Selective Deauthorization

How We Divorced Our Project from the Corps of Engineers and Why You Should Too

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• PROJECTS
• PARTNERSHIPS
• PEOPLE

Contra Costa County
Flood Control & Water Conservation District
Contra Costa??
Contra Costa??
Contra Costa??
Selective Deauthorization

How We Divorced Our Project from the Corps of Engineers and Why You Should Too
Selective Deauthorization…

- Officially removes a part of a Corps constructed project from their system and returns oversight to the local sponsor
- Eliminates USACE Routine and Periodic Inspections
- Removes eligibility for PL84-99 assistance
- Eliminates need for Section 408 approval
- Only removes part of a system; rest of project is unaffected
Selective Deauthorization…

- May not be familiar to your local USACE office
- Has official authority under Section 216 (PL 91-61, Flood Control Act of 1970)
- May or may not be right for your situation
- Does **not** affect USACE regulatory authority, nor the need for a section 404 permit.

*(Operations and Regulatory Branches are separate entities)*
Selective Deauthorization is appropriate when…

- One part of a project has a deficiency that is unrelated to the rest of the system, but that deficiency forces the Corps to rate the entire system as unacceptable.

- The residual risk is low and forgoing the PL 84-99 program is politically acceptable.
Selective Deauthorization is appropriate when...

- Parts of a system are physically separated from others and there is no logical connection or justification for USACE involvement.
- A system has serious issues that make it impossible to fix an “unacceptable” rating.
Two Selective Deauthorization Examples:

- Lower Walnut Creek
- San Ramon Creek at Broadway Plaza
Lower Walnut Creek

- 2.5 miles of Walnut Creek
- 1.5 miles of Pacheco Creek
Two Selective Deauthorization Examples:

- Lower Walnut Creek
- San Ramon Creek at Broadway Plaza
Selective Deauthorization Process

- Secure Local Support
- Cultivate USACE Support
- “Front Door” vs “Back Door”
Selective Deauthorization Process

Front Door vs. Back Door
Selective Deauthorization Process

- Formal process with USACE
- Starts with a request from non-federal sponsor
- USACE produces an Initial Appraisal Report (IAR)
- 8-12 months
- $30,000 cost 100% federally funded from Operation and Readiness budget
- IAR addresses residual risk
- IAR helps justify USACE support of the selective deauthorization
- May lead to a cost shared feasibility study
- USACE sends to “authorization subcommittee”
Selective Deauthorization Process

- Less rigid process…”through the back door”
- Work directly with congressional representative to insert deauthorization language
- Congress works with USACE “drafting services” to fine tune the language
- Good to keep USACE in the loop
- Must have good political support
Selective Deauthorization Process

Front Door

Which approach is best?

Back Door
WRRDA 2014:

SEC. 6004. DEAUTHORIZATIONS.
(a) IN GENERAL.—

(1) WALNUT CREEK (PACHECO CREEK), CALIFORNIA.—The portions of the project for flood protection on Walnut Creek, California, constructed under section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488), consisting of the Walnut Creek project from Sta 0+00 to Sta 142+00 and the upstream extent of the Walnut Creek project along Pacheco Creek from Sta 0+00 to Sta 73+50 are no longer authorized.
"Selective Deauthorization"
Return to Local Control