Date

To: Honorable Leon Panetta, Secretary of the Army

I am writing to request your assistance in meeting the State of California's commitment to the timely implementation of the Bay Delta Conservation Plan (BDCP). An essential step toward meeting this commitment is obtaining permits and other authorizations from the U.S. Army Corps of Engineers (USACE) that authorize the construction of critical new water conveyance infrastructure which may affect waters of the United States and USACE levees.

The California Department of Water Resources (DWR) is working collaboratively with federal resource agencies, conservation organizations, water agencies, local agencies and others to develop a plan to improve the Sacramento-San Joaquin Delta ecosystem and California's water supplies. The BDCP proposes the development of water conveyance infrastructure that will help secure drinking water supplies for over 25 million Californians, and agricultural supplies that support the production of nearly half of the nation's domestically grown fresh produce. Concomitantly, the BDCP provides for actions that will contribute to the restoration and recovery of the Delta ecosystem.

The State of California is committed to an aggressive implementation schedule, which is the only way to forestall and reverse the decline of the Delta ecosystem and protect water supplies against seismic risk and levee failure. Under this schedule, the construction of new water conveyance infrastructure and ecological restoration projects will begin in 2015.

Before certain construction and ecological restoration actions can begin, DWR must secure permits and other authorizations under the federal Clean Water Act and the Rivers and Harbors Act. DWR is committed to working with the USACE to ensure its full compliance with these laws, and is currently in the process of developing the information and documentation that the USACE needs to issue the necessary permits and authorizations. DWR has been working closely with the USACE, Sacramento District, to develop creative and efficient approaches to ensure to securing the necessary USACE permits and authorizations. However, securing the necessary approvals will be a complicated and time-consuming process, and committed, creative collaboration with USACE staff during the development and design of the conveyance infrastructure will be essential to meet this challenging schedule. Additionally, it is imperative that throughout project development there is an appreciation of the unique aspects of this project

and the need for a resourceful approach to the permitting process.

To accomplish the State's goal of meeting an aggressive implementation schedule, DWR requests the following assistance from USACE, (1) that applications under the Rivers and Harbor Act ("408 authorizations") be processed by the USACE with a flexible approach to the level of design that is required; and (2) that Clean Water Act permits ("404 permits") are issued for specific actions that *do not* require Section 408 authorization independently of the actions that require *both* 404 and 408 authorizations. DWR believes this approach will allow for a more efficient USACE review and allow DWR to secure the necessary approvals in time to begin the construction of vital water conveyance facilities by 2015.

We appreciate your support in helping California meet its water supply needs and protect its valuable natural resources now and into the future.

Thank you,

Governor Jerry Brown.