C Enos, 411B

JAN 30 2012

Colonel William J. Leady, Commander
US Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814

Dear Colonel Leady:

The Department of Water Resources (DWR) has enclosed, for your review and concurrence, statements of Basic and Overall Project Purpose that have been developed pursuant to Section 404(b)(1) of the Clean Water Act (CWA) regarding the implementation of the Bay Delta Conservation Plan (BDCP). The Basic and Overall Project Purpose statements for the BDCP were developed in coordination with representatives from the U.S. Army Corps of Engineers (USACE) Regulatory Division in the Sacramento District office. DWR received informal concurrence with the statements via email from the Sacramento District, Regulatory Division on December 22, 2011.

Over the course of several years, DWR, in collaboration with federal and state resource agencies, public water agencies, local governments, non-governmental organizations, agricultural interests, and the general public, has been developing the BDCP. The BDCP sets out a comprehensive conservation strategy for the Sacramento-San Joaquin Delta designed to advance the co-equal planning goals of restoring ecological functions of the Delta and improving water supplies and the reliability of delivery of those supplies to 25 million Californians and the State's agriculture industry. The implementation of the BDCP will involve multiple actions that will affect "waters of the United States," as regulated under Section 404(b)(1)(CWA). As such, DWR has been working with USACE to develop an approach to ensuring proper, efficient, and timely compliance with the CWA.

Upon receiving concurrence from USACE on the Basic and Overall Project Purpose statements, DWR will work with the Sacramento District on the development of an alternatives analysis to determine that the project as implemented is the "least environmentally damaging practicable alternative," as required under Section 404(b)(1). We will also continue to work with USACE to ensure that the implementation of the BDCP is consistent with the requirements of Section 14 of the Rivers and Harbor Act.

JAN 30 2012

DWR appreciates USACE's efforts in development of the Basic and Overall Project Purpose statements for the BDCP project and we appreciate your prompt attention to this matter. If you have any questions or comments please feel free to contact me at (916) 653-7007, or Cassandra Enos, Environmental Program Manager, at (916) 651-2987.

Sincerely,

Original Signed By
Mark W. Cowin

Mark W. Cowin
Director

Enclosure

cc: (See attached list)

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BDCP CWA OPP Concurrence Request

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BDCP CWA OPP Concurrence Request

BAY DELTA CONSERVATION PLAN

BASIC AND OVERALL PROJECT PURPOSE STATEMENT PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT

BASIC PURPOSE

The restoration and enhancement of ecological functions, including aquatic habitat restoration; and improvements to the water conveyance infrastructure and the supply and reliability of water deliveries conveyed.

OVERALL PROJECT PURPOSE

To implement the Bay Delta Conservation Plan (BDCP), which has been designed to achieve the co-equal goals of providing for the conservation and management of aquatic and terrestrial species, including the restoration and enhancement of ecological functions in the Delta, and improving current water supplies and the reliability of delivery of water supplies conveyed through the State Water Project (SWP) and the Central Valley Project (CVP). To accomplish these goals, the BDCP sets out a comprehensive, integrated conservation strategy that involves: 1) substantial modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the potential addition of new points of diversion in the north Delta and other facilities to convey water around the Delta; 2) operational changes to the SWP and CVP; 3) extensive protection and restoration of physical habitat, including actions to expand the extent and quality of intertidal, floodplain and other aquatic habitats in the Delta and vicinity; and 4) actions to address other stressors that adversely affect covered species. The BDCP will achieve these goals in a manner that meets the requirements of applicable federal and state laws, including the Endangered Species and Clean Water acts, and in accord with the Sacramento-San Joaquin Delta Reform Act of 2009.

ACTION 1 – WATER OPERATIONS AND CONVEYANCE INFRASTRUCTURE

The proposed action is the implementation of the Water Operations and Conveyance Conservation Measures component of the Bay Delta Conservation Plan. The water operations and conveyance conservations measures are designed to allow greater flexibility in balancing the needs of the Sacramento-San Joaquin Delta estuary (Delta) with reliable water supply. Specifically, actions include modifications to the State Water Project and Central Valley Project conveyance facilities, including the addition of new points of diversion in the north Delta, and other facilities to convey water around the Delta. These water conveyance measures will align water operations in the Delta to better reflect seasonal flow patterns, reduce the physical impact of a southern Delta diversion point, and protect fish with state of the art fish screens.

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