



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-BW

DEC 11 2001

MEMORANDUM FOR Commander, South Pacific Division

SUBJECT: Implementation of Section 509 of the Water Resources Development Act of 2000 (WRDA 2000) – CALFED Bay-Delta Program Assistance, California

1. Section 509 of WRDA 2000 authorizes participation in CALFED activities, requires integration of other U. S. Army Corps of Engineers activities with CALFED goals, and provides authority for the Corps to accept funds from other Federal and non-Federal entities in support of CALFED. This provision also authorizes \$5,000,000 to be appropriated for this purpose in Fiscal Years 2002 through 2005. A copy of the legislative language is enclosed for your information.
2. The Corps has participated in CALFED activities under other authorities, using funds budgeted and appropriated in the General Investigation account for other coordination programs. We will continue to budget for CALFED coordination support in this manner.
3. Section 509(a)(2), requires integration of other Corps activities with CALFED goals to the maximum extent practicable. On-going studies within the Sacramento and San Joaquin River Basins, including the Comprehensive Study, shall review the established long-term goals of CALFED to determine if any are appropriate for incorporation into the study in accordance with applicable laws (Flood Control Act of 1962, 1964 Congressional Resolution of House Committee on Public Works, and the U.S. House of Representatives Report, 105-190, on the 1998 Energy and Water Development Appropriations Bill). Regular coordination with the CALFED work team will take place to ensure full integration of activities and data sharing.
4. Section 509(b) provides new stand alone authority for the Corps to use funds provided by others to carry out ecosystem restoration projects and activities associated with CALFED. Under this provision, the Corps will act in a Support for Others role, and follow the applicable guidance in ER 1140-1-211, Support for Others: Reimbursable Work. In undertaking such work, all applicable laws including, but not limited to the

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National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act and the Clean Air Act must be followed. To assure compliance with the Clean Water Act, the appropriate environmental analysis will be accomplished, in a manner similar to a civil works undertaking. To accomplish work under section 509(b), the Corps may use contracts, cooperative research and development agreements, and cooperative agreements.

FOR THE COMMANDER:

A handwritten signature in cursive script, appearing to read "Robert F. Vining".

ROBERT F. VINING
Chief, Programs Management Division
Directorate of Civil Works

Section 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

- (a) IN GENERAL. –The Secretary-
- (1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and,
 - (2) shall integrate, to the maximum extent practicable and in accordance with applicable law, the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.
- (b) COOPERATIVE ACTIVITIES. – In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may-
- (1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and
 - (2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal, private, public, and nonprofit entities.
- (c) AREA COVERED BY PROGRAM. – For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the “Bay-Delta Estuary”), as identified in the Framework Agreement Between the Governor’s Water Policy Council of the State of California and the Federal Ecosystem Directorate.
- (d) AUTHORIZATION OF APPROPRIATIONS. – There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2002 through 2005.