



US Army Corps of Engineers South Pacific Division



US Army Corps of Engineers

Roles and Responsibilities in the BDCP

13 August 2009



US Army Corps of Engineers South Pacific Division



USACE Roles in the Federal Family

	USACE	BOR	USFWS	NPS	IWS/RF	NMFS	NRCS	USFS	FEMA	EPA
	DOD	DOI	DOI	DOI	DOC	DOC	DOA	DOA	DOHS	Agency
Navigation	X									
Ecosystem Restoration	X	x	X	X		X	X	X		X
Regulatory CWA	X						x			X
Flood Risk Mgt	X	x			X				X	
Emergency Operations	X				X				X	
Hydropower	X	X								
Water Supply	X	X	x		X	x	X			x
Water Quality	X	x	x	x		X	X	x		X
Aquatic Species	x	x	X	X		X	x	X		X
Terrestrial Species	X	x	X	X		X	x	X		X
Recreation	X	x		X				X		



US Army Corps of Engineers South Pacific Division



Primary USACE Responsibilities with BDCP

- Regulatory Program
 - Protect the nation's aquatic resources
 - Prevent obstructions to navigation
- Operations
 - Improve public safety and reduce flood risk
 - Conduct maintenance dredging
- Planning
 - Integrate Civil Works projects



US Army Corps of Engineers South Pacific Division



Regulatory Program & Section 408 Program Considerations

- The BDCP involves specific activities (conveyance, intakes, restoration) that require permission from the Corps.
- The Corps is a cooperating agency on the EIS.
- The EIS will provide analyses of alternatives and impacts that will assist the Corps in meeting its permit review requirements.
- The Corps plans to adopt the EIS (and subsequent activity-specific NEPA documents) to fulfill its NEPA responsibilities & make permit decisions.
- The Corps consultations under ESA Section 7 with USFWS and NMFS should go quicker once the BDCP is approved.
- Permit applications for activities should be submitted before DEIS is published.



US Army Corps of Engineers South Pacific Division



Regulatory Program

- Issue permits to public and private applicants for specific activities, after a review process that involves evaluating alternatives, assessing environmental effects, and considering the public interest.
- Laws:
 - Section 404 of the Clean Water Act: Protect aquatic resources by regulating the discharge of dredged or fill material into Waters of the United States, including wetlands. (33 USC 1201 et seq.)
 - Section 10 of the Rivers and Harbors Act of 1899: Ensure safe navigation by regulating work or structures in or affecting Navigable Waters. (33 USC 403)
- Regulatory Program Regulations at 33 CFR 320-332



US Army Corps of Engineers South Pacific Division



Regulatory Program Key Points

- Activities not Plans or Programs
 - Corps can only permit activities
 - Specific information about the activity and its impacts must be submitted as part of the permit application
- Complete Permit Application
 - To proceed, application must be “complete” (per 33 CFR Part 325.1(d)), including a compensatory mitigation proposal
 - Complete application before DEIS issued
- Impacts to Wetlands and Other Waters of the U.S.
 - Wetland delineations (high-level and site specific) to determine how much and of what type will be affected
 - Wetland functional assessment
- Impacts to Navigation
 - Understand how activities, including pumping operations, may affect recreational and commercial navigation in the Delta



US Army Corps of Engineers South Pacific Division



Regulatory Program Key Points

- Section 106 of the National Historic Preservation Act and Tribal Coordination
 - Should include Corps permits on NHPA programmatic agreement with the State Historic Preservation Officer
 - Tribal relations
- Timing
 - Permit process should be concurrent with NEPA process
 - Application(s) should be submitted before the Draft EIS is issued
- Communication
 - Designate POCs at DWR and BOR for permitting
 - Pre-application meeting
 - Regular meetings, after permit applications submitted



US Army Corps of Engineers South Pacific Division



Section 408 Program

- Issue permission to public sponsors for specific activities, after a review process that involves evaluating alternatives, assessing environmental effects, ensuring the usefulness of the work is maintained and considering the public interest.
- Law:
 - Section 14 of the Rivers and Harbors Act of 1899: For the alteration of a Federal project to include sea wall, jetty, dike, levee, wharf, pier, or other work. (33 USC 408)



US Army Corps of Engineers South Pacific Division



Section 408 Program Key Points

- Central Valley Flood Protection Board (CVFPB) Permit
 - Must receive request from the CVFPB on behalf of the applicant
 - Minimum 60% designs
- Hydraulic Analysis
 - Evaluate transfer of risk
 - Evaluate system impacts through risk and uncertainty analysis
- Independent External Peer Review (Safety Assurance Review)
 - National Academy of Sciences standards must be followed
 - Includes design and construction phases
 - Develop a plan for appropriate level of review
- Level of Review
 - Minimum 60% designs for Headquarters USACE approval
 - 100% designs for letter of permission



US Army Corps of Engineers South Pacific Division



Section 408 Program Key Points

- Timing
 - Section 408 review process should be concurrent with NEPA process
 - CVFPB coordination should be conducted as soon as possible for specific activities to be covered under the 408
 - 408 permission issued prior to 404/10 permit decision
- Communication
 - Designate POCs at DWR and BOR for 408 (EIS & engineering)
 - Regular meetings, after permit applications submitted by CVFPB



US Army Corps of Engineers South Pacific Division



Active Planning Studies in the Delta

- **Long Term Management Strategy (Delta LTMS) for Dredged Material**
 - Cooperators: US Environmental Protection Agency, Central Valley Regional Water Quality Control Board, Department of Water Resources, California Bay Delta Authority, others.
- **Sacramento River Deep Water Ship Channel**
 - Partner: Port of West Sacramento
 - * Navigation



US Army Corps of Engineers South Pacific Division



Active Planning Studies in the Delta (cont.)

- **San Francisco Bay to Stockton Navigation Improvement Project**
 - Partners: Port of Stockton & Contra Costa Water Agency
 - * Navigation



US Army Corps of Engineers South Pacific Division



Active Planning Studies in the Delta (cont.)

- **Levee Stability Program**
 - Partners: Up to 40 Reclamation Districts with DWR
 - Short Term, “Quick” Fixes on Fragile Delta Levees
- **Delta Islands and Levees Feasibility Study**
 - Partner: Department of Water Resources (DWR)
 - Long Term, Comprehensive Solution for the Delta Watershed/Systems Approach with Collaborative Planning
 - * Flood Risk Management
 - * Ecosystem Restoration
 - * Water Supply
 - * Water Conveyance
 - * Water Quality



US Army Corps of Engineers South Pacific Division



Active Planning Studies in the Delta (cont.)

- **Central Valley Integrated Flood Management Study**
 - Partner: Department of Water Resources
 - * Flood Risk Management
 - * Ecosystem Restoration
- **Lower San Joaquin Feasibility Study**
 - Partner: San Joaquin Area Flood Control Agency
 - * Flood Risk Management
 - * Ecosystem Restoration
- **Sacramento River Bank Protection Project**
 - Partner: Central Valley Flood Protection Board
 - * Remedial Bank Protection



US Army Corps of Engineers South Pacific Division



Opportunities

- Information Sharing
 - Data, models, GIS
- Leveraging
 - LTMS & DWSC dredging placement and reuse
- Shaping
 - Participate in scoping and public involvement
- Partnering
 - On-going studies/programs
 - New studies



US Army Corps of Engineers South Pacific Division



USACE Regional Team Points of Contact

- South Pacific Division
 - Cindy Tejada, Regional Watershed Planner
- Sacramento District
 - Regulatory Division
 - Michael Jewell, Chief, Regulatory Division
 - Michael Nepstad, Deputy Chief, Regulatory Division
 - Operations & Readiness Branch, Construction-Operations Division
 - Meegan Nagy, Chief, Flood Protection and Navigation Section
 - Claire Marie Turner, Section 408 Project Manager
 - Planning Division
 - Tanis Toland, Delta Programs Integration