

REGULATORY PROGRAM UPDATE

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Regulatory Program Update

- National Level
- Regional Level
- District Level
- Questions



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Regulatory Program

National Level

- **Clean Water Rule**

- ▶ New regulations for Definition of Waters of the United States
- ▶ Lawsuits filed before and following effective date 28 Aug 2015
- ▶ Sixth Circuit Court of Appeals decided Feb 2016 it had jurisdiction to hear consolidated case

- **2017 Nationwide Permits**

- ▶ Agency vetting through OMB on nearly done
- ▶ Proposed 2017 NWP for public review/comment in Apr 2016
- ▶ Final 2017 NWP effective Mar 2017

- **Enbridge Decision in DC Circuit Court (Sep 2015)**

- ▶ Corps scope upheld concerning linear project
- ▶ Leaves questions about ESA and NEPA compliance for areas outside of Corps jurisdiction/scope.



Regulatory Program

Regional Level

(AZ, CA, CO, NM, NV, UT)

- **Updated Map and Drawing Standards (Feb 2016)**
 - ▶ For maps and drawings submitted as part of delineations and permit applications
 - ▶ Intended to improve the quality and consistency of maps and drawings and simplify review and processing by Corps
- **Updated CA Mitigation Banking Templates (Sep 2015)**
 - ▶ Multi-agency effort
 - ▶ Bank Enabling Instrument, Conservation Easement
- **Appeals Program**
 - ▶ Approved JDs
 - ▶ Denied permits
 - ▶ Permit conditions



Regulatory Program Sacramento District (NV, UT and Parts of CA and CO)

- **Minimum Standards for Delineations (Jan 2016)**
 - ▶ Checklist
 - ▶ Report template
- **Organizational and Personnel Changes (Dec 2015)**
- **Regulatory Program Workshops**
 - ▶ Held quarterly in Sacramento
 - ▶ Now in UT and CO
- **Lead District for Regulatory Program in CA**
 - ▶ Developing Programmatic Agreement with CA SHPO
 - ▶ Evaluating need for 404 permit for gold suction dredging
 - ▶ Advising State Water Board on Draft State Wetlands Policy
 - ▶ Coordinating consistent/standard Regional Conditions for 2017 NWPs



Regulatory Program Sacramento District

■ Area of Responsibility

- ▶ CA Central Valley and Sierra Nevada, NV, UT, and CO Western Slope
- ▶ Highly diverse area climatically, topographically, politically
- ▶ Endangered species, cultural resources, tribal interests, public interest

■ Organization

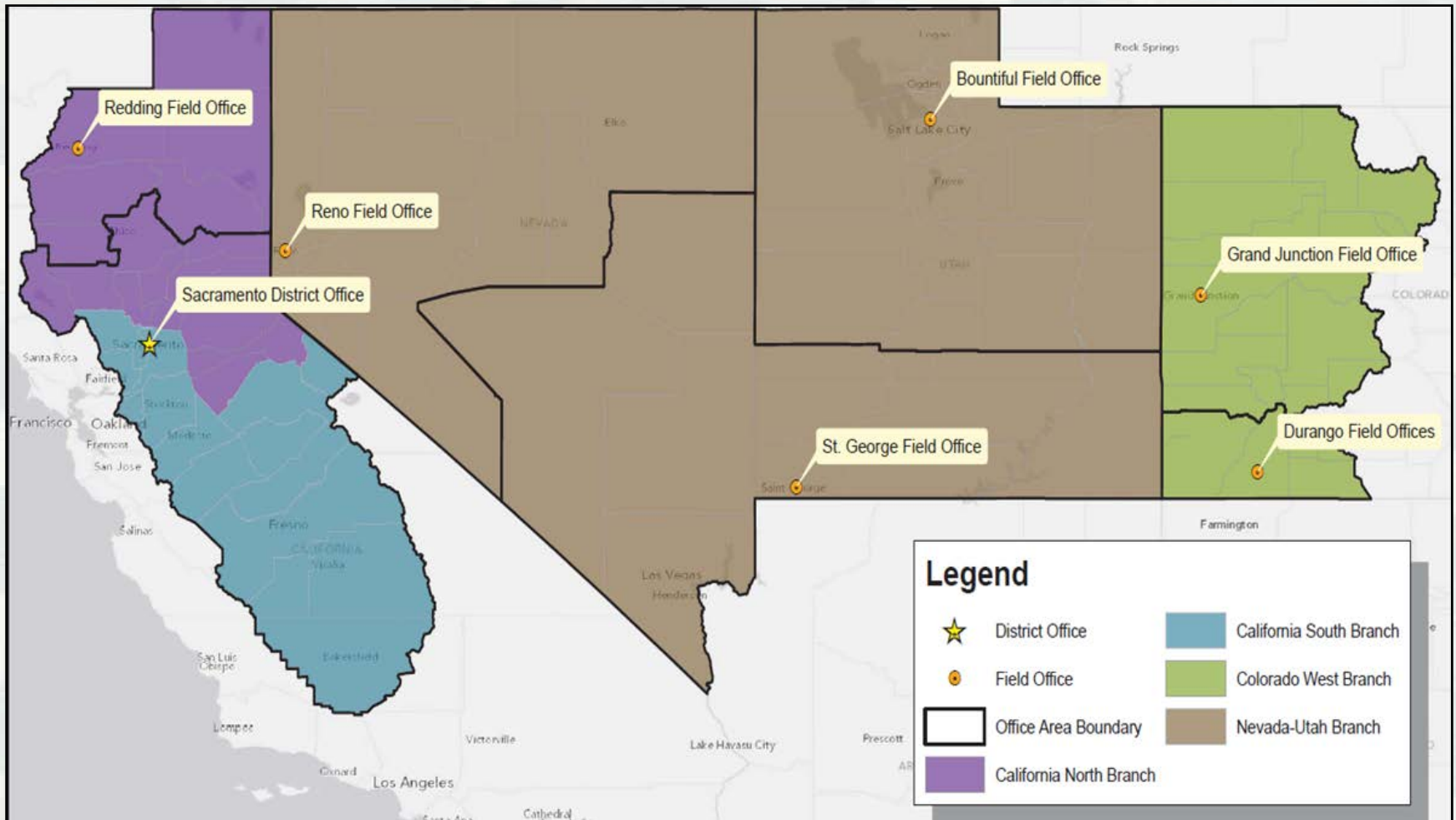
- ▶ Office of the Chief, Enforcement and CA Special Projects Unit, and 5 branches (CA North, CA Delta, CA South, NV-UT, and CO West)
- ▶ 58 people operating out of 7 offices
- ▶ Report directly to District Commander

■ Funding

- ▶ General Regulatory Funds
 - About \$200M annually; distributed among 8 Divisions & 38 districts
- ▶ Section 214 of Water Resources Development Act of 2000
 - Allows non-federal public entities to provide funds to expedite permit review for public projects
 - WRRDA 2014 removed sunset provision and added pilot for utility companies
 - Working on new WRDA 214 agreements with DWR (Yolo Bypass) and PG&E



Sacramento District Regulatory Offices



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