

CESPK-PM-C

MEMORANDUM FOR RECORD

SUBJECT: California Department of Water Resources (DWR)-US Army Corps of Engineers (Corps) Partner Kick-Off Meeting; Delta Islands and Levees Feasibility Study (DILFS); 1-2 December 2008

PURPOSE: To share information on current programs and study efforts in the Delta, provide the DWR staff an understanding of the Corps planning process, and to continue discussions between the agencies on the partnership and study scope for the Delta Islands and Levees Feasibility study.

**01 December 08**

MEETING ATTENDEES: A full list of meeting attendees is provided at the end of this memorandum. Attendees included staff from Corps and DWR, and the consulting firms PBS&J, HydroPlan, and Dynamic Solutions.

TOPICS OF DISCUSSION:

**Day 1, Monday, 1 December 08**

The DWR gave presentations on the Delta's historic and existing conditions, hydrology and ecology, as well as updates on the Bay Delta Conservation Plan (BDCP) and the Delta Risk Management Strategy (DRMS). Leo Winternitz of CALFED provided an overview of the Delta Vision Strategic Plan. The Corps provided updates on the Delta Long-Term Management Strategy (LTMS) for dredged material reuse, the Sacramento and Stockton ship channel projects, the Levee Stability Program, and the Delta Islands and Levees Feasibility Study (DILFS). Power Points of each presentation are on file and can be requested by contacting the Corps' Delta Program Manager, Russ Rote, at Russ.L.Rote@spk01.usace.army.mil. The following are the key discussion points from each of the presentations.

1. Bay Delta Conservation Plan: Paul Marshall (DWR) presented an update on the BDCP. The BDCP will address protecting California's water supplies as well as critical habitat of species in the Delta. The economy of California and the Nation is directly tied to water supplies that currently move through the Delta. Of the \$850 billion that represents the annual economy for California, an estimated \$400 billion is directly linked to the Delta, as the "hub" of California water distribution. Failure of the Delta levee system, and resulting shortages of water supply for urban and agricultural uses, would cripple the California economy and have adverse impacts on the National economy. DWR is preparing the Draft Environmental Impact Report (DEIR) for publication by the end of 2009. The DEIR will propose alternative water conveyance plans and conservation goals.

- DWR would like to work in collaboration with the Corps for potential funding and for regulatory streamlining on permitting for a canal right of way based on a proposal to build a conveyance canal from the Sacramento River near Hood to the Jones Pumping Plant. They also are coordinating with Corps on “408” requirements for possible modification of Federal projects, such as the proposal to add additional notches to the Fremont Weir.
2. Delta Historic and Current Conditions, Levee Program: Mike Mirmazaheri (DWR) gave a presentation on DWR’s Delta Levees Program. The Delta Levees Program identified transportation, recreation, utility, habitat, and water supply as primary assets to protect in the Delta. A variety of projects under this program include the Delta Levees Maintenance Subventions Program and the Special Flood Control Projects Program. These projects primarily work to protect the assets located in the Delta. DWR sees the Corps being involved with Special Flood Control Projects. DWR will be presenting interim and permanent guidelines for FY09 and all future projects, respectively. DWR stated that working with the Corps is a major implementation goal of the Delta Levees Program, but a plan is required to initiate the collaboration between the agencies.
  3. Delta Hydrology: Mike Mierzwa (DWR) presented an overview of Delta hydrology. The presentation stressed the fact that there are localized hydrologic conditions within the Delta that require individual consideration within the broader goals and implementation policies of current and future programs. The point was made that one solution does not fit the entire Delta because of the localized differences in hydrology. Mike closed with a discussion of existing Delta models, and the pros and cons of each. This discussion, and the contact information, was very important for the attending Dynamic Solutions consultants who will be developing the Corps’ Delta Hydrologic Engineering Management Plan (HEMP).
  4. Delta Ecology: Jay Chamberlain (DWR) presented information on the Delta ecosystem and related projects that address ecosystem problems in the Delta. Ecological restoration in the Delta includes more than 30 projects by different state and federal agencies. However, at this time there is no single large-scale blueprint eco-restoration goal for the Delta; most projects have been small and unrelated to one another.
  5. Delta Risk Management Strategy: Dave Mraz (DWR) presented an overview and update on DRMS. The DRMS was developed by DWR to evaluate seismic and flood risks and identify solutions to minimize those risks. Phase 1 (the risk study) is complete and will be published January 2009. An internal draft Phase 2 report will be done in January 2009. The data collected for the Phase 1 report is extensive and available on the DWR website. DWR stated that the Independent Peer Review for Phase I acknowledged the latest revision satisfied a majority of its concerns; however, the report did not fully address issues regarding aquatic ecology. Mr. Mraz asked that the Corps and his office continue a dialogue about whether the Corps could assist with addressing this issue, possibly through the DILFS.
  6. Delta Vision Strategic Plan: Leo Winternitz (Resources Agency, Delta Vision Program Manager) presented the latest information on the Delta Vision Strategic

- Plan. The Delta Vision Blue Ribbon Task Force (BRTF) concluded that risks in the Delta are greater today than ever before, and conditions will continue to deteriorate due to stressors such as subsidence, sea level rise, etc; that we cannot proceed with business as usual, and that solutions will involve very difficult trade-offs. Key goals of the Strategic Plan include a mandated co-equal goal of ecosystem restoration and water supply reliability. This will change current DWR projects by mandating more ecosystem restoration in current projects. The recommendations of the BRTF will become California's water policy for at least the next two years. The BRTF has recognized the need for a governance structure with authority and responsibility to secure and appropriate funding to achieve the goals of the Strategic Plan. The recommendations of the Committee are due January 2009 after two public workshops in November and December 2008. Leo indicated that the new administration [President Elect Obama] was being approached to maintain the momentum at the Federal level [DOI-USBR] presumably for the water supply conveyance initiative.
7. Delta Long-Term Management Strategy and Ship Channel Projects: Dr. Bill Brostoff (Corps – San Francisco District) gave a presentation on the Delta Long Term Management Strategy (LTMS) for Dredged Material. Efforts under the LTMS are working towards obtaining general permits from the Central Valley Regional Water Quality Control Board and other agencies to make beneficial reuse of dredged material for maintenance dredging more streamlined. Although multiple agencies have been attending meetings on this project, the U.S. Fish and Wildlife Service has not replied to invitations or attended a single meeting. Consensus on the disposal/beneficial reuse issues has been reached among the various agencies that have participated in the process. Dr. Brostoff and Neil Hitchcock (Corps – San Francisco District) gave updates on two current dredging projects affecting the Delta; the Sacramento Deep Water Shipping Channel and the Stockton Navigation Channel Improvement projects. These two projects will require significant dredging and disposal/reuse efforts. Although DWR is willing to participate in beneficial reuse of dredged materials, the ports will have to take on all liability for potential problems with the dredged material. Both project managers stated the need to find additional sites for beneficial use of dredged materials and were excited to work with the DWR and the Sacramento District on DILFS and the Levee Stability Program and identify additional placement locations for both flood risk management and environmental restoration projects. Dave Mraz asked the Corps to investigate insurance and liability issues related to acceptance of dredged materials and report back to him.
  8. Levee Stability Program: Russ Rote (Corps – Sacramento District) presented a overview of the Delta Levee Stability Program. The Levee Stability Program is a short-term program for the rehabilitation of Delta levees to a base level of protection known as the “Delta PL 84-99standard”; a standard developed by the Sacramento District solely for Delta levees. For FY08, \$4.92M was appropriated with \$500K earmarked for emergency response planning. For FY09, \$5M was earmarked by both House and Senate Appropriations language to continue implementing Project Implementation Reports (PIRs) and to initiate as many as 10 Feasibility Cost Sharing Agreements (FCSAs).

9. Delta Islands and Levee Feasibility Study: Mr. Rote also reported on the current status of the DILFS, the reason for the day and a half workshop. The DILFS is a feasibility study in partnership with DWR. DWR intends, as per the original PMP of 2006, to maximize in-kind credit for their efforts on DRMS. The DILFS PMP will be revised to meet a more programmatic watershed-based plan than originally written, though some project features may be developed in sufficient detail to move from feasibility to design, following report authorization, depending on the needs and interests of DWR, the Corps' non-Federal sponsor. For FY09, the Corps and DWR need to work on revising the PMP and preparing for NEPA scoping workshops with an expected budget of \$1.25M.

## **Day 2, Tuesday, 02 December 08**

MEETING ATTENDEES: A full list of meeting attendees is provided at the end of this memorandum. Attendees included staff from Corps and DWR, and the consulting firms HydroPlan, PBS&J, and Dynamic Solutions.

TOPICS OF DISCUSSION: The USACE described the USACE six-step planning process for feasibility study efforts, as well as information on a watershed approach and a collaborative planning environment. PBS&J and HydroPlan discussed recommendations for the DILFS implementation strategy.

### **Corps Planning Process and Watershed Approach:**

1. Jerry Fuentes presented an overview of the Corps six-step planning process used by the Corps for conducting feasibility studies. The feasibility study is the Corps' mechanism to participate in a cost shared solution to a variety of water resources needs for which the Corps has authority. The Corps primary mission areas include flood risk management, ecosystem restoration, and navigation. There may also be secondary mission areas that could be applicable in solving Delta water resources problems or realizing opportunities. The ultimate goal of the Corps study and resulting decision document is Congressional Authorization to move to project design and construction. Following authorization, appropriations (funding) would be sought to initiate project design, and/or develop more detailed, site specific studies .

The six steps are:

- Step 1 - Identifying problems and opportunities.
- Step 2 - Inventorying and forecasting conditions.
- Step 3 - Formulating alternative plans.
- Step 4 - Evaluating alternative plans.
- Step 5 - Comparing alternative plans.
- Step 6 - Selecting a plan.

The planning process is an iterative one. An array of alternatives may be identified, but additional ones may be added, usually because of issues with efficiency, effectiveness, completeness, or acceptability. This likely requires a reevaluation, comparison, and could impact plan selection.

2. The first step to successfully starting the process is for the team to identify and define the water resources problems and opportunities. The problems and opportunities discussion should include stakeholders, public, and agencies. The DILFS is at this critical first step. Though some water resources problems and opportunities have been identified, there are others that should be given consideration. This will be important in sufficiently defining the scope of study for PMP revision.
3. Study objectives result from problem and opportunity statements. Management measures are developed to meet those objectives, and the measures are combined to form separate alternatives. Alternatives are screened for completeness, effectiveness, efficiency, and acceptability. The last steps are evaluating the individual plans on their own merits, comparing the alternatives, and then selecting the best plan. Once the planning process is completed and an authorization and appropriations are obtained, the design and build process can begin.
4. Cindy Tejada (Corps-South Pacific Division) presented a watershed-based planning approach that could be used by the Corps and DWR for the Delta. Key themes emerging in the Corps that make this approach acceptable are: systems thinking, collaboration, and regional priorities in addition to national priorities. The current DILFS PMP should be revised to reflect a more comprehensive watershed-based approach to the Delta. The Corps wants to leverage and incorporate other agencies' information and solutions. In addition, the Corps will incorporate adaptive management policies to ensure a more dynamic and flexible long-term plan for future projects.
5. Bill Hinsley (PBS&J) and Jim Smyth and Russ Reed (HydroPlan) presented a panel discussion on the DILFS Implementation Strategy. This panel brought large scale water resources perspectives to the team; to include experiences with Everglades Restoration, Louisiana Coastal Wetlands, and policy and procedure from the perspective of the Assistant Secretary of the Army for Civil Works' office. After interviewing many people in the Corps, DWR, and other agencies involved in the Delta, the panel produced a report (January 2008) based on these interviews, review of the then existing Corps and DWR documents, and current federal law and policy for the Corps that describes options for moving ahead with DILFS.
6. The panel recommended the following:
  - a. Form a charter with clear and common goals between USACE the DWR, and partnering/cooperating agencies for the joint effort on DILFS;
  - b. Set rules of engagement for the parties where civility and professionalism is key;
  - c. Focus partnership alignments of support at three levels; internally, between partnering agencies, and with cooperating agencies and stakeholders. Ultimately having everyone "on board" will make it easier for the plan to be approved by the SPD, HQUSACE, Assistant Secretary of the Army (Civil Works), and Office of Management and Budget (OMB) and sent to Congress without further plan reformulation.

- d. Demonstrate and document the national economic benefits from the DILFS;
  - e. Articulate to the public that DILFS will maximize use of all available State formulation activities from existing studies in the Delta (e.g., DRMS, Delta Vision, etc.)
  - f. The DILFS could need to employ an atypical approach that includes elements of a feasibility study and watershed study approaches, similar to the Basin Plans that the Corps prepared several decades ago. Mr. Smyth noted that it is likely that the DILFS report would not contain the necessary level of detail required for a traditional Corps feasibility study, but rather a level of detail similar to other large-scale ecosystem restoration plans such as the Comprehensive Everglades Restoration Project (CERP) and the Louisiana Coastal Area Ecosystem Restoration Plan.
7. Mr. Reed stated that in order to successfully implement these recommendations, the individual members of the team must trust one another, leave their agency “hats” at the door before attending team meetings, work together in public hearings/workshops, and to urge their respective agencies to engender momentum on supporting study efforts. In addition, Corps staff and DWR can work to build momentum and energy that will garner upper level staff to support study efforts.
8. The ultimate goal of this effort will be to create a watershed approach in a feasibility-like study to be used as a programmatic document for other project-specific studies and plans to follow. It may help to have a goal of completing the plan by a certain date. In this manner, the goal will be to get approval of the overall plan, possible project authorizations, both followed by additional appropriations.

Next Steps/Action Items:

1. Russ Rote will coordinate with Dave Mraz on the timing and participation of upcoming DILFS meetings; will forward today’s meeting summary, slides, and USACE Planning Manuals to all attendees by 09 December; and will continue to coordinate with DWR to align efforts and priorities with respect to the Delta Levee Stability Program and DILFS.
2. Dave Mraz will meet with DWR management to: discuss the panel recommendations and teaming arrangement for a non-traditional long-term large-scale watershed-approach feasibility study and plan for the Delta; and explain the possible benefits of revising the existing FCSA and PMP to reflect broader goals and objectives which may allow more beneficial cost sharing to the State.

**APPENDIX – Meeting Attendees**  
**Day 1, 01 December 08**

Department of Water Resources

Dave Mraz, DWR  
Jay Chamberlain, DWR  
Michael Mierzwa, DWR  
Michael Mirmazaheri, DWR  
Paul Marshall, DWR  
Bob Yeadon, DWR  
Michael Floyd, DWR

Delta Vision

Leo Winternitz, Delta Vision

USACE – South Pacific Division (SPD)

Cindy Tejada, USACE-SPD

USACE – San Francisco District (SPN)

Al Paniccia, USACE-SPN  
Craig Conner, USACE-SPN  
Frank Wu, USACE-SPN  
Bill Brostoff, USACE-SPN  
Neil Hitchcock, USACE-SPN

USACE – Sacramento District (SPK)

Russ Rote, USACE-SPK  
Frank Piccola, USACE-SPK  
Scott Clark, USACE-SPK  
Judy Soutiere, USACE-SPK  
Brooke Schlenker, USACE-SPK  
Ignatius Anyanwu, USACE-SPK

Jerry Fuentes, USACE-SPK  
Wayne Smith, USACE-SPK  
Michael Morgan, USACE-SPK  
Robert Collins, USACE-SPK  
Gene Mack, USACE-SPK  
Hilary Applegate, USACE-SPK  
Susan Schwem, USACE-SPK  
Karen Lee, USACE-SPK  
John High, USACE-SPK  
Laurie Parker, USACE-SPK  
James Powers, USACE-SPK  
Carmen Routh, USACE-SPK  
Ofelia Sarmiento, USACE-SPK  
Casey Young, USACE-SPK  
Daniel Artho, USACE-SPK  
Tim Karpin, USACE-SPK  
Susan McCallister, USACE-SPK

Consultants

Bill Hinsley, PBS&J  
Webb Smith, PBS&J  
Erick Cooke, PBS&J  
Russ Reed, HydroPlan  
Darlene Guinto, HydroPlan  
Jim Smyth, HydroPlan  
Stephen Sanborn, Dynamic Solutions  
Chris Waller, Dynamic Solutions  
William McAnally, Dynamic Solutions

**Day 2, 02 December 08**

Department of Water Resources

Dave Mraz, DWR  
Jay Chamberlain, DWR  
Michael Mirmazaheri, DWR  
Bob Yeadon, DWR

USACE – South Pacific Division

Cindy Tejada, USACE-SPD

USACE – Sacramento District

Russ Rote, USACE-SPK  
Frank Piccola, USACE-SPK  
Scott Clark, USACE-SPK  
Judy Soutiere, USACE-SPK  
Brooke Schlenker, USACE-SPK  
Ignatius Anyanwu, USACE-SPK  
Jerry Fuentes, USACE-SPK  
Wayne Smith, USACE-SPK

Michael Morgan, USACE-SPK  
Robert Collins, USACE-SPK  
Hilary Applegate, USACE-SPK  
Susan Schwem, USACE-SPK  
Karen Lee, USACE-SPK  
Daniel Artho, USACE-SPK

Consultants

Bill Hinsley, PBS&J  
Webb Smith, PBS&J  
Erick Cooke, PBS&J  
Russ Reed, HydroPlan  
Darlene Guinto, HydroPlan  
Jim Smyth, HydroPlan  
Stephen Sanborn, Dynamic Solutions  
Chris Waller, Dynamic Solutions  
William McAnally, Dynamic Solutions