

U.S. ARMY CORPS OF ENGINEERS
REGIONAL LISTENING SESSION MEETING NOTES

SACRAMENTO, CALIFORNIA
JUNE 20, 2000

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June 2000

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by

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REGIONAL LISTENING SESSIONS MEETING NOTES – SACRAMENTO, CALIFORNIA

The notes provided below document the main points that were offered during the Listening Session in Sacramento, California on June 20, 2000. The notes highlight and summarize the key topics and issues that were discussed at the meeting. Selected attachments are provided in this document.

Water plays a major role in how we live and work. As steward of America's water resources for more than 200 years, the U.S. Army Corps of Engineers has begun a dialogue with the American public, stakeholders, customers, and government agencies at all levels about the water resources challenges that lie ahead. The Corps is conducting 14 regional public listening sessions throughout the United States between June and November of 2000 to provide citizens the opportunity to voice concerns about pressing water resources problems, opportunities, and needs impacting their lives, communities, and future sustainability. This dialogue is an integral part of the Corps's strategic planning process.

The cities where listening sessions are being conducted include St. Louis, MO, Sacramento, CA, Phoenix, AZ, Woburn, MA, Atlanta, GA, Omaha, NE, Honolulu, HI, Chicago, IL, Louisville, KY, Dallas, TX, Williamsburg, VA, New Brunswick, NJ, Anchorage, AK, and Vancouver, WA.

This report summarizes the Sacramento, California, listening session. This session, hosted by the South Pacific Division, was conducted on June 20, 2000 at the Sacramento Convention Center. Approximately 28 people attended this meeting to share their views with the Corps.

The information collected from the listening sessions will be incorporated into a report assessing future national water resources needs and the gaps that must be closed to meet these needs. This report will be shared with key decision-makers within the Army and Congress to help inform their discussions about water resources issues and future investment decisions. Additionally, the report will provide a point of departure for ensuing discussions with other Federal agencies to identify common water resources issues and missions most appropriate to the roles and responsibilities of the Federal government. The information will also be incorporated into a revision of the Civil Works Program Strategic Plan.

Welcoming Remarks

Brigadier General Peter Madsen, USACE South Pacific Division Commander, welcomed the audience to the listening session. General Madsen explained that the primary goal of the workshop would be to learn from the audience what it believes are the important water resource challenges facing the nation. He stated that the Corps is interested in this input for two reasons. The first reason is to fulfill requirements prescribed by Congress in the Government Performance

Results Act, and secondly, to assist the Corps in long-term planning to meet its responsibilities for water resources development and management.

According to General Madsen, it is the belief of many in the Corps that the nation has not paid sufficient attention to its water resources needs for at least the last two decades, and as a result, the nation's water resources may be adversely impacted in the future. He noted that the Corps foresees at least six key challenges that will require additional emphasis and investment. These six challenges include flood control, improved navigation capabilities, environmental restoration, adequate urban and rural water supply, aging water resources infrastructure, and response to disasters. The General noted that these six challenges are a starting point for discussion, and soon after the listening session is completed, a proceedings report will be published containing the output from this session.

General Madsen explained that the information received from the listening session participants will help the Corps to gain a better understanding of what the public thinks is important. This information will be compiled into a report which will be displayed on a "national challenges" website. At the conclusion of all of the regional listening sessions, the Corps will prepare a report that will be shared with Congress. The intent, according to General Madsen, is that the information will help decision makers better understand the importance of the nation's water resources needs, as well as the choices that must be made regarding future investment decisions, missions and priorities.

General Madsen went on to explain that the present listening session was the second of 16 sessions to be held around the country. The Corps wants to see how the Federal government is responding to regional needs across the country. The General noted that the Corps staff spends a lot of time thinking about these needs, but it is important to hear from the public because this input is needed for the planning process. General Madsen noted that the Corps has been serving the nation for over 200 years; many of its original projects were intended to prevent floods and improve transportation, while in recent years, the Corps has put a lot of energy into restoring the environment. He continued by acknowledging that there may be some areas where the Federal government has not been responsive to the public's needs, and that is why we are here today. While the Corps has identified six specific challenges, the General noted that there may be more. This is a starting point to discuss unmet needs; that is what we are all here to learn about.

The General acknowledged that some in the audience may have come with local issues in mind, and that is important to the Corps as well. The primary purpose, according to the General, would be to talk about national needs. He noted that the listening session format has been used in other areas, such as for highway transportation and by the Coast Guard. The General then referenced the website on which the national report will be posted once it is compiled (<http://www.wrsc.usace.army.mil/iwr/waterchallenges>), and he noted that it is important that the final report provides an accurate picture for the nation's decision makers. General Madsen concluded his remarks by noting that several Corps personnel were on hand to assist with the workshop, as well as a professional facilitator to guide the day's activities. With that, the General thanked the audience again and turned the microphone over to Mr. Jim Creighton, the

listening session facilitator and representative of the contractor, Planning and Management Consultants, Ltd.

Session Objectives

Mr. Creighton introduced himself to the audience and began by asking the audience members to present any written statements they had brought with them to the session recorder, who would include them in the written report of the meeting. Mr. Creighton then outlined the meeting agenda with the participants. Although the agenda would serve as a general guide to the day's activities, the agenda could be modified at the facilitator's discretion as appropriate for the particular audience. The agenda was presented as follows:

10:00-10:25 (A.M.)	Welcome
10:25-10:45	Overview of Workshop
10:45-11:40	Table Discussions
11:40-12:30 (P.M.)	Large Group Discussions (Plenary)
12:30-1:30	Break for Lunch
1:30-2:45	Small Group Discussions
2:45-3:00	Afternoon Break
3:00-3:45	Large Group Discussions (Plenary)
3:45-4:00	Closing Remarks
4:00-5:00	Informal Discussions

Next, Mr. Creighton explained to the audience that there were four groups of questions that were to be addressed during the day's discussions:

1. What are the key water resource needs facing this region? (These are needs, problems, opportunities, etc. that if not addressed will negatively impact our prosperity, quality of life, and environmental sustainability.)
2. Why is it a problem? What impact is the problem already having or is likely to have on our prosperity, quality of life, and environmental sustainability?
3. What actions should be taken to respond to the challenge? What should be done about the problem?
4. Who should take these actions? What should the Federal government do to help address the problem? What can you and the organization that you represent do?

In order to elicit the answers to these questions, Mr. Creighton explained that the listening session would involve a mix of small group discussions and large group report out sessions. Rather than allow people to make speeches, the purpose of this format was to hear all of the participants' ideas. Mr. Creighton advised the participants that if they had concerns about a specific Corps project, they were to talk with Mr. Frank Rezac, the Corps Public Affairs Officer present at the meeting.

Next, Mr. Creighton explained the format of the morning and afternoon activities in more detail. To begin with, the audience was asked to seat themselves at the tables closest to the

facilitator, which grouped the audience into five tables of approximately ten people per table. The participants at each table introduced themselves to one another and were instructed to elect a spokesperson for the table. In keeping with the theme of listening to the public, the Corps members who joined each table were instructed by the facilitator not to serve as spokespersons, although they would be allowed to take notes for the group if so asked by the other participants at the table.

The participants would then be directed to discuss the challenges of importance to them, as well as the six challenges identified by the Corps. After the groups had sufficient time to develop their ideas, the spokesperson for each table would report out to the entire audience a succinct statement of each of the challenges that were identified at their table. These challenges would be recorded by a Corps staff member and projected onto a screen for everyone in the room to see. After the lunch break, the same groups would reconvene at their tables to discuss the challenges in more detail and develop action items to address these challenges. These action items would also be reported out to the entire audience. At the conclusion of the listening session, participants would be encouraged to linger and discuss their ideas or concerns with the Corps personnel in an informal setting. When Mr. Creighton had concluded his instructions to the audience, the first set of discussions began at the tables.

Identification and Validation of Water Resource Challenges (1st Group Discussion)

After approximately one hour of group discussions at the tables, Mr. Creighton went around the conference room and asked the spokespersons from the tables to take turns reporting each of the challenges that were identified at their table. Mr. Creighton also emphasized that, in order to avoid duplication and save time, once a challenge was reported out by one table, then other tables should try not to repeat that particular challenge. The participants identified 41 unique challenges, which are listed below:

- A. Better coordination is needed between Corps and other Federal agencies, both before and after a major disaster strikes.
- B. Develop a comprehensive and balanced approach to resolving natural resource issues. Each group has its own issues, and we need someone to get all of the issues for each agency to a table so that they can be discussed. (e.g., water quality, wildlife, etc.)
- C. Establish appropriate and cost-effective dredge disposal sites. Regulatory reform seems to have increased the costs of disposing dredge material.
- D. Steer development away from flood prone or environmentally sensitive areas. Some sort of mechanism is needed, whether land use planning or another. We need to solve the existing problems before creating new ones.

- E. Reduce the time and cost needed to implement flood control operations and maintenance (O&M). Flood control projects are designed and built by the Corps, but are handed off to others to manage; make them simpler to operate and fund. Also, make the process go faster.
- F. The Corps should stay with projects after they have been built, rather than just walking away after completion (design for reduced cost of O&M; also stick with the operator to assist them.)
- G. Apply a preventative orientation to all water resource challenges. Consider prevention rather than correction (this could actually apply to all of the six original challenges).
- H. The Corps has trouble finding funding to rapidly fix problems that develop after a disaster, in contrast with the Federal Emergency Management Agency (FEMA). This leads to costs heaped on the local people. Work with Congress to come up with a better rapid funding mechanism for the Corps.
- I. Fulfill unmet needs for shoreline and coastal protection programs. The Corps does not have the resources to fulfill its obligations.
- J. Provide the Corps with more funding to fulfill all of its current obligations, not just coastal protection programs.
- K. The value of environmental preservation should be included in all cost benefit analyses. Need to find a way to quantify this value. This will make it easier for local entities to meet cost sharing requirements, and make it easier to acquire permits.
- L. Include water quality solutions in watershed studies.
- M. Broaden guidelines to give more value to social, cultural, and/or environmental solutions.
- N. Adopt a watershed focus for the regulatory program, rather than site-by-site approach.
- O. Issue blanket permits for emergency situations.
- P. Water supply must be more reliable; in some years there isn't enough water to go around and agriculture is often hurt. Agricultural users need long-term assurance that water will be available; reduced uncertainty over water will lead to economic efficiency.
- Q. Better process for authorizing emergency response work.
- R. Better implementation and enforcement of 404 program to better protect wetlands.
- S. Better process of informing the public of 404 administrative appeals.
- T. Streamline the time to complete the design and construction process for projects.

- U. Eliminate requirements for design agreements between Corps and local sponsor (design agreements were intended to put the design costs in the front end, to be shared with the local sponsor).
- V. The process in general with the Corps is cumbersome and should be streamlined.
- W. Better coordination among the Corps missions (e.g. combine dredging, flood control and shore protection missions).
- X. Establish cost-sharing based on locally recommended or locally-preferred plan.
- Y. Allow the Corps to participate in groundwater remediation.
- Z. Improve public access to permit applications; currently, the public has to file a request under the Freedom of Information Act to see permit applications.
- AA. Treat local sponsors as full partners. For example, give local sponsors credit for participation in design by way of local engineering, rights of way, disposal sites, utility relocation, etc. Cost sharing should include land, easements, rights of way, and relocations (LERRs).
- BB. Eliminate the 10% payback requirement for local sponsors.
- CC. Cost-sharing to include over 45-foot channel depth.
- DD. Eliminate 10% payback requirement for navigation projects.
- EE. Improve monitoring and enforcement of mitigation requirements for all Civil Works projects.
- FF. Delegate more authority to Corps Districts (streamline process).
- GG. Project managers should stay with a project through construction.
- HH. In San Francisco Bay, use Bay Lands Habitat Goals document to guide mitigation and restoration activities.
- II. Develop a clear policy on non-structural alternatives.
- JJ. Need to streamline Corps process for rehab under public law PL 84-99 to ensure completion of flood control projects prior to flood season.
- KK. Make groundwater recharge a priority of stormwater (flood) control projects. Use stormwater for groundwater recharge where possible.

- LL. Never use preservation of wetlands alone as a means of mitigation of wetlands. Always create equal area of wetlands when one is being destroyed. Preservation has a role, but never by itself.
- MM. Greater emphasis by Corps on increasing the actual amount of water available.
- NN. Analyze the impact of global warming on water transfers across the Delta region of California.
- OO. Include local sponsor as a partner at Project Review Board and Project Review Summary, and include sponsor comments in Project Executive Summary.

After the group spokespersons had finished reporting out the challenges identified at their tables, Mr. Creighton asked the audience members to write any comments they might have pertaining to any of the challenges on yellow self-adhesive sheets, and then stick them on the easels around the room before leaving for lunch. The comments written on the yellow “stickies” have been transcribed in a table and are included as Appendix A.¹

Responsibilities and Actions Needed to Meet the Challenges (2nd Group Discussion)

After lunch, Mr. Creighton explained that the afternoon session would involve a discussion on how to actually address the challenges that were identified in the morning. The participants reassembled in the same small groups that they had formed in the morning and again selected a spokesperson for each group.² Mr. Creighton then instructed each group to focus on the challenges that they had identified in the morning, and discuss what actions needed to be taken and by whom. The participants were instructed to assume that they had the power to actually implement their ideas in order to obtain the most candid recommendations. Mr. Creighton also noted that it was important for the groups to discuss who needs to do what, i.e., what is the proper role of the Federal government, state and local governments, as well as private individuals.

After approximately one hour of discussion in the small groups, Mr. Creighton called for the audience’s attention. Mr. Creighton informed the audience that the participants from the California Office of Emergency Services (OES) had to leave the workshop early, so he invited them to speak first.

¹ The authors of this report made every effort to accurately transcribe the handwritten comments from the “stickies” generated by the listening session participants; however, some comments may contain errors due to illegibility or incoherence of the original text.

² The original workshop design called for consolidating the challenges identified in the morning session and allowing the participants to develop action items in the afternoon; however, due to the extensive list of challenges that was generated and time constraints of the workshop, it was decided to ask the participants to remain in the same groups in the afternoon and develop action items for the challenges which concerned them the most.

Mr. Moustafa Abou-Taleb spoke briefly on behalf of the California OES staff who attended the listening session.³ From the perspective of the OES participants in attendance, their primary problem has been that the Corps and FEMA have passed problems back and forth between the two agencies, largely because the agencies do not or cannot agree on what constitutes a flood control channel. This has left the OES caught in the middle, in that it seems as though the two Federal agencies only talk with one another after the damage has occurred, rather than taking a proactive approach before a disaster occurs. The OES participants came up with two suggestions for resolving this problem. First, the Corps and FEMA should get together and determine what areas constitute a flood control channel and which agency's jurisdiction applies. This sort of survey should be done before the next disaster. Second, it is important for these two Federal agencies to be speaking the same language. Mr. Abou-Taleb suggested that too many people were being caught in the middle, and a great deal of money could be saved if the Corps and FEMA coordinated better.

Another speaker added that this lack of coordination between the Corps and FEMA appears to be a real problem across the country, and is due in part to budgetary constraints, including reduced spending on disasters (possibly because the public is tired of paying for disaster cleanup and would rather pay for mitigation and disaster prevention). Also, FEMA is under the Executive branch and has its own funding authority, but the Corps has to go to Congress for money, and this takes quite a bit longer. The speaker's perception was that the Corps and FEMA fight back and forth, and the logjam is often broken only when a local entity gets their congressional representative involved. Also, the speaker commented that the public is getting tired of paying for disasters, and this is one reason why it is hard to secure money to make improvements after a disaster.

Report-Out From Afternoon Table Discussions: What Actions Need to be Taken and by Whom?

After the audience members from the California OES had spoken, Mr. Creighton again went around the room and invited the spokespersons for the groups to report out the comments and action items developed for the challenges identified in the morning session. Each spokesperson was given the opportunity to report out the main ideas from their table. Then Mr. Creighton went to each table again and allowed the spokespersons to report any additional comments developed at their tables. The notes recorded at each of the tables during the afternoon discussions that were collected have been transcribed and are included as Appendix B.⁴ From the five tables of participants, recommendations on fifteen separate challenges were reported out by the spokespersons:

³ The OES administers the state and Federal disaster programs in California.

⁴ The authors of this report made every effort to accurately transcribe the handwritten notes recorded during the small group discussions; however, some comments may contain errors due to illegibility or incoherence of the original text.

1. Better long-term planning

The first spokesperson to report out said that their table found it was too hard to come up with action items for all of the different challenges, so the group decided to develop overall action items for the Corps. The Corps needs to undertake a long-term management plan that would move the Corps to a watershed focus, with a facilitation emphasis. Such a long-term plan should remain in place despite the changes of command that occur over time. The group identified certain items or milestones that could be used to measure the performance of long-term plans. These ideas include:

- Better integration of purposes;
- Comprehensive planning for resources, integrating economic, public needs and environmental needs;
- Focus on prevention, i.e., the Corps should be trying to put itself out of work;
- Adopt a watershed approach to Corps regulatory program;
- Need accelerated process for bringing projects on-line;
- Need to remove institutional barriers and red tape that impede doing things which have wide approval;
- Break the cycle of unwise growth and resource demands.

2. Avoid growth in sensitive areas

Growth should be allowed in a way that preserves environmental values and prevents development in floodplains. Who should take this action? The states could provide land use guidance to focus on staying out of floodplains or sensitive areas; FEMA or other agencies could provide financial incentives; private developers should have to comply with regulations. Local regulations are often inefficient or ineffective.

3. Speed up project approval process

The current decision making process within the Corps is too slow and needs to be speeded up. This can be achieved by delegating more authority to Corps Districts, or by eliminating Project Information Reports (PIRs) by establishing predetermined economical repair cost limits, possibly at project turnover.

4. Implement national shoreline management study

The Corps must implement the National Shoreline Management Study. The study has been authorized, but not yet funded. Congress must fund this study.

5. Inter-agency dredging coordination

An inter-agency body should be established to oversee all issues related to dredging, including the amount of material to be dredged and how the material is disposed of. This would be a coordinating function between different agencies involved in dredging issues.

6. Revise cost/benefit guidelines

Cost/benefit analysis guidelines should be re-written because they are too restrictive. Projects must take into account the full range of benefits, including social, cultural, and environmental values when determining whether a project should be approved. This process would involve all stakeholders in the project recommendation process, rather than just having the Corps make the decision on what projects are recommended. In this way, environmental groups would be included from the beginning, rather than being left to challenge projects in court. The Corps should conduct this revision with input from a broad range of stakeholders and agencies.

7. Increased emphasis on shoreline protection and beach restoration

The Corps should place greater emphasis on shoreline protection and beach restoration. This role is not even mentioned in the listening session brochure on water challenges. Shore protection should be treated as one of the primary missions of the Corps, rather than a secondary mission, and the Corps should take the lead in Coastal Settlement Management.

8. Streamline 404 Permit process

Costs have escalated over the years for flood control O&M projects. 404 Permit process must be streamlined, including coordination with other agencies on all projects. Also, delegate 404 permitting to the state. The Corps should be an advocate on all flood control projects. Other flood control solutions developed by this group include:

- value of environmental restoration should be included in cost/benefit analysis;
- better process for authorizing emergency projects;
- regional permit for emergency work;
- need to allow cost sharing based on locally preferred plans, rather than on National Economic Development (NED) plans;
- Include local sponsors as partners in PRD;
- Project manager should continue with projects through construction;
- Provide for all long-term permits when projects are turned over to local sponsor;
- Corps or state should facilitate multi-county impaired water situations (as defined by Clean Water Act);
- Streamline process to get construction earlier;
- Cost sharing based on the locally preferred plan;
- Need to flesh out and address policy issues related to non-structural projects in advance;
- Corps policy should be changed to fully examine and develop water supplies at federally sponsored flood control projects;
- Non-Federal sponsors should receive credit for their contributions to all Corps projects;
- Balance environmental needs against need to protect people and property (i.e., protection of people and property should be a priority).

9. More reliable water supply

Water supplies must be made more reliable for all users, particularly agriculture. One solution would be to seek new water sources for urban growth, rather than just taking water away from

farms. Desalinization could be one option, conservation measures are another. This solution would involve the Corps, the Bureau of Reclamation, and private investors.

10. Better coordination among agencies and interests

Enhance coordination between Federal, state, and local interests. Create regional councils to meet regularly and share different perspectives, and continue to hold facilitated sessions. This will involve all Federal, state, local and private organizations.

11. Regional sediment management

The Corps should take the lead in regional sediment management, and coordinate with Federal, state and local partners. Recognize that all coastlines are not the same, so one policy won't fit all coastlines (e.g., hurricane policies designed for the East coast aren't applicable to West coast).

12. Consider all benefits of shore protection projects

Take into account all benefits to the region and to society when calculating the NED benefits of a shore protection project. The Corps should recognize benefits such as recreation and tourism, not just the benefits that the Corps wants to recognize. Benefits should be closely aligned with local plans.

13. Proactive water quality role for the Corps

The Corps needs to have water quality as a major new role, and take a more proactive role in water quality issues and watershed studies. The Corps needs more funding and authority for pilot projects in order to do research and develop ways to protect water quality. There isn't a science behind many of the solutions currently in place.

14. Address groundwater remediation

Watersheds with serious groundwater problems must be studied.

15. Regulatory reform

Specific regulatory reforms were suggested by one of the tables, to include:

- Corps should be more diligent and protective of resources;
- Better enforcement and follow-up;
- Stricter guidelines for mitigation banking;
- Public information needs to be more open and transparent, on the Internet. Corps also needs to do better record keeping and develop a database for tracking public information;
- Develop a database and look at cumulative impact when permitting;
- 404(b) guidelines need to be more strictly adhered to;
- don't use programmatic permits;
- don't use preservation alone as a mitigation technique.

Closing Remarks and Adjournment

General Madsen began his closing remarks by thanking the audience members who remained throughout the entire listening session.⁵ The General noted that the Corps places great value on the public input that was provided at the day's meeting. He indicated that the Corps has wrestled with many of the issues raised in this listening session, and all of the input from this meeting will be combined with the input from the other listening sessions across the country. The General also made note that the challenges identified by the Corps did not specifically include shoreline protection, and that is an example of why public input is so important to the process.

Mr. Creighton asked the participants to complete and hand in a comment form before leaving the room.⁶ He then invited the audience to remain in the room at the conclusion of the listening session and converse with the Corps staff, who would be available to talk with them in an informal setting. With that, the Sacramento listening session was adjourned. Any public statement collected in conjunction with this listening session is included as Appendix C.

⁵ Fewer than half of the participants who began the listening session remained by the time the session concluded.

⁶ In order to obtain feedback for internal use by the Corps on the effectiveness of the listening sessions, Corps personnel placed comment forms on each table for the participants to complete. These were collected by the Corps personnel as the participants left the meeting.

APPENDIX A

TRANSCRIPTION OF COMMENTS REGARDING IDENTIFIED CHALLENGES

COMMENTS ON “STICKIES” COLLECTED AT SACRAMENTO LISTENING SESSION

No.	Challenge	Why challenge is important?
1	Watershed planning and implementation	In San Francisco Bay the “Baylands Ecosystem Habitat Goals” provides a blueprint for restoring over 100,000 acres of tidal wetlands. The Corps should use this so\document to guide its mitigation and restoration programs.
2	Disposal of dredge material	Corps needs to implement regional planning for ports. The elimination of excess ports would reduce amount of dredging necessary.
3	Wetland Permitting: 1) improve implementation of 404 6l guidelines. Some projects can surely be denied because of the availability of alternative upland sites.	We keep losing wetlands. The President’s Clean Water Action Plan asks for an increase of wetland acreage. This won’t happen if every permit is approved.
4	Groundwater contamination caused by industry activities, military bases, etc. Participate in remediation of GW caused by contamination.	Lost water supply. Costly treatment process.
5	Mitigation must provide a no net loss of wetland acreage and function.	Some 404 permits are allowing wetland loss to be offset by the preservation of existing wetlands. This results in a net loss of wetlands.
6	Calfed is proposing to create a programmatic 404 permit for CA/FED. We believe this sets a terrible precedent for the 404 program.	If programmatic 404 permits are developed, the 404 6l guidelines become meaningless since they are project specific.
7	Permitting – allow public review of permit files during permit process.	Currently potentially affected people have to file Freedom of Information Act requests.
8	Cost sharing.	Local sponsors need to have credit for LERRD’S. Change formula for deep draft navigation.
9	Enforcement of 404 permit actions, including compliance with mitigation requirements.	Mitigation does not always occur because applicant fails to obey permit requirements and Corps fails to monitor this. These failures or omissions go unrectified. Corps needs to implement penalties for these failures of permit requirements.
10	Mission Creep – 1	The administration limits Civil Works Budget having Corps do non-Corps projects may take limited resources from nationally significant

		water resource issues.
11	Better implementation and enforcement of 404 regulatory programs that results in improved protection of wetlands.	
12	Dredging.	Dredge often and deep of all Congressionally authorized projects.
13	404 wetlands – flood control channels and dredge disposal sites become wetlands by definition.	Eliminate need for mitigation of maintenance of structures that were properly permitted at construction.
14	Administrative appeal of wetland jurisdictions.	Public needs to have a way of finding out if there are such appeals and the outcome of such appeals to enable them to see whether Corps is rejecting inappropriate appeals or is just a rubber stamp for approval.
15	Allow local sponsors to construct funded flood control projects on a “pay-as-you-go” process rather than through reimbursement.	Assist Corps is meeting its backlog of projects.
16	Allow for quicker 404 permit process under emergency declarations.	Communities need to be able to accomplish flood protections during or immediately after an emergency.
17	Allow for maintenance of flood protection facilities that have been originally mitigated without need to apply for 404 permits.	Allow communities to maintain its flood protections.
18	Include water quality solutions in watershed studies.	To meet water quality standards established by EPA needs to be part of watershed planning.
19	Cost share on the locally preferred plan.	The NED project usually can’t be built because it would receive permits.
20	Flood control and transportation. Need better process to authorize *emergency response work (R.E.P).	Local agencies cannot be responsive to emergencies if prior notification and authorization required.
21	Streamline the process to get to construction earlier (*suggest eliminating the new requirements for “design agreements”).	Design agreements delay project construction, keeping the public at risk longer and increasing project costs.
22	Delegate more authority to Districts.	Speeds up the process. No changes in direction caused by Division and Headquarters.
23	Need to streamline the Corps process for PL 84-99 rehabilitation to ensure flood control project damage is completed prior to the upcoming flood season.	Public safety is jeopardized. Establish predetermined PIR’s.

24	FC O&M. *Include in PCA a Corps commitment to facilitate coordination with federal agencies (e.g., Sec. 7 consultations) for O&M	Delegate 404 permitting to State and Corps act as associate for flood protection in 404/10 process and project development. More Corps <u>reg.</u> staff.
25	Flood control – O&M. Reduce cost and time required to gain authorization. Maintain FC facilities – both Corps and local. Streamline 404/10 process for FC O&M. Long-term O&M ??? with turnover.	O&M projects (e.g., channel clearing/dredging) lead times make increase from 6 months +/- to 2 years or more and costs have increased 2-4 times due to regulatory requirements. Need Corps' active participation to reverse trend.
26	Value of environmental restoration should be included as a part of B.C. ratio.	Would lead to projects more acceptable to community with better chance to get permits.
27	Water supply.	More demand for water restoration projects/refuges/+ fish. Puts funding and people as 2 nd to these other needs.
28	Include local sponsor as a partner in PRB and allow sponsor comments on P.E.S.	Better communication with Colonel at District and sponsor comments are available for Division and Headquarters. To see. Inadequate ???? and ????.
29	Project manager should continue through construction.	Communication breaks down at that phase because the Project Manager is not active.
30	Provide a completed project to the sponsor at end of construction that the sponsor can maintain (suggest providing all necessary permits for O&M at project turnover as well as an economic justification for PL 84-99 rehab).	Deficient maintenance reduces public safety and reduce the project benefits.
31	Cost sharing of projects now based on NED Plan. Allow cost share based on locally preferred plan instead of NED plan.	Locally-preferred plan often includes environmental components needed that, if not included, would permit prevent project from being built. NED Plan may not be constructable because permits could not be obtained.
32	Issue blanket permits for emergency response similar to the El Nino Year but improve it based on our lessons learned.	Public health and safety.
33	Impaired water/control of non-point source. Corps or state should facilitate multi-county improved water problems.	Individual counties can not control what other counties are doing. For example, Sacramento Rive is listed as impaired for 186 miles – Corps or State should be in control of this, not each individual county (or CALFED).
34	Flood damage reduction. Corps should give more weight??? to people	People and property seem to be taking a back stance to environmental needs. A balance needs

	and property protection relative to environment.	to be obtained to not discredit loss of life and property. Balance. People/property protection and environment.
35	Maintenance permits with O&M manual.	Ability to perform maintenance.
36	New mitigation for each repair to damage site. One time mitigation for repetitive damage repair.	Failures in '98 for sites repaired after '97 required new mitigation.
37	PL 84-99. Non-structural projects have many policy issues that are not addressed by Corps policy guidance, leading to lengthy delay in implementation.	We all look bad when it takes years to work through policy issues for projects that everyone supports. Flush out and address policy/procedures in advance after construction with affected agencies.
38	Treat project sponsors as full partners in cost sharing of project activities (e.g. cost share local cost to develop/negotiate design agreement, environmental compliance-CEQA, design review).	It is inequitable for non-federal sponsors to not receive credit for legitimate project activities.
39	Corps policy/authority is predisposed toward not examining water supply benefits that could be developed at authorized flood control projects.	Change Corps policy/authority to fully cooperate in examining and developing (at 100% nonfederal cost) water supply at authorized federal flood control projects where locally supported.
40	Ground water recharge. Use of storm waters should be made a Corps priority when appropriate as a matter of policy.	Water supply is important (problems re: P???? D???, Orange Co., CA).
41	Mitigation cost for repairs of flood control structures.	Can prohibit work from being completed. Need to make it a one-time mitigation cost and action. Not having to mitigate each time you repair a reach of levee.
42	Corps involvement should be to lead <u>planning</u> at a watershed level. Need to broker decisions of local land use planning to benefit all users: water, urban use; environ.; agriculture.	Long-term balance of resource.
43	Consider culture change from builder of public works to being facilitator of watershed/regional decision making.	Avoid inappropriate development in floodplain, increased demand for infrastructure.
44	Corps has resources throughout the nation that should be available to help local issues (e.g., peer review of Bay Bridge).	Great technical resources that should be available as-needed (e.g., consulting) to help with a specific project or watershed planning effort.

45	Provide adequate funding and staffing for the Corps Regulatory Staff in order to effectively manage the CWA.	The Corps has become purely a rubber stamp agency on 404 CWS permit process (time and staffing dictate that this is their only role). Too often only the short term economic goals of the developer are heard. The long term impacts as a result of the development result in increased needs for flood control etc. If the permit was denied or effectively managed in the first place the need for indirect long term corrections would not be required.
46	USACE <u>does</u> need to advocate to the benefit of local partners, on behalf of the federal projects that are in place currently.	These projects remain federal assets – they need to support the project purposes and not undermine local trainers.
47	USACE planning and implementation of PL8499 levee restorations needs an expedited process. Investigation, design and construction is cumbersome and slow.	As local agencies are not permitted to accomplish these functions on USACE projects, failure to complete 84-99 projects in a timely fashion is essential to system integrity.
48	Ports - #1. Develop a realistic and flexible planning methodology for federal justification of navigation improvement projects. Revise the current PPG (Planning Principles and Guidelines).	<ol style="list-style-type: none"> 1. Guidelines should be realistic regarding actual practice of national and global shipping fleet. 2. Guidelines should put greater emphasis on future fleet (i.e.: accommodate a future fleet equal to the project planning horizon in forecast length). 3. Expand the “project benefits” categories to include a broader scope (i.e.: include custom revenues, land creation, environmental mitigation or restoration). 4. Use regional analysis based upon regional practice for defining economic benefits.
49	Ports - #2. Revise current (Sec. 101 WRDA '86) cost sharing formula for navigation projects.	<ol style="list-style-type: none"> 1. Redefine “Deep Draft” vessel to reflect changes in the present and future global fleet. 2. Provide clear definition of “utility relocations” and cost sharing of them. 3. Eliminate the “10% payback” requirement for the federal share of GNF of NED. LERR(D)’s should be project benefits. 4. Cost share should be based upon the “Recommended Plan” because it is what is being constructed.

50	Ports #3. Project total cost analysis should include all anticipated maintenance dredging for the life of the project.	Ports with little project life maintenance dredging should receive a greater federal share of the first cost of constructing navigation project.
51	Ports #4. Expand the use of project mitigation options. Develop a practice approach to multi-project multi-purpose mitigation project features. Establish a “national” mitigation bank for use by many sponsors.	<ol style="list-style-type: none"> 1. Increased federal share of mitigation requirements to allow sponsor to afford them and project be built. 2. Multi-purpose mitigation projects will provide greater opportunity to satisfy competing mitigation interests.
52	<p><u>From:</u> Moustafa Abou-Taleb / O.E.S. (Pasadena) (626)683-6747.</p> <p>What qualifies for a “flood control work” vs. “local drainage”? Is there a mutual understanding between USACOE and FEMA regarding this! Can USACO develop a pre-set list of what is under their program!!</p>	When a disaster hits, local governments are lost between FEMA and USACOE (for a long time) on who has the authority to fund and/or determine what flood control works/local ??? fall under what programs. Applicants are loosing funding through this confusion.
53	Be able to fund repair to damage done in disasters.	We at O.E.W. hear from the Corps, it is not in our budget. Why does it take so long to fund the Corps to do damage site repair.
54	CA has unmet needs for federal shore protection and coastal sediment management. Administration needs to recognize the shoreline as important infrastructure and consider the total package of benefits to the national when justifying a shore protection project.	Storm damage reduction, protection of coastal habitats, public safety, coastal access, sustaining economic benefit of tourism, reduction on reliance on hard protective structures, and maintaining recreation opportunities are the major benefits.
55	Georgiana slough permanent repair. Latest effort a failure. Global warming in relation to water transference across the delta.	William Shelton P.O. Box 144 Walnut Grove 95690 916-776-1890
56	Coordinate better between Corps and Mission.	Often one Corps mission is fulfilled at the expense of damaging another mission (e.g., flood protection projects generally detrimental to coastal sediment supply and storm damage reduction activities).
57	Provide leadership for coastal sediment management that includes a broad systematic approach.	COE is involved in many areas of the total watershed system, but often does not coordinate well with its other missions.

58	Treat us as equal “partners”, not “customers.”	The change in attitude will increase the “bond” needed between the Corps and nonfederal sponsor to get the work done “better, faster, and cheaper.”
59	Active coordination with other federal agencies.	Proper use of FEMA could get us dramatically better and cheaper flood management projects – if the 2 agencies would work together.
60	Process, process, process.	If the Corps can’t get solutions in a <u>timely</u> manner, having you as a cost sharing partner becomes less attractive. All your processes need to be evaluated.
61	Expansion.	Don’t get into other missions until you get the resources to address the existing mission.
62	Comprehensive yet balanced approach to solve society’s issues. The Corps can take the lead in watershed management.	Individual agencies are single-focused and not interested in the holistic solution. Thus <u>nothing</u> gets solved.
63	Focus on prevention thus not allowing more problems in the future and then focus on correcting existing problems.	If we don’t do prevention, we will only continue to spend local, state, and federal money on problems we <u>knowingly</u> create.
64	Improve efficiency of bringing projects on line. Adopt procedures to expedite projects at lower cost.	The cost of projects is increasingly pricing the Corps out of the market. There may be better ways to implement projects through transfer of more responsibility to non-federal interests.
65	Provide better coordination in the permitting of projects.	Need to have a centralized clearing house to provide coordinated permit and planning effort.
66	Reliable supply of high quality water at certain times of year or in certain years.	Needed for future growth.
67	Develop more reliability into the water supply.	Additional supply is largely useless without reliability.
68	Need for more water in the Central Valley (need for use of ocean water for coastal urban areas).	<ul style="list-style-type: none"> - Agriculture is losing water in the Central Valley. - Need to sustain agriculture and increase wildlife habitat in Central Valley.
69	Increase groundwater supplies and quality.	Groundwater for domestic use and for habitat protection.
70	Foster cooperation between COE and state agencies. (include local sponsor in project progress meetings)	Better cooperation provides better results, streamlined procedures/less “planning” time spent on coordination.
71	To keep USACE programs and policy development coordinated with state of CA government priorities and initiatives.	Inconsistent creation of policies and programs at the state vs. federal level can waste valuable public dollars and productivity.

72	Work better the potential local sponsors in educating them on the benefit of COE involvement.	
73	Maintain river flows.	To reestablish fisheries and provide and protect habitat.
74	Maintain deepwater channels for shipping and maintain oxygen content for fisheries.	Many communities depend on water borne businesses.
75	Steering development away from flood prone or environmentally sensitive areas.	Reduce need to rescue those after disaster occurs.
76	Protect and maintain habitats.	Earth's balance for survival.
77	Floodplain management – shifting the view of “where is flooding appropriate” to “where is development appropriate.”	No avenue for State or Federal regulation of development within floodplains; makes it difficult for large-scale planning efforts to implement ‘nontraditional’ or ‘nonstructural’ alternatives and prevent future flood problems.
78	Flood protection.	Need wide setback lences??? NOT narrow channelized risers losing too many ??? to flooding.
79	Increased partnership with other federal agencies regarding flood studies. A key element is the lack of accurate terrain information. FEMA, National Weather Service and the USGS are “stakeholders.”	Need to know what land is subject to flooding under various scenarios.
80	Directing growth out of floodplains and wetlands.	Minimize damage from floods, restore natural flows, restore habitat.
81	COE benefit/cost considerations (guidelines) are not getting us where we need to be – still impacting environmentally sensitive areas, still having flood disasters.	See above.
82	COE can't/won't take growth into account in flood control planning.	Focus on existing situation will keep us behind the “8 ball” forever – need a longer term view.
83	Expanding non-structural flood control solutions, presenting opportunities for agriculture and habitat and overall watershed health. Reforming policies and procedures to promote this thinking and planning on a broader, more watershed-wide scale.	“Sustainable” watershed management must include economic feasibility, community and environmental health. Our watershed management must be managed a broader, more comprehensive scale, including local stakeholders.
84	Providing non-structural flood control given Corps' economic policies.	Approach makes more economic and environmental sense in the long term.

85	Finding a way to quantify/incorporate environmental issues into Federal cost-benefit analyses (how to put numbers \$\$ on environmental restoration and enhancement).	Makes non-traditional solutions more implementable; allow Corps/Feds to participate (economically) in a wider variety of solutions.
86	Providing flexibility in federal planning guidelines.	Enable the Federal government to better meet the needs of their local sponsors relative to environmental restoration issues (i.e., NED plan vs. environmentally efficient plan.

APPENDIX B

TRANSCRIPTION OF NOTES FROM SMALL GROUP DISCUSSIONS ON RESPONSIBILITIES AND ACTIONS

Challenge:

Enhance coordination and cooperation between Federal, State, and local interests.

Actions:

Establish regional water resources coordinating councils.

Continue to hold facilitated sessions.

Communicate!

Who:

All Fed-State-Local-Private

Challenge:

Guiding growth that preserves environmental values and minimizes development in floodplains.

Actions:

Develop guidance for land use.

Provide financial incentives for appropriate actions.

Redefine what development is acceptable in a floodplain.

Who:

State for land use development

FEMA – financial incentives, other Fed agencies

Private investment for development FEMA

Challenge:

Cost benefit guidelines. Restrict consideration of the full array of solutions.

Actions:

Rewrite guidelines to be more flexible, incorporate social, cultural, and environmental values.

Revision must be publicly conducted.

Who:

Corps with input from a broad range of stakeholders and agencies.

Challenge:

Reliable, with appropriate quality water supply to meet all uses.

Actions:

Seek new sources for urban growth.
Desalinization – full uses of all components.
Stabilize supply for agriculture.
More conservation measures.

Who:

Corps
Bureau of Reclamation
Private Investment

Actions:

Undertake a long-term strategic plan (one that survives across management change) focused on moving the Corps to a comprehensive, watershed focus with a facilitation orientation.

Priority Actions:

Reform P&G (a continuous process).

- make non-structural evaluation on par with structural
- pooling mitigation among diverse projects
- update economies for navigation

Topics:

- Better integration of purposes – balance needs.
- Comprehensive planning for resources, integrating economic, public needs and environment.
- Focus on prevention – Corps should be trying to put itself out of work.
- Adopt a watershed focus for regulatory program (vs. – piecemeal). (Move to EPA?)
- Need accelerated process for bringing projects on line (e.g., PL 84-99 actions).
- Need to remove institutional barriers and red tape which impede doing things that have wide approval (e.g., set back levees).
- “Break the cycle” – unwise growth and resource demands to provide protection for those decisions (National Basin).

20 June AM

My Issues

Flood Control Emergency Response, Environment

- Need a non-structural project process and procedures
 - Too much “process” associated with PL84-99 repairs, PIR’s
 - Would like to do own feasibility studies that meet Corps criteria.
 - Better handle on how environmental benefits are considered.
 - Eliminate PED agreements.
 - More flexibility for partners to perform creditable work.
 - More delegation to districts for approval of agreements.
 - PL 84-99 should address mitigation responsibilities.
 - Credit for all nonfederal sponsors’ legitimate project activities
- New Planning Guidance Document for Corps on Internet ER1105-2-100
www.usace.army.mil

Issues raised by group:

Water Resources Challenges the Nation Faces

- O&M of Corps-built projects, primarily due to environmental regulations too difficult and costly. Need Corps assistance. Corps Regulatory does not provide much help to move O&M forward. Lack of Corps staffing does not help.
- Would be desirable at project turnover for Corps to deliver all the federal (and state) permits need for O&M.
- One-time mitigation for O&M and repairs.
- Realistic scheduling.
- Perhaps identify at project turnover the PL84-99 authorized rehab cost (to avoid PIRs) and update periodically; pre-authorized repairs.
- Develop policies that address key issues for non-structural projects.

Problem:

Decision-making is too slow and needs to be speeded up.

Solution:

Delegate more authority to Districts.

Problem:

Streamline PL 84-99 rehab to ensure repairs made prior to upcoming flood season.

Solution:

Delegate authority as well as eliminate Project Information Reports by establishing pre-determined economical repair cost limits, possibly at project turnover.

Problem:

Environmental issues impact ability to perform required O&M of Corps projects.

Solution:

Permits acquired and transferred with completed project works that enable the O&M activities. The Corps to help provide, for older projects, programmatic multi-year permits for O&M. Incorporate commitment from Corps, in the PCA, to facilitate Section 7 consultation and other coordination.

Problem:

Lack of a federal flood control advocate in setting and administering regulations.

Solution:

Corps to establish itself as an “advocate” for flood control.

Problem:

Allow greener projects.

Solution:

Consider environmental benefits in B/C ratios.

Problem:

Local agencies have difficulty performing maintenance after floods.

Solution:

Need the Corps to develop Regional General Permits that allow appropriate O&M.

Problem:

The locals prefer a plan different than the NED plan and want full cost sharing of the CPP plan.

Solution:

Change policy to allow full LPP cost sharing.

Problem:

Solution:

Better partner communication.

Problem:

Speedier PL 84-99 rehab needed.

Solution:

Pre-approve repairs up to a cost cap based on available benefits.

Problem:

Streamline the process to get to construction earlier.

Solution:

Eliminate the requirements for “design agreements.”

Problem:

Repeated mitigation is required for repetitive flood damage repairs and maintenance.

Solution:

Acquire permits prior to O&M.

Problem:

PL 84-99 nonstructural policy does not address many key issues, resulting in lengthy delays to implement NSAs.

Solution:

Develop policy guidance that addresses all the issues, based on sponsor input.

Problem:

The Corps policy and authority is predisposed to not examine water supply benefits for existing flood control projects.

Solution:

Change Corps policy/authority to fully cooperate in examining and developing (at 100% nonfederal cost) water supply at Corps flood control projects where locally supported.

Problem:

Nonfederal sponsors are not treated as equal cost-sharing partners.

Solution:

Change cost sharing rules to allow credit for nonfederal sponsor's legitimate project activities.

Problem – Growth – Not enough water

Preserve water for agriculture.
Large areas to replenish groundwater.
Corps one player – need to work with each other.
Not planning far enough ahead in project planning.
Agencies work against each other.
Need long-term outlook.
What is a fc facility.
Planning for growth – county & city.
 Infrastructure – state & federal
Tax structure drive planning.
NED plan vs. other plans.
 Regional
 Environmental
Structural projects simpler.
Broaden concept of cost & benefit.
Sustainable development – means different things to different people.
Look at changes in evaluation procedure.
Multi-objective planning.
Can't stop growth – can quode.
Public – private partnerships.
Vacuum in regional look at planning.
How to prevent development.
Land use decision – how can state guide local decisions.
Is Corps useful in CA – State could do.
State often will not accept Corps in Water Supply.
Benefit Corps brings in Federal funds.

Issue – Water Supply – Reliability

Urban growth and environmental takes water from agriculture.
Public is leaning toward treating H2O as a commodity not a resource.
Don't have H2O to keep fishery alive.
Harbor and shipping vital to economy – link to outside.
Preservation of environment and growth of economy.
Regulatory program underfunded and understaffed.
Those who want to do it right penalized.

**Orange County – San Leandro
Cal Water Forum
Cong. Tescher
Audulm**

Dredging

Interagency planning body to oversee all issues with dredging including reduction of amount of material dredged.

Maintenance of Flood Control Channel

Projects that have already been mitigated shouldn't have to be mitigated again at permit time. Permit review should look at mitigation if it is adequate.

Watershed and Water Quality

Corps needs to have water quality as a major new role. Should take more proactive role in water quality issues in watershed studies – which must include water quality. Corps needs more authority, more funding for pilot projects to do research so that the community can have more confidence in success of solutions and water quality problems.

Groundwater Remediation

Watersheds with serious groundwater problems must look at these in the studies.

Regulatory

1. Corps now diligent and protective of resources.
2. Enforcement and follow up!
3. Mitigation banking – stricter guidelines.
4. Public information needs to be more open, transparent, on the internet. Needs to do better record keeping and develop a data base for tracking public information. Advertise. Admin Appeal. Activ.
5. Do have to develop data base and look at cumulative impact when permitting.
6. 404(b) guidelines need to be more strictly adhered to – doesn't get application denied. Take them seriously.
7. Don't use programmatic permits.
8. Don't use preservation alone as a mitigation.

Table Participants

Office of Emergency Preparedness
 CA Dept. of Boating Water ???
 Concerned Citizens Delta BRC

Issues

I. Emergency Preparedness

Clarify and define criteria for who has jurisdiction prior to flood. FEMA's COE should coordinate and inform state agencies and provide criteria.

II. Global Warming – Who's Mission?

Impact: Rising level of water in the Delta Water transfer of water in the Delta. Future economic impact.

III. Shore Protection/Beach Restoration.

1. Corps should fully exercise its mission in shore protection.
2. HQUSACE track shore protection as a primary mission not a secondary mission.
3. Corps take the lead in coastal settlement management.
4. Corps recognize shoreline public trust infrastructure – (state willing to partner).
5. Impression is that the federal government is not interested in supporting the Federal Shore Protection.
6. Decrease the cost of feasibility studies or at the very least, provide a detailed and accurate accounting of costs of recon/feasibility studies (sharing of the books). Apparent difference between contractor costs and the Corps total costs. What data that is shared is broad categories.
7. Expand the NED (National Environment Plan) Plan to include all benefits (i.e., recreation, tourism, etc.) not just what the Corps wants to recognize – too narrow in focus. Aligned then more with local plan.
8. Implement National Shoreline Management Study – provide funding!!
9. Corps needs to look at the total broad picture and ensure one Corps mission should not impeach on another Corps mission.
10. All shorelines not created equal. Big differences between West Coast and East Coast.

APPENDIX C

SUBMITTED PUBLIC STATEMENTS AND MATERIALS

