



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P. O. BOX 2946
PORTLAND, OREGON 97208

RECEIVED
APR 11 1984
Governor's Office



Honorable Victor Atiyeh
Governor of the State of Oregon
State Capitol
Salem, Oregon 97310

Dear Governor Atiyeh:

This is in response to your letter of March 30, 1984, requesting that an advance measures investigation under the authority of Public Law 84-99 be initiated to determine the feasibility of constructing an outlet channel to drain flood waters from Malheur Lake into the South Fork Malheur River.

Your request has been carefully reviewed in the light of current policy regarding the Corps of Engineers emergency authority under Public Law 84-99. We have also conducted a preliminary review of the documentation provided to you by Harney County Judge Dale White. Unfortunately, Judge White's documentation does not contain sufficient hard data for us to confirm any conclusions to justify implementation of a long-term solution. Some of the economic benefits that would be derived from such a project appear to be double counted, and others may be overstated. However, further information will be needed to determine if this is in fact the case. Our preliminary conclusion is that there does appear to be a substantial increase in identifiable benefits over those identified by our 1982 study of the area. Whether that increase is sufficient to establish a positive benefit-to-cost ratio for a structural solution to the flooding problem can only be determined after additional detailed study.

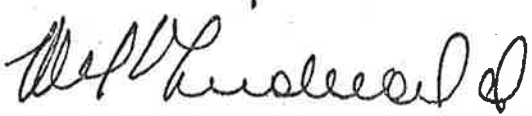
With regard to the applicability of Public Law 84-99 to bring about a short-term solution to the problem, our review of the available information indicates that no structural solution can be completed in time to prevent the lake from reaching its projected maximum water surface elevation sometime this summer. This means that any damages associated with this projected lake elevation cannot be prevented, and there is therefore no justification for a short-term solution under the "advance measures" feature of Public Law 84-99. While there is no presently implementable short-term solution, we have identified possible long-term solutions which

will require further feasibility investigations to evaluate. These solutions would exceed the scope of our continuing authority for the construction of small flood control projects under Section 205 of the 1984 Flood Control Act, as amended, which places a limitation on Federal expenditures of \$4,000,000 per project.

At the present time, we do not have authority to undertake a feasibility study of the scope and magnitude necessary to fully evaluate a flooding problem as complex and extensive as the Malheur Lake problem in order to determine whether or not specifically authorized improvements should be recommended. A resolution adopted by the appropriate House or Senate committee, requesting such a study, would provide the necessary authority. With that authority, we would then be able to seek necessary appropriations to proceed with the study.

I am concerned about the serious situation that exists in Harney County, and will keep you informed of future Corps activities related to this problem.

Sincerely,



R. L. Friedenwald
Colonel, Corps of Engineers
District Engineer

Copy Furnished:
Judge Dale White