DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1399

REPLY TO
ATTENTION OF

May 14, 2009

Regional Business Directorate

Ms. Lori Rinek
Army Federal Register Liaison Officer
Sacramento Fish and Wildlife Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dear Ms. Rinek:

Thank you for the opportunity to provide comments and perspective on behalf of the U.S. Army Corps of Engineers (Corps) regarding the Bay Delta Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta, Environmental Impact Statement/Environmental Impact Report (EIS/EIR). This letter incorporates comment from the South Pacific Division Headquarters, our San Francisco District and our Sacramento District.

The Corps recognizes and embraces our role as a cooperating agency in the preparation of the proposed EIS/EIR (IAW 33 CFR Part 325). The mission of the Corps includes Flood Risk Management; Environmental Protection and Restoration; Navigation; and Emergency Preparedness and Response. We anticipate that the BDCP actions may impact these mission areas. As a result, multiple Corps permissions may be required.

The Corps' regulatory jurisdiction in the BDCP project area primarily falls under three authorities:

1. Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the U.S.; (33 USC 1201 et seq.) (Section 404)
2. Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) for the alteration of a Federal project (to include sea wall, jetty, dike, levee, wharf, pier, or other work);
3. Section 10 of the Rivers and Harbors Act for work in navigable waters. (33 USC 403) (Section 10)

We envision using the BDCP EIS/EIR as a programmatic document; tiering additional NEPA documents for Corps permit actions from it. In addition, it is important that you are aware of ongoing initiatives in the Delta with which the Corps is currently involved.

The Corps' responsibilities include the Federal flood risk reduction system, which involves, in part, the operation of a system of reservoirs. The BDCP actions may have a significant impact on the flood risk reduction system in the Central Valley and the Delta. Any changes or modification to the flood risk reduction system and its operation must be analyzed and may require reauthorization by Congress. Actions and impacts on the levee system will also need to be consistent with the CA Levee Roundtable Framework (Flood System Improvement Framework).

We anticipate that some or all of the proposed projects would result in discharges into waters of the U.S. Accordingly, authorization under Section 404 of the Clean Water Act would be required. In developing alternatives, we encourage you to consider an appropriate range. With a range of alternatives, we are able to use them in subsequent NEPA document(s) that evaluate compliance with the Clean Water Act Section 404(b)(1) Guidelines. Please note that the Corps may only authorize the least environmentally damaging alternative (LEDPA).

Under both Section 10 and Section 404, the Corps performs a public interest review. We expect that the NEPA process will provide adequate information for us to undertake our review in subsequent document(s), but encourage you to continue to keep us informed of the development of alternatives and impact analyses.

In addition to the Regulatory Permits requirements, the Corps has a robust Civil Works project program, with many projects directly or indirectly impacting the Delta. These projects are managed by the two following South Pacific Division Corps Districts, the San Francisco and Sacramento Districts. The Corps recognizes that the scope of the project EIS/EIR must take into account potential project impacts while appropriately balancing environmental issues in its analysis. Three Corps projects the BDCP should coordinate with the San Francisco District staff include: (1) the San Francisco Bay to Stockton navigation improvement study, (2) the Sacramento River Deep Water Ship Channel (DWSC) navigation improvement study, and the (3) the Delta Dredged Sediment Long Term Management Strategy (Delta LTMS).

San Francisco Bay to Stockton navigation improvement study:

The San Francisco Bay to Stockton navigation improvement study is composed of two ship channels with a combined length of more than 85 miles. The John F. Baldwin (JFB) ship channel extends from outside the Golden Gate to the eastern end of Suisun Bay. The JFB channel includes the West Richmond Channel, Pinole Shoal Channel, and the Suisun Bay Channel portion of the JFB Ship Channel. The West Richmond Channel is located within the North Ship Channel just south of the Richmond – San Rafael Bridge and west of the City of Richmond. The area of interest for deepening the Stockton DWSC extends to the Port of Stockton. All channel segments are currently maintained to the water depth of at least 35 feet mean lower low water (MLLW). The proposed project is evaluating deepening the West Richmond and Pinole Shoal Channels to a possible maximum depth of 45 feet MLLW and the remaining segments to a maximum depth of 40 feet MLLW. The total volume of material generated from this project is expected to be up to 31 million cubic yards of material.

The project website, http://www.sfbaytostockton.org, provides a project description and map. For coordination the lead environmental manager for the project is Ms. Nancy Ferris (nancy.m.ferris@usace.army.mil); the project manager is Mr. David Patterson (David.R.Patterson@usace.army.mil).

Sacramento River Deep Water Ship Channel:

The Sacramento Deep Water Ship Channel extends 46.5-miles along a route starting at the confluence of the Sacramento and the San Joaquin Rivers and ending at the Port of West Sacramento. The channel

runs along the Sacramento River, into Cache Slough and along a man-made channel to the Port. Construction of a 35-foot deep channel was initiated in 1989, but work was suspended in 1990. Two of the six construction contracts had been completed at that time, from River Mile 43 to 35. The remaining channel is 30 feet deep. The current project is evaluating the resumption of the 35 feet deepening work. The total volume of material generated from this project is expected to be between 6 to 7 million cubic yards of sediment.

The project website, http://www.sacramentoshipchannel.org, contains a project description and map of the study area. For coordination, lead environmental manager for the project is Dr. Bill Brostoff (William.N.Brostoff@usace.army.mil); the project manager is Mr. Craig Conner (Craig.S.Conner@usace.army.mil).

The BDCP should coordinate with the Corps on SF Bay to Stockton and Sacramento deep water ship channel projects regarding several modeling efforts. Hydrodynamic and salinity modeling is currently under way for both the SF Bay to Stockton and Sacramento studies. Dissolved oxygen and water quality modeling is being conducted for the Stockton DWSC. These modeling efforts include assumptions about future conditions with and without implementing the BDCP based on the best information available at the time when modeling was initiated. The technical lead for these modeling efforts is Dr. Frank Wu, available via email at Frank.Wu@usace.army.mil.

Delta Dredged Sediment Long Term Management Strategy:

The Delta Long-Term Management Strategy (LTMS) is a cooperative effort to coordinate, plan, and implement beneficial reuse of sediments in the Sacramento and San Joaquin River Delta (Delta). Five agencies (Corps, US Environmental Protection Agency, California Department of Water Resources, California Bay Delta Authority, and Central Valley Regional Water Quality Control Board) are examining dredging, reuse, and disposal needs in the Delta. The goals of the LTMS are to collectively manage dredging activities to support and maintain Delta channel functions for navigation, flood control, water conveyance, and recreation, maintain and stabilize Delta levees that protect land-based activities, water conveyance, and terrestrial ecosystems, and protect and enhance water quality for Delta water supply and ecosystem function. The project website is http://www.deltaltms.com/.
The Delta LTMS program manager is Mr. Al Paniccia (Al.Paniccia@usace.army.mil), the study manager is Dr. Bill Brostoff (William.N.Brostoff@usace.army.mil).

For coordination on the Delta LTMS regarding current research on threatened and endangered fish species and the permitting process, please contact Dr. Bill Brostoff (415) 503-6867 or Ms. Nancy Ferris at (415) 503-6865.

The Corps projects that the BDCP should consider and coordinate with Sacramento District include: (1) Delta Islands and Levees Feasibility Study, (2) CALFED Levee Stability Program, (3)the Lower San Joaquin River feasibility Study, (4) the Central Valley Integrated Flood Management Study, (5) the Sacramento River Bank Protection Project, and (6) the Sacramento River Flood Control Project.

Delta Islands and Levees Feasibility Study:

The Delta Islands and Levees Feasibility Study (DILFS) will incorporate elements of the State's Delta Risk Management Strategy (DRMS), while reevaluating some of the results, to develop a combined ecosystem restoration and flood risk management plan for Corps involvement in the Delta vision. The Corps and the California Department of Water Resources (DWR) signed a Feasibility Cost Sharing Agreement (FCSA) in May 2006

For coordination, appropriate points of contact are the project manager, Mr. Russ Rote at (916) 557-6672 or the lead planner, Ms. Brooke Schlenker, at (916) 557-5299.

CALFED Levee Stability Program:

The Levee Stability Program (LSP) allows the Sacramento District to construct high priority levee rehabilitation projects identified in the Sacramento District's "2006 Report to Congress". The small projects are considered interim emergency type repairs to the most fragile reaches of levee. The authorized project purposes include flood risk management, ecosystem restoration, water supply, conveyance, and quality. The DWR has indicated a willingness to partner by providing construction grants to the Reclamation Districts (RDs) for cost sharing on the Federal projects. Projects that will be implemented will first be proven to be consistent with the latest version of the Delta Vision (DV) and other state visioning efforts.

For coordination, appropriate points of contact are the project manager, Mr. Russ Rote at (916) 557-6672 or the lead planner, Ms. Brooke Schlenker, at (916) 557-5299.

Lower San Joaquin River feasibility Study:

The Lower San Joaquin River study is being conducted by the Corps of Engineers in partnership with the San Joaquin Area Flood Control Agency. The study will evaluate the feasibility of implementing flood risk management and ecosystem restoration improvements along the lower San Joaquin River and its tributaries and distributaries. The study is being coordinated with the State of California, San Joaquin County, and various Reclamation Districts.

The study area is located along the lower (northern) portion of the San Joaquin River system in the Central Valley of California. The river flows west to the Central Valley, where it is joined by the Merced, Tuolumne, Stanislaus and Calaveras Rivers, and other smaller tributaries, as it flows north to the Sacramento-San Joaquin Delta. The Lower San Joaquin River study area includes the main stem of the San Joaquin River from the Mariposa Bypass downstream to and including the city of Stockton. The study area also includes the distributary channels of the San Joaquin River in the southern most reaches of the Delta.

For coordination, the project managers are Mike Morgan (Michael.R.Morgan@usace.army.mil) and Claire Marie Turner (Claire.Marie.Turner@usace.army.mil). The lead planner is Miki Fujitsubo (Miki.Fujitsubo@usace.army.mil).

Central Valley Integrated Flood Management Study

The Central Valley Integrated Flood Management Study is being conducted in partnership with the State of California (Central Valley Flood Protection Board and the Department of Water Resources). It is a multi-objective study that will balance flood damage reduction, ecosystem restoration, and other water resource purposes and provide a long-range management program to improve the flood carrying capacity, while restoring and protecting environmental features. It will provide a framework for a management plan that can be effectively implemented and supported by local, state, and Federal agencies.

The study area includes the entire Sacramento River Basin, San Joaquin River and the Delta Basin in Central California. It encompasses about 43,000 square miles, 1,613 miles of federal levees, 1,200 miles of floodways, 56 flood control features, and 1/3 of the state water supply. Numerous projects are within the study area including the Sacramento River Flood Control Project, Sacramento River Bank Protection Project, Folsom Dam, West Sacramento, and the Lower San Joaquin River and Tributaries Project.

For coordination, the project manager for this study is Mr. David VanRijn (David.P.VanRijn@usace.army.mil).

Sacramento River Bank Protection Project:

The Sacramento River Bank Protection Project is a long term project that protects the integrity of the Sacramento River Flood Control Project (SRFCP) through construction of bank protection and set back levees. The State of California's Central Valley Flood Protection Board is the non-Federal project partner. The existing Sacramento levees are seriously threatened by erosion and unless continued corrective measures are taken, levee failures may occur with resultant catastrophic damage and possible loss of many lives.

The project extends from River Mile (RM) 0.0 on the Sacramento River at Collinsville to RM 194.0 above Red Bluff. Existing levees are seriously threatened by erosion that could result in levee failures. Areas protected by levees comprise over 1 million acres, 50 communities, $38 billion of improvements, and 2.3 million people.

Sac Bank received authorization in Water Resources Development Act of 2007 for an additional 80,000 linear feet. The 2007 authorization adds to the previously authorized project. There are 154 identified erosion sites on the system, totaling approximately 150,000 linear feet. The Corps is designing and will award for construction approximately 9,000 linear feet of bank protection this year at 13 sites. Planning and environmental compliance is underway for Sacramento River Bank Protection Project, Phase II, which is the additional 80,000 linear feet authorized in WRDA 2007. Planning efforts have also begun on Phase III. This phase will look more comprehensively at protecting the integrity of the SRFCP.

For coordination, the project manager for Sac Bank is Mr. Mike Dietl (Michael.L.Dietl@usace.army.mil). The lead planner is Mr. Miki Fujitsubo (Miki.Fujitsubo@usace.army.mil).

Sacramento River Flood Control Project System Reevaluation

The Sacramento River Flood Control Project general reevaluation study will evaluate the condition and performance of this flood risk management system, with particular attention to levees in rural areas. The Sacramento River Flood Control Project is located on the Sacramento River and lower reaches of its principal tributaries in north-central California. It includes a comprehensive system of levees, overflow weirs (including the Sacramento and Fremont Weirs), drainage pump plants and flood bypass channels (including the Yolo Bypass). Most of the project facilities are over 50 years old and were originally locally constructed. They were later upgraded and incorporated into the project after Federal authorization in 1917. Following the floods of 1986, a five-phase program was developed by the Corps of Engineers which divided the flood control system into five study areas the purpose of which was to examine the levees and determine how the system was performing. This study focused particularly on urban areas.

For coordination, the project manager is Mr. Mark Ellis (Mark.A.Ellis@usace.army.mil). The lead planner is Mr. Miki Fujitsubo (Miki.Fujitsubo@usace.army.mil).

These projects geographically overlap the BDCP proposed project footprint and may share both baseline conditions and impacts analysis needs for water quality, hydrodynamics, as well as other environmental and biological effects. BDCP's alternative formulation should consider these projects when creating and evaluating conveyance, infrastructure, restoration, and mitigation options.

We anticipate that the BDCP will appropriately consider and address any hazardous, toxic, and radioactive waste (HTRW) impacts from the proposed project.

We look forward to coordination with the BDCP team to discuss elements of the Draft EIS/EIR. Ms. Cindy Tejeda (Cindy.L.Tejeda@usace.army.mil), lead watershed planner, USACE South Pacific Division Headquarters, is coordinating a technical meeting to be scheduled in the near future. Please note that our detailed comments provided are focused on areas of particular interest to the Corps given the information available in the NOI and at the scoping meeting held March 19, 2009.

Sincerely,

Andrew Constantaras

Andrew Constantaras, P.E.
Director, Regional Business Directorate