

Congress of the United States
Washington, DC 20510

February 18, 2010

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
108 Army Pentagon, Room 3E446
Washington, DC 20310-0108

Dear Secretary Darcy:

We take this opportunity to express our concern about the pace of progress on the Success Dam Seismic Remediation project and to request your assistance in moving forward with the project-related land acquisitions as authorized in the Fiscal Year 2010 Energy and Water Development Appropriations bill.

In December, 2008, we were encouraged by a report from Colonel Thomas Chapman, the District Engineer, that the technical team and the Advisory Panel of Technical Experts had approved the recommended alternative, and we expressed our support for Col. Chapman's efforts to advance this project. We urged the progress on this critical project be maintained – and expedited if possible – to address dangerous structural flaws in Success Dam.

At that time we also expressed our serious concern about any further delay in the acquisition of property from homeowners and landowners who will be required to vacate their properties because of the remediation project. The value of these properties has plummeted as a result of being identified for federal acquisition more than three years ago, creating financial hardship and intolerable uncertainty for property owners and residents. We supported provisions in the Fiscal Year 2010 Energy and Water Development Appropriations bill that were specifically intended to allow the Corps to address this situation by authorizing the immediate acquisition of 24 parcels on about 235 acres. However, before informing us that this explicit authorization was needed, the Corps had already revised their capability for the project down to \$2.5 million. Although the House and Senate originally provided \$10 million for Success Dam Remediation in the Fiscal Year 2010 Energy and Water Development Appropriations bill, only \$2.5 million could be provided in the final conference report due to this revised capability.

We understand that approximately \$7.5 million would be required for a phased acquisition of currently occupied commercial and residential properties, including the Lakeside Trailer Park, the Alba family home and the Carroll family restaurant and orchard. It is clear that Congress intended to provide the full \$10 million towards this project, and was unable to do so because the Corps revised its capability at the last minute. Therefore, we were surprised to see that this project only received \$500,000 in the President's Budget for Fiscal Year 2011.

As you know, until the structural flaws in Success Dam are repaired, the reservoir must be kept below its optimal level to reduce the risk of failure during an earthquake. In the

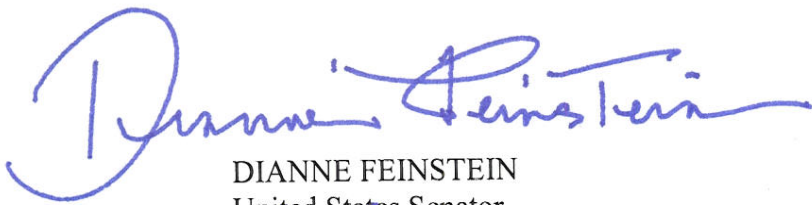
meantime, the level of flood protection and water storage are also reduced, imposing a hardship on nearby communities. The longer work on the project is delayed, the greater the hardship. This point cannot be stressed more in the context of the current water crisis in the San Joaquin Valley. Moreover, the Tule River Improvement Joint Powers Authority has written to us to convey its frustration with delays and the lack of funding for land acquisitions and to express its concern that "despite robust funding from Congress and the active cooperation of local agencies, the Corps is losing focus on the remediation of Success Dam." We share the Authority's concern.

We request your personal assistance to substantially expedite progress on the Success Dam project, and to that end, we are requesting a list of options for carrying out these acquisitions in Fiscal Year 2010 and Fiscal Year 2011 and a meeting to discuss those options and the President's Budget when Colonel Chapman visits Washington later this month

The Army Corps of Engineers has made numerous commitments to the community that this project would progress, but our constituents continue to wait for action. We would like to work with you to ensure that this project moves forward and the Army Corps lives up to its commitments.

Thank you for your attention to this matter and we look forward to your response.

Best regards,



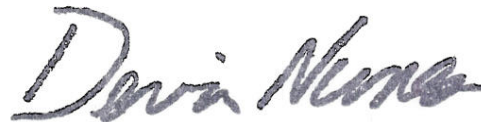
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United States Senator



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United States Senator



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