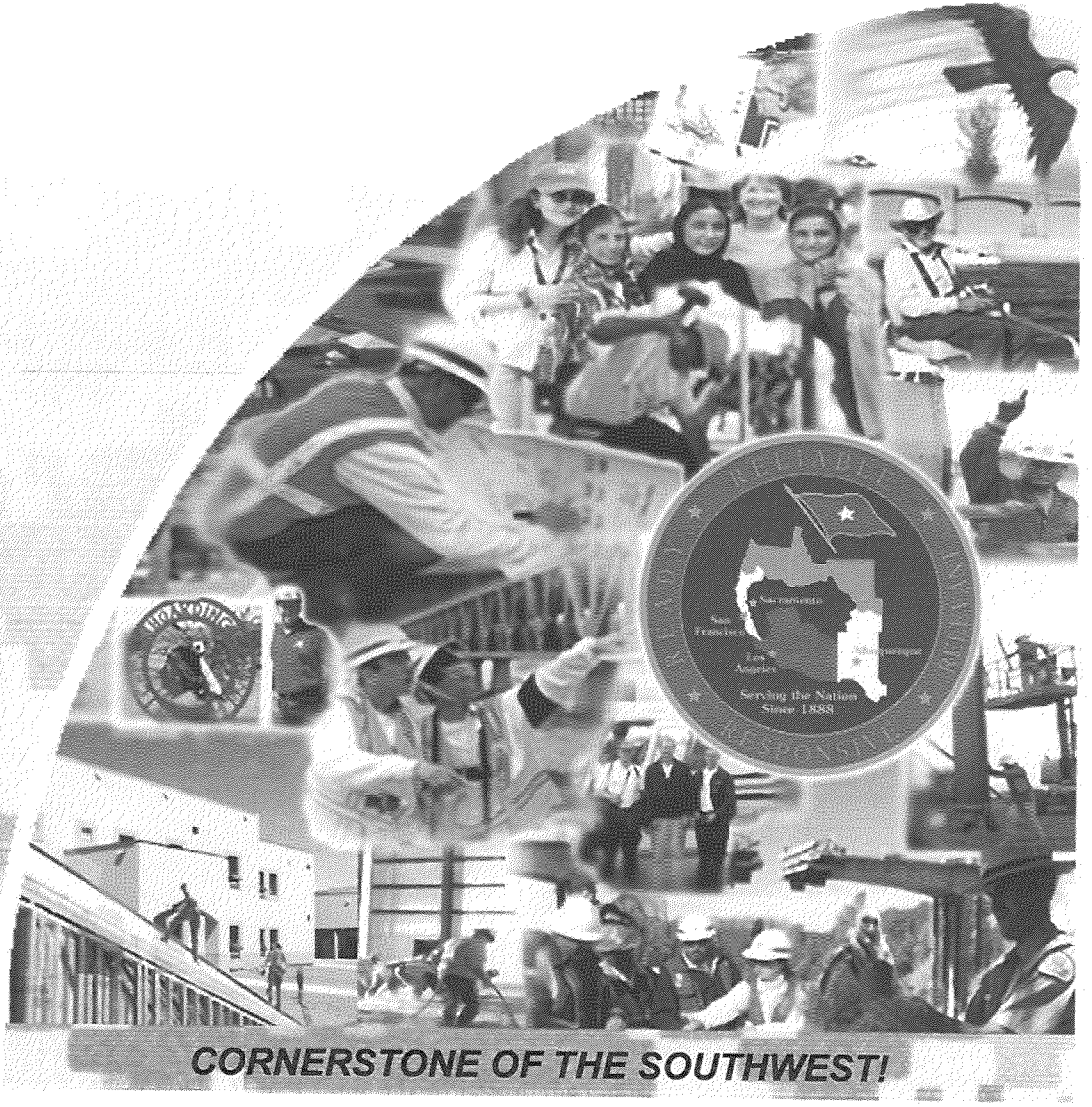
Restoring Ecosystems of National Significance

California Bay Delta Conservation Plan (BDCP)

25 June 2012



US Army Corps of Engineers

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AGENDA

- Introductions

- Welcome — BG Mike Wehr
- BDCP Update and Timeline — Jerry Meral & Paul Robershotte

- Current USACE Support for BDCP — Mark Cowin, Cassandra Enos-Nobriga
  - Operations - Section 408 — Randy Olsen
  - Regulatory - CWA 404 and Navigation — Mike Nepstad
  - WRDA Section 214 agreement — Nepstad
  - Memorandum of Understanding — Nepstad

- Future USACE Coordination Needs and Opportunities
  - Continued Permitting (e.g. CM2) — Karla Nemeth
  - Planning — Nemeth & Matty Evoy-Mount
  - Systems Budget — Stu Townsley
  - Partnership Opportunities/BDCP Plus — Cowin, Robershotte

- Next Steps — BG Wehr, Mark Cowin, Jerry Meral

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CURRENT USACE DELTA/BDCP ACTIVITY

	Activity	CEQ/OMB	ASA-CW	HQ	SPD	SPK
1	IFAP & Biweekly Meeting/Call	X	X	X	X	X
2	BDCP Principals (Ten Agency)				X	
3	BDCP Coordination & Delta Activity (DRIT)				X	X
4	BDCP Link to DSC (Fed Interagency TF)				X	X
5	BDCP Link to Conservancy (Liason Adv)				X	X
6	USACE BDCP Interface with DWR, MWD & SWC				X	X
7	USACE BDCP Interface w Key NGOs (eg AR, TNC)				X	X
8	USACE "BDCP" Delta Program System Budget		X	X	X	X
9	USACE Direct Involvement with BDCP		X		X	X
10	BDCP CWA Coord with EPA				X	X
11	DWR WRDA Sec 214 Priority Processing				X	X

"This MOU establishes a structure for coordinating and streamlining the actions of the federal agencies… to facilitate coordination and cooperation among these agencies in advancing the federal commitment to the Bay-Delta." – Federal MOU Sep 2009

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REGULATORY AREAS FOR USACE COORDINATION

- Activities Requiring USACE Permissions
  - Conveyance Facilities Construction
  - Physical Habitat Restoration Actions (including levee setbacks and levee removal)
- Regulatory Programs
  - Clean Water Act, Section 404
  - Rivers & Harbors Act, Section 10
  - Rivers & Harbors Act, Section 14/ Section 408

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BDCP REGULATORY ALIGNMENT, CHALLENGES & LINKAGES

	Primary State Party/Role	Primary Federal Party/Role
Lead Agencies	DWR (SWP)	Reclamation (CVP), FWS & NMFS
Cooperating Agencies	DFG, various local agencies	USACE & EPA
Plan Responsibility	DWR for HCP (Fed) DWR for NCCP (State)	
Plan Approval	DFG for NCCP	FWS & NMFS for HCP
BDCP Permittees	DWR & SWC*	Reclamation
Plan Funding	SWC est $250 MM	Reclamation est $12 MM
NEPA Lead		Reclamation, FWS & NMFS - EIS
CEQA Lead	DWR - EIR	
ESA Action	Section 10 ESA Permit to DWR	4 Distinct Section 7 Consultations
CWA/10 Applicant	DWR	
Section 408 Requestor	CVFPB (site specific)	
CWA/Sec 10 Permit Issuer	Multiple applications	USACE SPK (w EPA input)
Section 408 Approval	Multiple applications	USACE
Plan Alternatives	fewer	
EIS/EIR Alternatives		more broad
CWA Alternatives		must capture LEDPA

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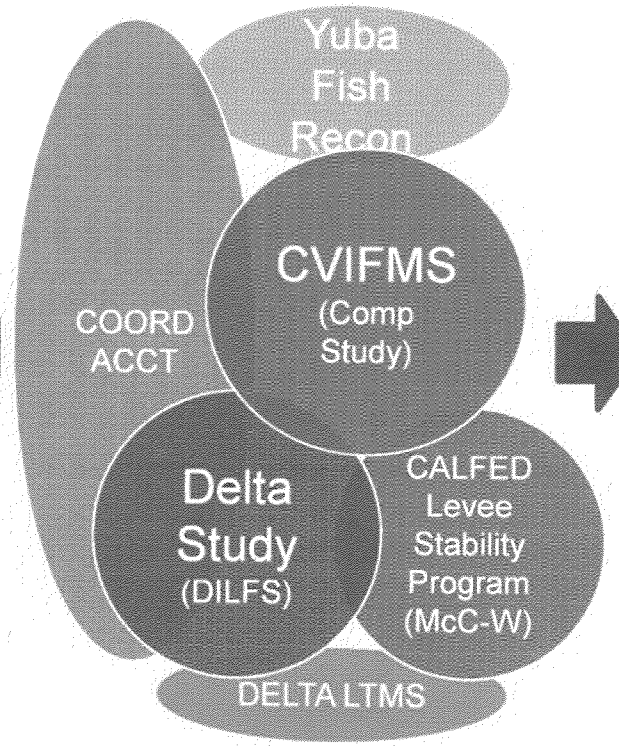
CA BAY-DELTA IRWM SYSTEM PROGRAM

FY 2013 Strategic Priorities & Leverage

Priority Related Activities

- Yuba Reintro Initiative
- NHAAP
- BDCP
- Delta Plan
- CVFPP 2012
- FY 2013 Budget Process
- CA Roundtable
- System Reoperation

IFAP Priority Projects



Key Stakeholders

- YCWA
- DWR
- MWD
- DSC
- SWC
- Reclamation
- FWS
- NMFS
- EPA
- NGO's

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Section 408

BDCP Update – South Pacific Division, U.S. Army Corps of Engineers

Issue: Section 408 permits impact on BDCP

Status:

- Coordination ongoing for Conservation Measure (CM) 1, intakes and conveyance facilities in advance of application submissions.
- Classification (encroachment, minor, major) yet to be determined for CM 1.
- Coordination for other proposed BDCP actions initiated.

Actions:

- Anticipate SPK review of proposed intake facilities technical memorandum in July 2012.
- SPK will provide caveated, preliminary Section 408 classification following review of technical memorandum for CM 1.
- Beginning reoccurring coordination with SPD by establishing monthly coordination meetings.
- Continue coordination with DWR staff.

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Sec. 404 Clean Water Act & Sec. 10 of Rivers and Harbors Act Permitting

BDCP Update – South Pacific Division, U.S. Army Corps of Engineers

Issue: Regulatory Permits for new intakes, conveyance facilities and operations

Status:
- SPK Regulatory is Lead
- Providing leadership and direction on review of EIR/EIS
- Working with DWR on level 1 wetland delineation/assessment methodologies
- Working on permit strategy
- MOA under WRDA 214 in signature, would enable DWR to provide funds to SPK for priority permit review including 408
- Engaged in Cache Slough Complex team and Habitat Conservation Committee

Actions:
- Continue current high level of engagement
- Execute WRDA 214 MOA in July
- Engage in other BDCP habitat restoration teams as needed

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MOU between SPK and DWR

BDCP Update – South Pacific Division, U.S. Army Corps of Engineers

Issue: MOU concerning cooperation and coordination on NEPA and Permits

Status:

- Parties to this MOU are DWR & SPK.
- Establish understanding and facilitate issuance of 10, 404 and 408 permits
- Commitment for early and continuous involvement in BDCP EIR/EIS
- Includes checkpoints and dispute resolution process
- Sets current level of engagement as the standard for the BDCP
- While current emphasis is focused on EIR/EIS and new intakes, conveyance facilities and operations, the MOU would stay in use to improve the NEPA and permit cooperation and coordination for all future BDCP and related projects

Actions:

- Execute the MOU in July 2012

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USACE/DWR Delta Islands & Levees Feasibility Study

BDCP Update – South Pacific Division, U.S. Army Corps of Engineers

Issue: BDCP identification will help define how to best leverage authorities and funding to implement the BDCP. The feasibility study can investigate synergies and avoid conflicts in what USACE recommends to Congress.

Status: 2006 FCSA with the DWR; $4.1 M Federal invested to date. Products are:

- DWR's Delta Risk Management Strategy (DRMS) Phase 1 analyzing the risks and consequences of Delta levee failures
- DRMS economic analysis effects on local and state economies, public health and safety
- USACE comprehensive 3-dimensional hydrodynamic, sediment transport and water quality models.

Actions:

- Next milestone is a Planning Charette for vertical "buy-in" on scope - Sept 2012
- Need to coordinate and identify the DWR plan for the Delta.

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USACE National Watershed Budget Pilots

Issue: HQ direction to develop a 'watershed-based budget'--defined as a sustainable five-year set of prioritized and performance-based project-level investment options tied to National Goals and Priorities. Serves as a "forcing function" for integrating Local, State, Tribal and Federal water resource efforts, focusing on the effects or outcomes of efforts for each watershed.

Status: 2 potential regional pilots for HQ consideration:

1. Bay-Delta – use existing CALFED coordination process similar to FY13
2. Santa Ana – leverage flood projects to improve supply and environmental benefits

Actions: On-going stakeholder and sponsor coordination including DWR and USBR; align budget process to National Priorities/Goals using a more holistic, multi-benefit approach

National Priority and Goals:

- Reduce the Deficit
- Create Jobs and Restore the Economy
- Improve Resiliency and Safety of Infrastructure
- Restore and Protect the Environment
- Maintain Global Competitiveness
- Increase Energy Independence
- Improve Quality of Life

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USACE Contribution to BDCP Plus

BDCP Update – South Pacific Division, U.S. Army Corps of Engineers

Issue: Key BDCP Stakeholders have recognized that actions limited to the Delta footprint may not be able to satisfy all objectives. How can USACE contribute?

Status: Numerous USACE activities in the Central Valley watershed are underway or could be initiated that would contribute to improving the ecosystem, improving conveyance and flood capacity, or impacting supply. Examples include:

- Central Valley Integrated Flood Mgt Study
- Yuba Watershed Improved Fish Passage
- Santa Ana Watershed
- Hamilton City Restoration and Channel Expansion
- Systems-oriented, Coordinated, Forecast-based, Res Ops Review Study
- Other

Actions: USACE engage in discussions with Gary Bardini (DWR) & Dave Gore (Reclamation) to better understand BDCP Plus priorities and possible USACE contributions.

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