

SECTION 0

Coordination with State and Federal Agencies

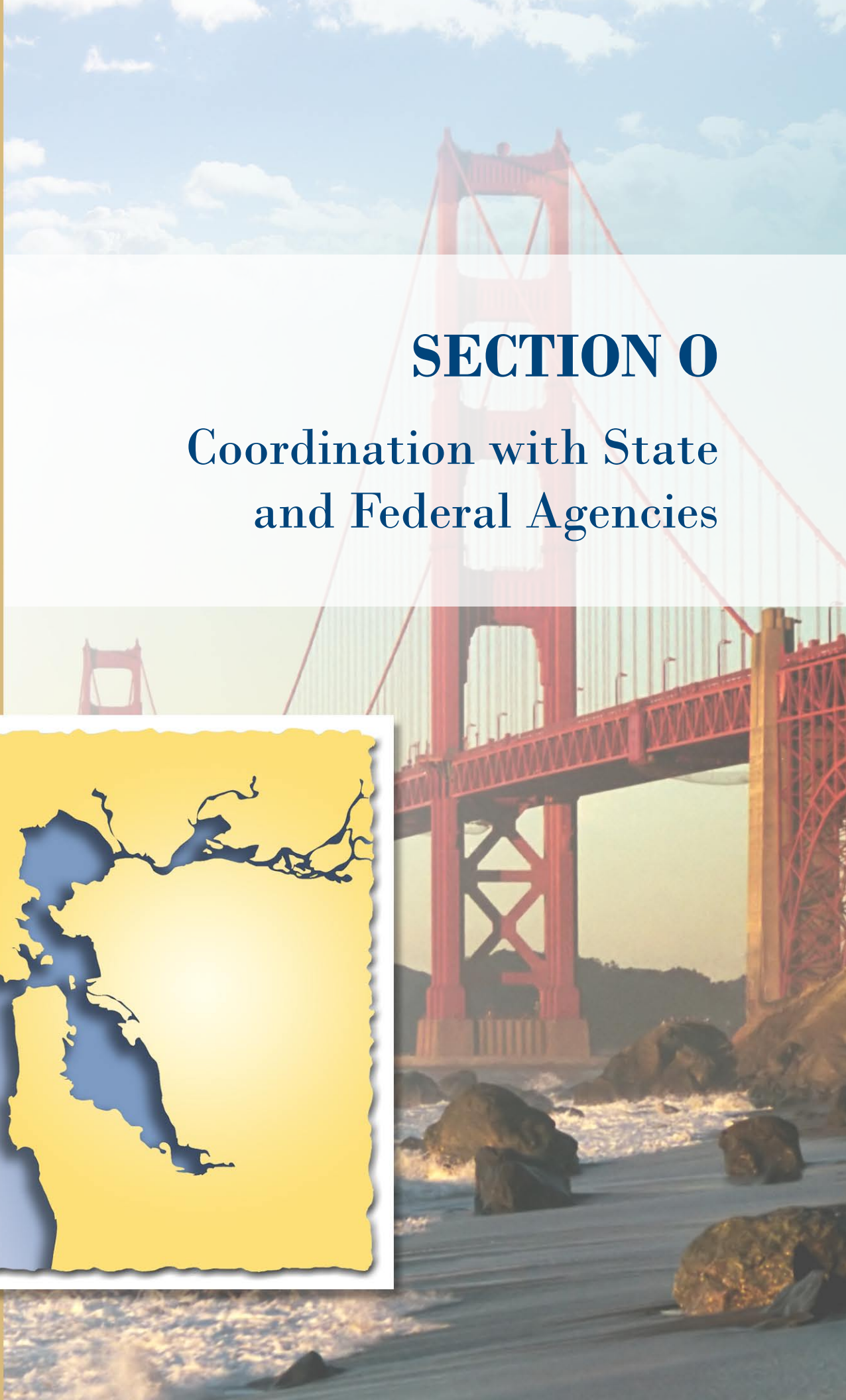




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Acronyms Appearing in this Section

ABAG	Association of Bay Area Governments
BACWA	Bay Area Clean Water Agencies
BAWAC	Bay Area Water Agencies Coalition
Bay-Delta	San Francisco Bay/Sacramento-San Joaquin Delta watershed
BCDC	San Francisco Bay Conservation and Development Commission
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
Corps	U.S. Army Corps of Engineers
CWA	Clean Water Act
DFG	California Department of Fish and Game
DHS	California Department of Health Services
DWR	California Department of Water Resources
FAD	functional area document
IRWMP	Integrated Regional Water Management Plan
LOMU	Letter of Mutual Understandings
NGO	non-governmental agency
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
RWQCB	Regional Water Quality Control Board
SCC	State Coastal Conservancy
SFEP	San Francisco Estuary Project
SHPO	State Historic Preservation Office
SWRCB	State Water Resources Control Board
TCC	Technical Coordinating Committee
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WM-HPR	Watershed Management, Habitat Protection and Restoration
Zone 7	Zone 7 Water Agency

Section O Coordination

IRWMP Appendix A Guidelines

Section O: Coordination

- Identify State or federal agencies involved with strategies, actions, and projects.
- Identify areas where a State agency or other agencies may be able to assist in communication, cooperation, or implementation of Plan components or processes, or where State or federal regulatory decisions are required for implementation.

This section presents an overview of the involvement of state and federal agencies in the Bay Area IRWMP planning process. Additionally, this section discusses the areas where continued coordination with state and federal agencies will significantly benefit the implementation of the Bay Area IRWMP.

O.1 Role of State and Federal Agencies in Plan Development

In order to adequately plan and implement the integrated water management strategies recommended herein, it is important to have the involvement and support of the appropriate State and Federal agencies. As discussed in Section A: *Regional Group* and Section N: *Stakeholder Involvement*, State and Federal agencies have participated in the development of the Bay Area IRWMP. Recognizing the important role that State and Federal agencies play in water resources management, these agencies were included in the overall Bay Area IRWMP Organization Chart, as shown by the starred box below.

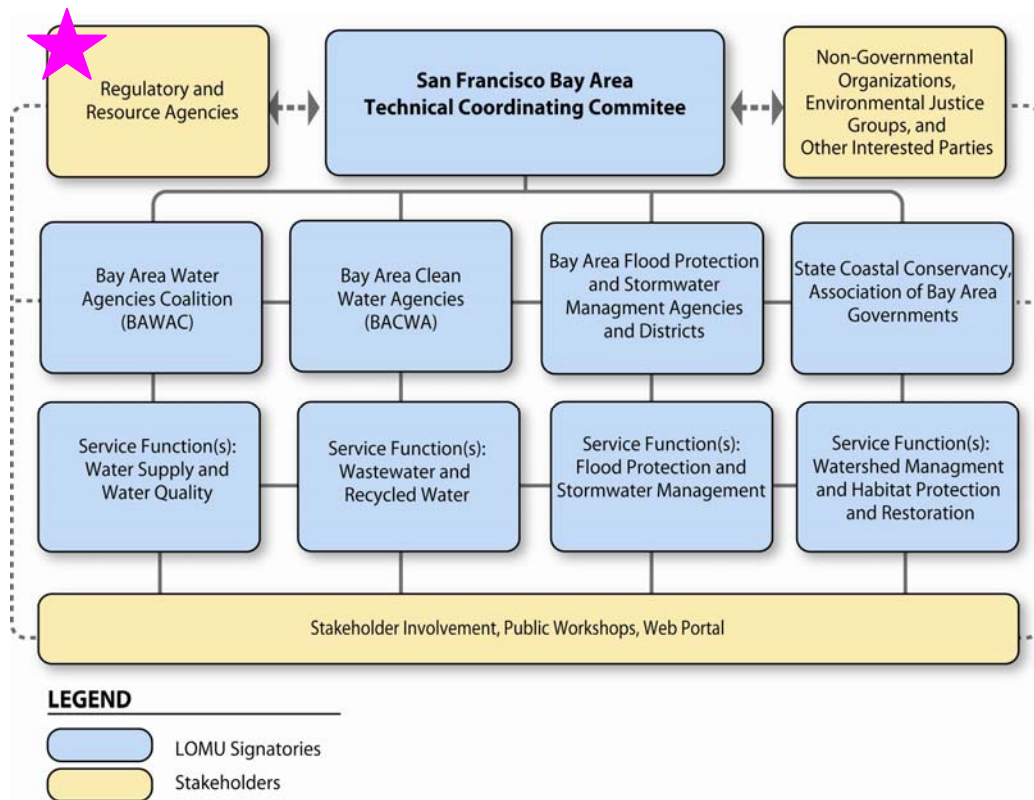


Figure O-1: Bay Area IRWMP Organizational Chart



O.1.1 State and Federal Agencies Involved in the Bay Area IRWMP

A brief overview of the major State and Federal agencies that have been, and will continue to be involved in the development of the IRWMP and implementation of IRWMP projects is provided below.

State Coastal Conservancy (SCC)

The SCC was established in 1976 as a non-regulatory state agency that employs innovative approaches to purchase, protect, restore, and enhance coastal resources. The legislature created the SCC as a unique entity with flexible powers to serve as an intermediary among governmental agencies, NGOs, citizens, and the private sector in recognition that creative approaches would be needed to preserve California's coast and San Francisco Bay lands for future generations. The San Francisco Bay Area Conservancy Program, administered by the SCC, was established in 1998 to address the natural resource and recreational goals of the nine-county Bay Area in a coordinated and comprehensive way.

The SCC serves all Californians and state visitors who are interested in enjoying, improving, and protecting the spectacular natural resources of the California coast and San Francisco Bay. Because of its accomplishments and relationships with other agencies, NGOs, and the private sector, the SCC serves as an advisory body for both the WM-HPR FAD and the IRWMP TCC. The SCC's work with local watershed and creeks groups allows it to serve as a representative for local watershed and habitat protection concerns throughout the Bay region.

The SCC also supports Zone 7 in administering the Bay Area IRWMP Planning Grant award (received in January 2006), which provides funding for development of this IRWMP. The SCC provided matching funding for IRWMP development through direct support of the WM-HPR FAD, the Phase 1 Bay Area Watershed Plan.

Department of Water Resources (DWR)

DWR, in cooperation with other state agencies, manages California's water resources to benefit the state's people, and to protect, restore, and enhance the natural and human environments. DWR provides dam safety and flood control services, assists local water districts in water management and conservation activities, promotes recreational opportunities, and plans for future statewide water needs. DWR also operates and maintains the State Water Project.

In coordination with the SWRCB, DWR has been administering the Proposition 50 Grant Program. As part of its role, DWR participated in key workshops and meetings throughout the development of the IRWMP.

State Water Resources Control Board (SWRCB)

The mission of the SWRCB is to "preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations".¹ The SWRCB has joint authority of water allocation and water quality protection, and this enables it to provide comprehensive protection for California's waters.

¹ State Water Resource Control Board (SWRCB). 2006. Home Page. Available: <<http://www.swrcb.ca.gov/>>. Accessed July 24, 2006.



In coordination with DWR, SWRCB has been administering the Proposition 50 Grant Program. As part of its role, representatives from the SWRCB have been invited to participate in key workshops and meetings held throughout the development of the Plan.

San Francisco Bay Regional Water Quality Control Board (RWQCB)

The mission of the San Francisco Bay RWQCB is to develop and enforce water quality objectives and implementation plans that will best protect the beneficial uses of the state's waters, recognizing local differences in climate, topography, geology and hydrology.

The RWQCB is the regulatory agent responsible for discharges in to the San Francisco Bay and surrounding wetlands. RWQCB staff regulates permitting for discharges of fill and dredged material, stormwater permitting, water quality certifications, and waste discharge requirements.

Given the significant role that the RWQCB plays in the Bay Area region, staff from the RWQCB have been active participants in various stakeholder workshops, review of draft IRWMP sections, and meetings with the TCC throughout the development of the Plan.

CALFED

CALFED is a coalition of 25 state and federal agencies with a stated Mission to “develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta System.” Since the Bay Area region falls within the CALFED solution area, specific water supply, water quality, ecosystem and levee objectives set forth by CALFED affect water management activities throughout the region. Representatives from CALFED were invited to participate in various workshops held throughout the development of the Plan.

In early 2003, the ABAG-CALFED Task Force – organized by ABAG's Executive Committee in 2000 to address environmental issues, water management issues, regional integration and funding goals – began holding meetings where NGOs, regulatory and resource agencies and other interested parties could participate more fully in water resources management planning for the Bay Area. These meetings provided a forum for early discussions on the development of this IRWMP.

San Francisco Bay Conservation and Development Commission (BCDC)

San Francisco BCDC, established in 1965, is dedicated to the protecting and enhancing the San Francisco Bay, and to encouraging its responsible use.² BCDC has planning and regulatory responsibility over development in San Francisco Bay and along the Bay's nine-county shoreline. BCDC is a federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone. This enables BCDC to use the authority of the federal Coastal Zone Management Act to ensure that federal projects and activities are consistent with the policies of its *San Francisco Bay Plan* and state law. The Commission is also responsible for administering two state laws and issuing two legally different permits: San Francisco Bay permits and Suisun Marsh development permits. For proposed IRWMP projects affecting tidal wetlands or baylands habitats, these permits must be obtained. Representatives from BCDC were invited to participate in various workshops held throughout the development of the Plan.

² Bay Conservation and Development Commission. Accessed July 24, 2006.



California Resources Agency

The mission of the California Resources Agency is to “restore, protect and manage the state’s natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved.”³

The Resources Agency is responsible for overseeing policies, activities and budgeting for 24 departments, commissions, boards, and conservancies within the state, including California State Parks, DFG, DWR, CALFED, BCDC, SCC, and Wildlife Conservation Board, among others. The Resources Agency collaborates with the California Environmental Protection Agency (CalEPA) to provide a “California Watershed Portal” in order to identify ongoing watershed activities and provide links to planning and other tools. Representatives from the Resources Agency were invited to participate in various workshops held throughout the development of the Plan.

U.S. Fish and Wildlife Service (USFWS)

The mission of the USFWS is “to provide leadership in sustaining and enhancing fish, wildlife, and their habitats for the benefit of the American people and to engage citizens in the shared stewardship of our nation’s natural resources.”⁴ The USFWS is responsible for enforcing federal wildlife laws, protecting endangered species, restoring and conserving wildlife habitat, managing migratory birds, restoring nationally significant fisheries, and helping foreign governments with their conservation efforts.

The USFWS’ responsibility to the Bay Area IRWMP may include ensuring complacency with federal wildlife laws in water resources management and contributing to regional habitat conservation planning. Representatives from the USFWS were invited to participate in various workshops held throughout the development of the Plan.

U.S. Environmental Protection Agency (USEPA)

Established in 1970 in response to growing public demand, the mission of the USEPA is to protect human health and the environment. The USEPA develops and enforces regulations that implement environmental laws enacted by Congress. The USEPA is responsible for researching and setting national standards for environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance.⁵

The USEPA is another regulatory agent responsible for discharges in to the San Francisco Bay and surrounding wetlands through oversight of Corps administration of CWA Section 404 permitting. The USEPA also manages and administers various grants and environmental financing programs for watershed management projects. Representatives from the USEPA were invited to participate in various workshops held throughout the development of the Plan.

U.S. Army Corps of Engineers (Corps)

The mission of the Corps is to “provide quality, responsive engineering services to the nation.”⁶ The Corps mission focuses on five broad areas including: water resources, environment, infrastructure, and homeland security. Part of the Corps’ mission includes planning, designing, building and operating water resources and wetlands, as well as handling waterways regulation and permitting. The Corps carries out a

³ California Resources Agency.2006. Home Page. Available: <<http://resources.ca.gov/>>. Accessed: July 24, 2006.

⁴ U.S. Fish & Wildlife Service (USFWS). 2006. Home Page. Available: <<http://www.fws.gov/>>. Accessed July 24, 2006.

⁵ U.S. Environmental Protection Agency (USEPA). Home Page. Available: <<http://www.epa.gov/>>. Accessed July 24, 2006.

⁶ U.S. Army Corps of Engineers (Corps). Home Page. Available: <<http://www.usace.army.mil/>>. Accessed July 24, 2006.



wide array of projects that provide coastal protection, flood protection, hydropower, navigable waters and ports, recreational opportunities, and water supply.

The Corps provides regulatory authority and funding assistance for a variety of water resources management projects in the Bay Area, particularly related to flood management and habitat restoration. Representatives from the Corps were invited to participate in various workshops held throughout the development of the Plan.

[NOAA's National Marine Fisheries Service \(NMFS\)](#)

NMFS is responsible for the “stewardship of the Nation’s living marine resources and their habitats”⁷. NMFS is responsible for the management, conservation and protection of living marine resources of the Exclusive Economic Zone, which is water three to 200 miles offshore.

NMFS reviews and predicts the status of fish stocks, validates compliance with fisheries regulations, and works to reduce wasteful fishing practices. Under the Marine Mammal Protection Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the ESA, NMFS works toward recovery of protected marine species, sustainable fisheries, and prevention of lost economic potential associated with overfishing, declining species and degraded habitats. Representatives from NMFS were invited to participate in various workshops held throughout the development of the Plan.

[California Environmental Protection Agency \(CalEPA\)](#)

Formed in 1991, the mission of CalEPA is to “restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality”. Representatives from CalEPA were invited to participate in various workshops held throughout the development of the Plan.

[California Department of Fish & Game \(DFG\)](#)

The Mission of the Department of Fish and Game is to “manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public”. IRWMP projects that alter streambeds and/or affect native and special species will require environmental review and permits from DFG. Representatives from the DFG were invited to participate in various workshops held throughout the development of the Plan.

[California Department of Transportation \(Caltrans\)](#)

Caltrans’ mission is to improve mobility across California. Caltrans is responsible for managing more than 45,000 miles of California’s highway and freeway lanes, providing inter-city rail services, assisting more than 100 public general aviation airports and working with local agencies. Since Caltrans construction projects and mitigation measures can have significant effects on hydrologic functions and habitats, Caltrans representatives were invited to participate in stakeholder workshops held throughout the development of the Plan.

O.1.2 Role During FAD Development

The involvement of State and Federal agencies in the development of the IRWMP began with their participation in various meetings/workshops during the development of the four FADs that serve as a baseline documents to the overall IRWMP. Water and wastewater agencies had various meetings with

⁷ NOAA’s National Marine Fisheries Service (NMFS). Home Page. Available: <<http://www.nmfs.noaa.gov/>>. Accessed July 25, 2006.



DWR and SWRCB staff to discuss the overall expectations of a Proposition 50 and Integrated Regional Water Management Planning as it relates to a region as diverse and as large as the Bay Area.

In developing the Watershed Management, Habitat Restoration and Protection FAD, resource and regulatory agencies were invited to participate in the Watershed Plan Development Committee, an open-ended membership group that provided guidance regarding the Watershed Plan's purpose, development, and application. State and Federal agencies that participated in this group included:

- CALFED
- California Resources Agency
- California State Parks Foundation
- San Francisco Bay Conservation and Development Commission (BCDC)
- RWQCB
- SCC

O.1.3 Role During Plan Development

As described in the sections below, State and Federal agencies have also played a role in the development of the IRWMP itself, including (1) participation in stakeholder workshops; (2) review of draft materials; and (3) participation in TCC meetings.

Agency Involvement in Stakeholder Workshops

As discussed in Section N: *Stakeholder Involvement*, four stakeholder workshops were conducted at strategic points in the development of the IRWMP to report on progress in Plan development and obtain feedback/input on next steps. The following State and Federal agencies were invited to participate in these workshops:

Bay Area Air Quality Management District	Caltrans
CALFED	Corps of Engineers
California Department of Fish and Game (DFG)	Department of Water Resources
California Department of Forestry and Fire Protection	Metropolitan Transportation Commission
California Department of Health Services (DHS)	National Park Service
California Farm Bureau	NOAA National Marine Fisheries Service
California Resources Agency	Regional Water Quality Control Board (RWQCB)
California State Lands Commission	State Water Resources Control Board
California State Parks	US Fish and Wildlife Service (USFWS)
California State Coastal Conservancy	US EPA

At each workshop, State and Federal agencies were given the opportunity to provide comments on key components of the IRWMP:

- **Workshop #1 (February 27, 2006).** At this workshop, State and Federal agencies were invited to provide comments on the water management goals and objectives identified for the Bay Area region.
- **Workshop #2 (April 24, 2006).** At this workshop, State and Federal agencies were invited to provide comments on the various water management strategies employed throughout the region to



achieve the goals and objective identified, as well as opportunities to integrate those strategies in order to maximize the benefits provided.

- **Workshop #3 (June 26, 2006).** At this workshop, State and Federal agencies were invited to provide comments on (1) the process used to prioritize and assess projects, (2) what other criteria should be considered, and (3) how the projects themselves were assessed.
- **Workshop #4 (October 23, 2006).** At this workshop, State and Federal agencies were invited to provide comments on the Draft IRWMP released in September and implementation plan.

Review of Draft Materials

The following individuals from State and Federal agencies were also invited to review draft sections of the IRWMP and provide feedback/input as to improvements that could be made before the Public Draft was released:

BCDC	Steve Goldbeck
Caltrans	David Yam
Corps	Eric Thaut, Tom Kendall
EPA	Mike Monroe, Louisa Valeila
RWQCB:	Dale Hopkins, Ann Riley, Bruce Wolf
Resources Agency	Cathy Bleier
USFWS	Mendel Stewart, Richard Morat

Participation in TCC Meetings

As part of an effort to promote a transparent decision making process, State and Federal agencies were also invited to attend key meetings with the TCC. Representatives from DWR and the RWQCB attended these meetings, which were held on July 31, 2006 and October 2, 2006.

Additionally, the SCC sponsored and facilitated several informal meetings among the regulatory and resources agencies to discuss Plan development. Representatives from the RWQCB, Corps, BCDC, SFEP and the California Resources Agency participated in these meetings.

O.2 State or Federal Agency Involvement in Plan Implementation

State and federal agencies are intimately involved with implementation of the region's priority projects. Many proposed IRWMP projects require permits from resource and regulatory agencies. Table O-1 describes the discretionary actions that each resource and regulatory agency might have over various Bay Area IRWMP priority projects. These discretionary actions will directly impact the region's ability to effectively manage local water resources during the Plan implementation phase.

In addition to the many state or federal regulatory decisions required, there are many opportunities for state or federal assistance with Plan implementation. Ongoing coordination with the Bay Area IRWMP TCC can contribute to regional coordination and collaboration. In addition, regulatory agencies can be of greater assistance in shaping plans and project as they are being developed, thereby making permit review more expedient. Resource and regulatory agencies can also contribute ongoing monitoring data to enable assessment of Plan and project performance.

**Table O-1: Summary of Local, State and Federal Discretionary Actions**

Agency	Permit/Review Required
Coastal Commission	Coastal Development Permits
SWRCB	Petition for Water Rights Transfer
San Francisco Bay RWQCB	General construction stormwater discharge permit Permit under Section 401 of the Clean Water Act
BCDC	San Francisco Bay permit Suisun Marsh development permit
California Department of Fish and Game	Streambed Alteration Agreement under Fish and Game Code Section 1602
California Department of Health Services	Treatment plant operating permit
Caltrans	Encroachment Permit, if required
Corps	Permit under Section 404 of the Clean Water Act, if jurisdictional waters or wetlands affected Permit under Section 10 of the Rivers and Harbors Act, if jurisdictional waters affected
USFWS	Approval of incidental take permit under Section 10 of the federal ESA, if potential for effect on listed wildlife species Consultation under Section 7 of the federal ESA, if Corps permit required and potential for effect on listed species
NMFS	Approval of incidental take permit under Section 10 (a)(1)(B) of the ESA, if potential for effect on listed marine life species
State Historic Preservation Office (SHPO)	Possible compliance with Section 106 of the National Historic Preservation Act, if Corps permit required and potential for effect on cultural resources