the maintenance of these two buildings. Please return a copy of this letter acknowledging receipt.

Separate turnover letters are concurrently sent to project co-sponsors Messers. Ken Miller at San Bernardino County Flood Control and Transportation District, and David Zappe at Riverside County Flood Control and Water Conservation District.

Sincerely,



Brian M. Moore
Deputy District Engineer
for Project Management

Receipt Acknowledged:

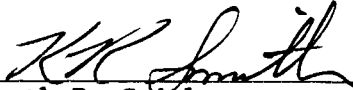


Date:

9/6/02

Ken Smith, Director
Orange County Public Works

Effective October 1, 2002, the Sponsors will assume the responsibility for the operation and maintenance of Seven Oaks Dam. The Operation, Maintenance, Repair, Replacement and Rehabilitation Manual was received on September 30, 2002.



Kenneth R. Smith
Director Public Works/Chief Engineer
County of Orange/PFRD

cc: Ken Miller, Director, SBCFCD
David Zappe, General Manager, RCFC&WCD