STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF WATER RESOURCES
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SACRAMENTO, CA 94236-0001
(916) 653-5791

JUL 27 2012

Colonel William J. Leady, Commander
U.S. 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, an overall project purpose statement that has been developed pursuant to Section 404(b)(1) of the Clean Water Act regarding the implementation of Conservation Measure 1 Water Operations and Conveyance Infrastructure of the Bay Delta Conservation Plan (BDCP). The overall project purpose statement for implementation of the BDCP conservation measure was developed in coordination with representatives from the U.S. Army Corps of Engineers (USACE) Regulatory Division in the Sacramento District office.

Implementation of the BDCP will involve multiple actions that affect "waters of the United States," as regulated under Section 404(b)(1). As such, DWR staff worked with USACE staff to develop an approach to ensure proper, efficient, and timely compliance with the Clean Water Act. This approach recognizes that each conservation measure implementation project is a component of the BDCP, thus "the overall purpose statement for each of these individual projects will be consistent with the BDCP so that the range of alternatives analyzed under 404(b)(1) would be limited to only those which would be within the scope of activities and operations authorized by the finalized BDCP" (May 3, 2012 letter to Dale Hoffman-Floerke). The attached overall project purpose statement has been developed consistent with that approach.

Upon receiving concurrence from USACE on the overall project purpose statement, 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 Sections 10 and 14 of the Rivers and Harbor Act.

DWR appreciates USACE's efforts in development of the overall project purpose statement for implementation of Conservation Measure 1 of the BDCP and we appreciate your prompt attention to this matter. If you have any questions or comments please feel free to contact me at (916) 653-8045, or Cassandra Enos, Environmental Program Manager, at (916) 651-2987.

Sincerely,

Russell Stein

Russell Stein, Acting Deputy Director
Delta and Statewide Water Management

Enclosure

cc: See attached list.

Mr. Michael Jewell, Regulatory Division Chief
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Mr. Michael G. Nepstad, Deputy Chief
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July 20, 2012

BASIC AND OVERALL PROJECT PURPOSE STATEMENT PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT FOR THE BAY DELTA CONSERVATION PLAN: CONSERVATION MEASURE 1 - WATER OPERATIONS AND CONVEYANCE

INTRODUCTION

The Bay Delta Conservation Plan (BDCP) 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 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.

As part of the process of implementing the BDCP, DWR will seek permits from the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act to undertake a range of actions set out in the plan. The following basic and overall project purpose statements concern those BDCP actions relating to the construction and operation of the water conveyance infrastructure improvements and modifications comprising Conservation Measure 1 of the plan.

BASIC PURPOSE

The construction and operation of modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the addition of new points of diversion in the north Delta and other facilities to convey water around the Delta, consistent with the Bay Delta Conservation Plan.

OVERALL PROJECT PURPOSE

The overall purpose of the project is to construct and operate modifications and improvements to the State Water Project (SWP) and Central Valley Project (CVP) facilities in the Delta, as set forth in the Water Operations and Conveyance Conservation Measure 1 component of the Bay Delta Conservation Plan. The project includes the construction of new diversion facilities in the north Delta, the construction of new facilities to convey water from the new diversion facilities to the existing SWP and CVP water export facilities, and modifications to the operations of SWP and the CVP. The project would align SWP and CVP water project operations in the Delta to better reflect seasonal flow patterns, reduce the usage of the existing SWP and CVP diversion facilities in the south Delta, and protect fish with state of the art fish screens.