

Central Valley Flood Protection Board Meeting

INFORMATIONAL BRIEFING

Programmatic 408 Permit – Yolo Bypass Cache Slough Partnership

(Ruth Darling, Program Manager, Board Staff; Mary Jimenez, Supervising Engineer, Division of Flood Management, DWR)

BRIEFING SUMMARY

Description of Presentation

Board and DWR staff will provide a joint presentation describing the proposed Programmatic 408 permitting approach for the Yolo Bypass Cache Slough (YB-CS) Partnership. Ruth Darling (Board) will provide a brief background on the YB-CS Partnership, and its recent progress pertaining to the Programmatic 408 and Operations and Maintenance (O&M) Sustainability action plans. Mary Jimenez (DWR) will provide information regarding the proposed Programmatic 408 action plan development, as well as related efforts being made to develop an O&M Sustainability action plan.

Summary of Presentation

In September 2018, Board staff Andrea Buckley, DWR staff Mary Jimenez and Kris Tjernell (DWR Deputy Director for Integrated Watershed Management) presented an informational briefing to the Board on the YB-CS Partnership. The briefing provided background on the Partnership, including descriptions of the proposed projects envisioned for the YB-CS Partnership and an approach to a collaborative path forward to address barriers to project implementation, including development of action plans to address key issues, such as O&M sustainability and Programmatic 408.

Along with actions to address the other issues identified by the Partnership, actions being developed to pursue a Programmatic 408 permit and address O&M sustainability are meant to facilitate large-scale changes to the flood system to achieve multiple benefits, including improved flood conveyance and ecosystem restoration. There are currently more than 20 separate projects proposed within the YB-CS complex in different phases of project development. It is critical that U.S. Army Corps of Engineers (USACE) and the Board establish appropriate procedures to assess the cumulative effects of the projects on the performance of the flood control system and streamline the approval process for individual projects through a programmatic approach. This approach would include preparation of a master plan, development of hydraulic and ecosystem baselines for the program, and preparation of an Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/R).

Consistent with Title 33, USC Section 408 as described by the USACE Engineering Circular 1165-2-220, Section 408, Paragraph 11 a. (Basic Requirements for a Complete Section 408 Request), Board staff will request the Board to consider approval of a No Objection Letter to the USACE to initiate the Section 408 process. This request will be made at a future Board Meeting.

Programmatic 408 Work Group Draft Charge Statement

The YB-CS Programmatic 408 Work Group will develop an approach to enable projects within the YB-CS Program to receive a CVFPB encroachment permit and Section 408 permission from the USACE upon completion of project-level evaluations that demonstrate consistency with the program. The approach will consist of a master plan, a hydraulic baseline, ecosystem baseline and impacts analysis for the Section 408 request, supported by an OMRR&R plan with a focus on multi-benefit OMRR&R. The master plan will describe all projects in the program and their phased implementation. The hydraulic baseline, ecosystem baseline, and impacts analysis will be applied to all projects in the plan to be documented through a programmatic environmental document (EIS/R). Efforts will be closely coordinated between an H&H Technical Work Group, Environmental Baseline and Impacts Analysis Work Group, and an OMRR&R Work Group to ensure collective efforts are consistent and meet the needs of the programmatic 408. The overall approach will be consistent with State and Federal regulations and policy.

O&M Sustainability Work Group Draft Charge Statement

The Yolo Bypass O&M Workgroup will look at developing an approach to address OMRR&R of the Yolo Bypass in the context of the multiple benefits expected from this landscape. The group will look at existing requirements for flood control, existing habitat, agricultural operations and proposed multi benefit projects to develop a plan that allows OMRR&R of this landscape in a way that meets the CVFPB's obligations to the USACE to maintain flood capacity and results in ecological uplift. This effort will support the development of the CVFPB's Programmatic 408 request for the Yolo Bypass, including the master plan and hydraulic baseline.

Yolo Bypass and Cache Slough Region
Program Development and Implementation Partnership
Road Map

November 20, 2018
DRAFT

Yolo Bypass and Cache Slough Region: Program Development and Implementation Partnership **Road Map**

INTRODUCTION

The Yolo Bypass - Cache Slough Region is the focus of an increasing number of federal, state, and locally developed actions intended to improve a broad suite of water resource objectives. These objectives include (1) reduced flood risk, (2) restored ecosystem function, (3) a sustainable agricultural economy, (4) improved water quality, and (5) increased water supply reliability. Historically, these objectives were pursued through single-purpose projects designed to minimize conflicts with other interests, a strategy broadly acknowledged as insufficient in such a complex and inter-connected landscape. Based on the objectives and principles outlined by the Yolo Bypass and Cache Slough Partnership Memorandum of Understanding ([Attachment A](#)), this Road Map describes an alternative and promising approach for the Partnership's consideration. It is built on the well-supported presumption that progress in the region depends on honest communication, creative thinking, and trust.

The Road Map outlines a true multi-benefit approach to success that integrates themes and projects from several important guidance documents, including but not limited to the Federal Biological Opinions, the Governor's Water Action Plan, the State's Central Valley Flood Protection Plan and Conservation Strategy, California EcoRestore, and the locally-developed Corridor Management Framework.

This Road Map outlines an approach for managing the development and implementation of a program of projects in various stages of development across the Yolo Bypass and Cache Slough Region. It includes an initial description of the following key management concepts necessary to support a broad program of implementation:

- A program of on-going and proposed projects supporting the Partnership's regional objectives;
- Guiding principles to support interagency interaction;
- Desired outcomes to focus work efforts;
- An organizational structure to clarify roles, responsibilities, and means of engagement;
- Identification of common project implementation challenges and proposed solutions.

Together, these key management concepts create an integrated structure for the successful interagency management of a broad program of projects in the Yolo Bypass – Cache Slough Region. Upon receiving support for this approach from the Yolo Bypass – Cache Slough Partnership member agencies, additional aspects of this proposed approach to program management will be outlined.

APPROACH

The fundamental approach recommended in this Road Map is predicated on better integrating and leveraging existing interagency interaction in the Yolo Bypass and Cache Slough Region to:

- Promote the discussion, prioritization, and resolution of policy and other issues critical to the success of the various water management and habitat restoration projects in the Region.

- Improve collaboration, synchronization of efforts, and enhanced outcomes of water management planning and project implementation efforts in the Region.
- Serve as a model for public agency cooperation and achievement.
- Strive to implement all objectives of multi-benefit projects in parallel.

GUIDING PRINCIPLES

Participants in these interagency interactions will strive to adhere to the following guiding principles established in the Yolo Bypass and Cache Slough Memorandum of Understanding signed by a total of fifteen federal, state, and local agencies in 2016:

- Successful planning understands and addresses the specific concerns of each Party and those that they represent, such as concerns related to potential conflicts among species, regional economy, flood management and water supply, among others.
- Projects that benefit habitat restoration, water supply, or other objectives must also protect or improve the flood system resiliency of the Yolo Bypass, which is an authorized State-Federal flood management facility. Likewise, projects that add capacity to the flood system will account for habitat restoration and other purposes.
- Public benefits are inherent in the implementation of flood management and habitat restoration projects. By developing programs and implementing projects collaboratively to achieve multiple objectives, including water supply and economic sustainability, a broader range of benefits can be achieved.
- Each Party is committed to understanding the opportunities and constraints of one another's independent authorities and regulatory responsibilities, which will not be compromised through participation in the collaborative efforts described herein.
- Local expertise and technical input is valuable and should be actively sought out through effective stakeholder outreach.

DESIRED OUTCOMES

Participants in these interagency interactions will strive to reconcile and advance multiple and often competing water resource objectives to achieve all the following desired outcomes:

- Implement flood improvements that benefit the system and the region.
- Improve sustainability of the agricultural economy.
- Protect and improve ecosystem function and habitat quality.
- Increase reliability of water supply and drainage infrastructure in Cache Slough complex.
- Seek to expand and improve recreational opportunities.
- Seek to improve water quality throughout the region.
- Identify cost effective and sustainable methods for flood system operation and maintenance.

ORGANIZATION

This Road Map proposes an initial three-tier organizational model for the delivery of projects in the Yolo Bypass and Cache Slough Region. This model would apply to projects proposed as part of this Road Map as well as for other large-scale water resource projects that are contemplated or proposed beyond what

is currently identified. This model seeks to strike a balance between empowering each individual project team to develop and deliver a project with autonomy and ensuring enough awareness at the management-level to address policy issues simultaneously impacting multiple projects. It also is intended to facilitate interagency collaboration in a manner that fosters the improved formulation and implementation of multi-benefit projects. This model will be used to resolve known issues facing the program as well as yet to be identified challenges to program implementation.

The proposed organizational model divides delivery of the program into three distinct tiers, each with a defined area of focus and responsibilities as follows:

1. **POLICY SUPPORT & DECISION-MAKING** – Under the existing *Yolo Bypass & Cache Slough Partnership* formed in 2015 and governed by the Yolo Bypass and Cache Slough Memorandum of Understanding executed in May 2016, their primary responsibilities are to confirm high-level support for program delivery, assist in interpreting or adapting existing policy, supporting the development of new policy, and serving as a decision-maker (individually or collectively), as appropriate. The Partnership is comprised on fifteen (15) federal, state, and local agencies, each with a key interest in the Yolo Bypass and Cache Slough Region.
2. **PROGRAM MANAGEMENT** – Institutionalize interagency collaboration occurring through the recent series of Yolo Bypass / Cache Slough Program Development Workshops. This series of workshops has included participation from the principal local and state agencies with a strong interest in advancing the development and implementation of water resource projects in the Yolo Bypass and Cache Slough Region. This tier, to be referred to as the *Yolo Bypass & Cache Slough Program Management Forum*, has primary responsibilities for the following:
 - Problem solves, shares advocacy, and shares challenges collectively
 - Sets institutional tone and ensures institutional continuity
 - Identifies universe of program-level barriers and tools
 - Establishes and evolves foundational program vision
 - Develops same-page relationship with federal partners
3. **PROJECT DELIVERY** – Leverage existing project teams to continue project development and delivery on an individual project scale. Encourage project teams to identify and elevate specific project issues resulting from conflicts with projects or issues experienced on multiple projects. Seek to formulate multi-benefit project concepts and/or alternatives early in project development.

A graphic representation of this three-tiered organizational model is included as [Attachment B](#). Upon receiving support for this approach from the Yolo Bypass – Cache Slough Partnership member agencies, additional aspects of this proposed approach to program management will be outlined. These additional aspects include, but are not limited to, the inclusion of additional technical and stakeholder interaction, program operations (e.g. meeting facilitation, document control, scope management), and better defining the relationship between individual projects and the Yolo Bypass – Cache Slough Partnership.

PROJECTS

The approach in this Road Map seeks to advance a collection of projects in the Yolo Bypass and Cache Slough Region that collectively result in a multi-benefit water management program. This program includes many projects already well under development by local, state, and federal agencies (such as the Fremont Weir Adult Fish Passage), future projects recommended for development through system-scale planning studies like the 2017 Central Valley Flood Protection Plan, and other projects that are in concept phase but may benefit from program engagement towards multi-benefit formulation.

These projects are divided into short-term (1 to 3 years), mid-term (3 to 7 years), and long-term (7+ year) improvement projects. A map depicting the projects included in the short-term (1 to 3 year) improvement program is included as [Attachment C](#). A map depicting the projects included in the mid-term (3 to 7 year) improvement program is included as [Attachment D](#). A map depicting the projects included in the long-term (7+ year) improvement program is included as [Attachment E](#).

Many of the short-term projects are either complete or well under way. They also tend to be of a scale and level of complexity that successful delivery is achievable through a traditional project delivery approach. The list of mid-term projects includes several larger scale and/or complex projects with unique or novel policy issues that will benefit from well-coordinated engagement of agencies at the local, state, and federal level. Finally, the list of long-term projects is of a scale and complexity that successful delivery is likely unachievable or would take an exceedingly long time without the additional dialogue and collaboration provided through this venue. The projects included in this Road Map are expected to change as they evolve from the current conceptual level to alternatives for evaluation. Projects will also change in response to agency priorities and available funding sources.

This Road Map recommends focusing the energy and attention of the Yolo Bypass & Cache Slough Partnership and Program Management Forum on the development and delivery of the projects included in the mid-term (3 to 7 year) improvement program. For successful delivery, these projects (1) will require the early identification and elevation of issues resulting from conflicts with other projects, (2) could benefit from the programmatic resolution of issues facing multiple projects, and (3) may achieve greater outcomes if formulated from the beginning with multi-benefit goals.

If the Yolo Bypass & Cache Slough Partnership and Program Management Forum are successful in creating a collaborative, problem-solving forum that enables delivery of the mid-term improvement projects, the participating agencies may have simultaneously built the individual capacity and trust in one another to transition into the delivery of the long-term improvement program.

PROGRAM MANAGEMENT ACTIONS

Many of the individual projects proposed for implementation in the Yolo Bypass and Cache Slough Region face similar policy issues. Issues that might benefit from elevation beyond the individual project team to the Program Management Forum for awareness, discussion, evaluation and resolution. The agencies participating in the Yolo Bypass / Cache Slough Program Development Workshops have initially identified seven policy issues that may benefit from program management level attention. The action plans are being developed in a collaborative and prioritized manner, beginning with the first two listed below. These seven issues are briefly introduced as follows:

1. SUSTAINABILITY OF THE AGRICULTURAL ECONOMY: Establish and implement acceptable methods to offset impacts to the agricultural economy and ensure its sustainability. Use lessons learned from on-going project implementation (e.g. Lower Elkhorn) to inform development of guidance for the Yolo Bypass and Cache Slough Region.
2. PROGRAMMATIC 408: Develop and engage USACE in Programmatic 408 approval of the project portfolio. Leverage development and review of the Programmatic 408 application to engage all federal regulatory agencies in landscape scale permitting discussions and address issues related to hydraulic and ecosystem baselines and project phasing.
3. WATER INFRASTRUCTURE ASSURANCES: Establish and implement acceptable methods to ensure the continued, cost-effective delivery and drainage of water in the Cache Slough complex. Primary focus is on continued operations of the Solano County Water Agency's Barker Slough Pumping Plant and nearly 50 agricultural water diversions in the area, including RD 2068's Pumping Plant #1. Use lessons learned from on-going project implementation (e.g. Lookout Slough) to inform development of guidance for the Yolo Bypass and Cache Slough Region.
4. O&M SUSTAINABILITY: Identify challenges associated with the Operations and Maintenance (O&M) of multi-objective projects. Identify reliable and sufficient sources to fund O&M activities. Identify environmental compliance strategies and O&M practices that improve cost efficiency of meeting overall O&M requirements.
5. IMPROVED WATER QUALITY: Water quality in the Yolo Bypass and the Delta is impaired by mercury from historic mining activity, natural sources and deposition from air due to local and global emissions. Seek opportunities to explore alternative methylmercury management options that will ultimately allow for the implementation of the full program of multi-benefit projects in the Yolo Bypass and Cache Slough Region.
6. JOINT PROGRAM ADVOCACY: Jointly advocate at all levels of government to streamline implementation of the project portfolio through supportive funding, permitting, and policy decisions. May include the development of and regular updates to a programmatic financial plan for endorsement by the Yolo Bypass & Cache Slough Partnership.