

REVIEW PLAN

October 2019

Project Name: Tribal Partnership Program (TPP) Clear Creek Ecosystem Restoration Study;
Butte County, California

P2 Number: 478609

Decision Document Type: Feasibility Report

Project Type: Ecosystem Restoration

District: Sacramento District (SPK)

District Contact: Elise Jarrett, Water Resources Planner: (916) 557-6622,
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Major Subordinate Command (MSC): South Pacific Division (SPD)

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Review Management Organization (RMO): SPD

RMO Contact: Nedenia Kennedy, Environmental Team Lead: (415) 503-6585,
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Key Review Plan Dates

Date of RMO Endorsement of Review Plan: Pending

Date of MSC Approval of Review Plan: Pending

Date of IEPR Exclusion Approval: N/A

Has the Review Plan changed since RMO Endorsement? No

Date of Last Review Plan Revision: None

Date of Review Plan Web Posting: TBD

Date of Congressional Notifications: N/A

Milestone Schedule

	<u>Scheduled</u>	<u>Actual</u>	<u>Complete</u>
<u>MSC Decision Meeting:</u>	June 2020	TBD	No
<u>Decision Document:</u>	January 2021	TBD	No
<u>Decision Document Approval:</u>	March 2021	TBD	No

Project Fact Sheet
October 2019

Project Name: TPP Clear Creek Ecosystem Restoration Study

Location: Butte County, California

Authority: The study is conducted in accordance with Section 203 of the Water Resources Development Act (WRDA) of 2000 (Pub. L. No. 106-541, § 203 (2000)), as amended.

Sponsor: The Mechoopda Indian Tribe of Chico Rancheria, California (Tribe)

Type of Study: Feasibility

SMART Planning Status: The study is 3x3x3 compliant.

Study Location: The study is located within the Tribe's land, which is northwest of Oroville, downstream from Butte College, and approximately 15 miles southeast from Chico, California (Figure 1). Clear Creek's headwaters are located in the western foothills of the Sierra Nevada within the Sacramento River Watershed.

Study Area: The priority study area encompasses 133 acres surrounding Clear Creek, and includes the channel of Clear Creek and the adjacent banks (Figure 2). All land included in this study will be within the Tribe's ownership.

Problem Statement: The concerns of the study area consist of significant loss and degradation of native habitat, including shaded riverine or shaded aquatic habitat, and the limited availability of native plants on Tribal land to support traditional cultural, medicinal, and ceremonial uses. Additionally, there are areas of stream bank erosion that negatively impact water quality.

Federal Interest: For this study, the Federal interest is to provide assistance to the Tribe, a Federally recognized community, to improve the loss and degradation of native habitat along the Clear Creek study area by introducing culturally significant plant resources, managing stream bed erosion, and implementing designs to restore natural ecosystem structure, function, and dynamic processes.

This study contributes to the Central Valley Integrated Flood Management System Watershed Plan, which addressed water resources issues in the Central Valley, including the need for ecosystem restoration integrated with flood risk reduction and water supply. The total estimated cost of the feasibility study is approximately \$614,000. The total project cost is expected to be less than \$10 million.

Risk Identification: Potential risks that could adversely impact the environment and need to be considered are the unknown effects the Paradise wildfire, which occurred upstream of the study

area may have on water quality in Clear Creek. Additionally, availability of groundwater during the dry season to support woody vegetation is unknown. Risks for this study will be tracked using a Risk Register.



Figure 1. TPP Clear Creek Ecosystem Restoration project location.

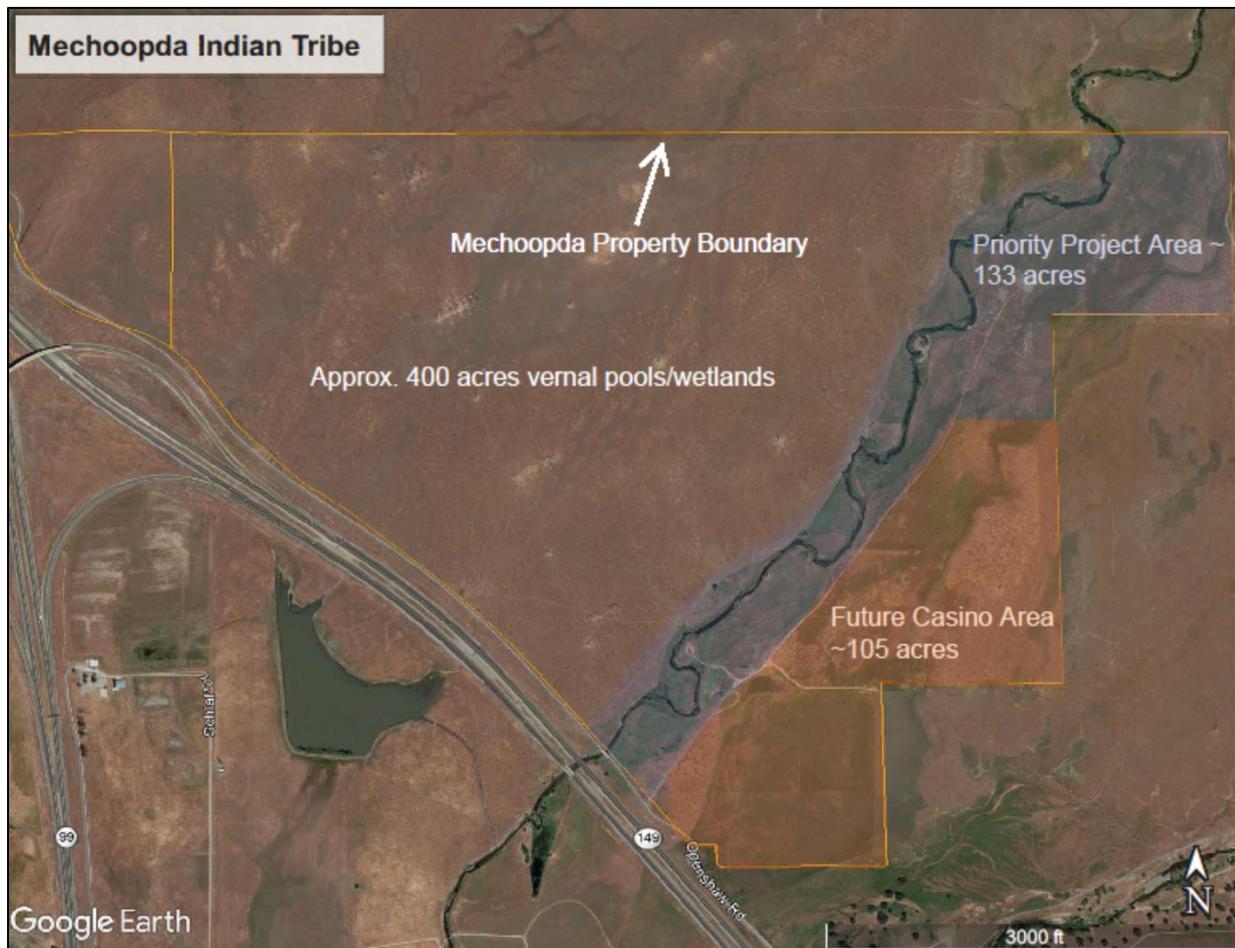


Figure 2. TPP Clear Creek Ecosystem Restoration project area.

1. FACTORS AFFECTING THE LEVELS OF REVIEW

Scope of Review:

- Will the study likely be challenging? This study is not expected to be challenging.
- Provide a preliminary assessment of where the project risks are likely to occur and assess the magnitude of those risks. Project risks include the unknown effects the upstream Paradise wildfire will have on water quality and the availability of groundwater during the dry season to support woody riparian vegetation. Scarce water resources that may also be polluted from the upstream wildfire could hinder new vegetation growth and pose health risks to wildlife in the area. The magnitude of the fire's effects on water quality are being evaluated through upstream monitoring. The risks associated with water scarcity are being addressed through data collection, species selection, and temporary irrigation for plant stabilization.
- Is the project likely to be justified by life safety or is the study or project likely to involve significant life safety issues? This project will not be justified by life safety or involve significant life safety issues due to its ecosystem restoration focus.
- Has the Governor of an affected state requested a peer review by independent experts? No, the Governor of California did not request an IEPR.
- Will the project likely involve significant public dispute as to the project's size, nature, or effects? Significant public dispute is not likely because this is a small restoration study located on isolated Tribal lands.
- Is the project/study likely to involve significant public dispute as to the economic or environmental cost or benefit of the project? Significant public dispute is not likely because this is a small restoration study located on isolated Tribal lands.
- Is the information in the decision document or anticipated project design likely to be based on novel methods, involve innovative materials or techniques, present complex challenges for interpretation, contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices? No.
- Does the project design require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design/construction schedule? No.
- Is the estimated total cost of the project greater than \$200 million? No, the total project costs are not expected to exceed \$10 million.
- Will an Environmental Impact Statement be prepared as part of the study? No.

- Is the project expected to have more than negligible adverse impacts on scarce or unique tribal, cultural, or historic resources? No, this project will increase unique Tribal, cultural, and historic resources and improved ecosystem function.
- Is the project expected to have substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures? No, the goals of this project are designed to improve wildlife habitat and species presence.
- Is the project expected to have, before mitigation measures, more than a negligible adverse impact on an endangered or threatened species or their designated critical habitat? No, the goals of this project are designed to protect endangered or threatened species and improve their habitat.
- Will there be opportunities for public comment on the decision document? Yes, public review and comment will occur concurrently with ATR. Comments will be addressed thereafter.
- Will the document require Congressional authorization? No, Congressional authorization will not be required.

2. REVIEW EXECUTION PLAN

This section describes each level of review to be conducted. Based upon the factors discussed in Section 1, this study will undergo the following types of reviews:

District Quality Control. All decision documents (including data, analyses, environmental compliance documents, etc.) will undergo DQC. This internal review process covers basic science and engineering work products. It fulfills the project quality requirements of the Project Management Plan.

Agency Technical Review. ATR is mandatory for all decision documents. ATR is a comprehensive review of the study conclusions to ensure that the results and decisions are clearly supported by the information presented and are in compliance with current agency policy and procedures.

ATR is performed by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product. These teams will be comprised of certified USACE personnel. The ATR team lead will be from outside the home MSC.

Independent External Peer Review. IEPR is the most independent level of review, and is applied in cases that meet criteria where the risk and magnitude of the project are such that a critical examination by a qualified team outside of USACE is warranted. As noted above, this study does not involve significant life safety issues, nor does the project meet the criteria that would require

an IEPR; thus, a risk-informed decision was made that a Type I IEPR is not required. Approval of this Review Plan documents the MSC's decision that Type I IEPR is not required for this study.

Cost Engineering Review. All decision documents shall be coordinated with the Cost Engineering Mandatory of Expertise (MCX). The MCX will assist in determining the expertise needed on the ATR team. The MCX will provide the Cost Engineering certification. The RMO is responsible for coordinating with the MCX for the reviews. These reviews typically occur as part of ATR.

Model Review and Approval/Certification. EC 1105-2-412 mandates the use of certified or approved models for all planning work to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions.

Policy and Legal Review. All decision documents will be reviewed for compliance with law and policy. ER 1105-2-100, Appendix H provides guidance on policy and legal compliance reviews. These reviews culminate in determinations that report recommendations and the supporting analyses and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by the home MSC Commander. These reviews are not further detailed in this section of the Review Plan.

In-Kind Contributions. Products and analyses provided by the Tribe as in-kind contributions are subject to DQC and ATR.

Table 1 provides the schedules and costs for reviews. The specific expertise required for the teams are identified in later subsections covering each review. These subsections also identify requirements, special reporting provisions, and sources of more information.

Table 1: Levels of Review

Product(s) to undergo Review	Review Level	Start Date	End Date	Cost	Complete
Environmental Background Information (In-kind)	DQC	2/1/2020	2/15/2020	\$2,000	No
Draft Feasibility Report and EA	DQC	3/1/2020	4/27/2020	\$11,000	No
Draft Feasibility Report and EA	ATR	6/24/2020	8/31/2020	\$26,000	No
Draft Feasibility Report and EA	Policy and Legal Review	6/24/2020	8/31/2020	N/A	No
Final Feasibility Report and EA	DQC	10/1/2020	10/15/2020	\$11,000	No
Final Feasibility Report and EA	ATR	11/01/2020	12/01/2020	\$10,000	No
Final Feasibility Report and EA	Policy and Legal Review	12/15/2020	1/15/2021	N/A	No

a. DISTRICT QUALITY CONTROL

The home district shall manage DQC and will appoint a DQC Lead to manage the local review (see EC 1165-2-217, section 8.a.1). The DQC Lead should prepare a DQC Plan and provide it to the RMO and MSC prior to starting DQC reviews. Table 2 identifies the disciplines and required expertise for the DQC team.

Table 2: Required DQC Team Expertise

DQC Team Disciplines	Expertise Required
DQC Lead	The DQC Lead should be a senior professional with extensive experience preparing Civil Works decision documents and conducting DQC. This individual may also serve as a reviewer for a specific discipline (such as planning, economics, environmental resources, etc.).
Planning	The Planning reviewer should be a senior water resources planner with experience in ecosystem restoration. They should have familiarity with the “Planning Guidance Notebook” (ER-1105-2-100), the Water Resources Council’s Principles and Guidelines, SMART Planning guidance, and CE/ICA.
Environmental Resources	The Environmental Resources reviewer should have experience in the integration of environmental evaluation and compliance requirements pursuant to the “Procedures for Implementing the National Environmental Policy Act (NEPA)” (ER 200-2-2), national environmental statutes, applicable executive orders, and other Federal planning requirements in the planning of Civil Works projects. Experience with Endangered Species Act application, HEP modeling, CE/ICA, and riparian habitat restoration is required.
Cultural Resources	The Cultural Resources reviewer should be an archaeologist familiar with records searches, cultural resource survey methodology, area of potential effects, Section 106 of the National Historic Preservation Act, and State and Federal laws/executive orders pertaining to American Indian Tribes.
Hydraulic Assessment	The Hydraulic Assessment reviewer should be an expert in the field of hydraulics and have a thorough understanding of open channel dynamics, floodplain mapping, risk and uncertainty analysis, and performing qualitative assessments.
Design	The Design reviewer should be a Senior Landscape Architect with extensive California riparian re-vegetation project experience.
Real Estate	The Real Estate reviewer should be familiar with real estate evaluation; gross appraisal; utility relocations; and takings and partial takings as needed for implementation of projects.

Cost Engineering	The Cost Engineering reviewer should be a cost estimating specialist competent in cost estimating for construction using MCACES/MII; working knowledge of construction; capable of making professional determinations based on experience.
Climate Preparedness and Resilience	The Climate Preparedness and Resilience reviewer should be familiar with running assessment tools and performing necessary evaluations.

Due to the limited study scope, the following exceptions apply to this study’s DQC:

- No Economics or Geotechnical Engineering DQC reviews are required, as there are no substantial work products for these disciplines.
- Either the Environmental Resources DQC reviewer or Planning DQC reviewer will perform the CE/ICA review.

Documentation of DQC. Quality Control should be performed continuously throughout the study. A specific certification of DQC completion is required at the draft and final report stages. Documentation of DQC should follow the District Quality Manual and the MSC Quality Management Plan. An example DQC Certification statement is provided in EC 1165-2-217, on page 19 (see Figure F).

Documentation of completed DQC should be provided to the MSC, RMO, and ATR Team leader prior to initiating an ATR. The ATR team will examine DQC records and comment in the ATR report on the adequacy of the DQC effort. Missing or inadequate DQC documentation can result in delays to the start of other reviews (see EC 1165-2-217, section 9).

b. AGENCY TECHNICAL REVIEW

The ATR will assess whether the analyses presented are technically correct and comply with guidance, and that documents explain the analyses and results in a clear manner. SPD, the study RMO, will manage ATR and reviewer selection. The review is conducted by an ATR Team whose members are from outside the home district and are certified to perform reviews. Lists of certified reviewers are maintained by the various technical Communities of Practice (see EC 1165-2-217, section 9(h)(1)). Table 3 identifies the disciplines and required expertise for the ATR Team.

Table 3: Required ATR Team Expertise

ATR Team Disciplines	Expertise Required
ATR Lead	The ATR Lead should be a senior professional with extensive experience preparing Civil Works decision documents and conducting ATR. This individual may also serve as a reviewer for a specific discipline (such as planning, economics, environmental resources, etc.).
Planning	The Planning reviewer should be a senior water resources planner with experience in ecosystem restoration. They should have familiarity with the “Planning Guidance Notebook” (ER-1105-2-100), the Water Resources Council’s Principles and Guidelines, SMART Planning guidance, and CE/ICA.
Environmental Resources	The Environmental Resources reviewer should have experience in the integration of environmental evaluation and compliance requirements pursuant to the “Procedures for Implementing the National Environmental Policy Act (NEPA)” (ER 200-2-2), national environmental statutes, applicable executive orders, and other Federal planning requirements in the planning of Civil Works projects. Experience with Endangered Species Act application, HEP modeling, CE/ICA, and riparian habitat restoration is required.
Cultural Resources	The Cultural Resources reviewer should be an archaeologist familiar with records searches, cultural resource survey methodology, area of potential effects, Section 106 of the National Historic Preservation Act, and State and Federal laws/executive orders pertaining to American Indian Tribes.
Hydraulic Assessment	The Hydraulic Assessment reviewer should be an expert in the field of hydraulics and have a thorough understanding of open channel dynamics; floodplain mapping, risk and uncertainty analysis, and performing qualitative assessments.
Climate Preparedness and Resilience	The Climate Preparedness and Resilience reviewer should be a member of the Climate Preparedness and Resiliency Community of Practice. They should be familiar with running assessment tools and performing necessary evaluations.
Design	The Design reviewer should be a Senior Landscape Architect with extensive riparian re-vegetation project experience.
Real Estate	The Real Estate reviewer should be familiar with real estate evaluation; gross appraisal; utility relocations; and takings and partial takings as needed for implementation of projects.
Cost Engineering	The Cost Engineering reviewer should be a cost estimating specialist competent in cost estimating for construction using MCACES/MII; working knowledge of construction; capable of making professional determinations based on experience.

Due to the limited study scope, the following exceptions apply to this study's ATR:

- A single reviewer, who meets the qualifications for both roles, will perform the Hydraulics Assessment ATR and Climate Preparedness and Resilience ATR.
- A single reviewer, who meets the qualifications for both roles, will perform the Environmental Resources ATR and Cultural Resources ATR.
- Either the Environmental Resources ATR reviewer or Planning ATR reviewer will perform the CE/ICA review.
- No Economics ATR or Geotechnical Engineering ATR are required, as there are no substantial work products needing for these disciplines.

With the considerations listed above, it is anticipated that seven reviewers will conduct the ATR.

Documentation of ATR. DrChecks will be used to document all ATR comments, responses and resolutions. Comments should be limited to those needed to ensure product adequacy. If a concern cannot be resolved by the ATR team and PDT, it will be elevated to the vertical team for resolution using the EC 1165-2-217 issue resolution process. Concerns can be closed in DrChecks by noting the concern has been elevated for resolution. The ATR Lead will prepare a Statement of Technical Review (see EC 1165-2-217, Section 9), for the draft and final reports, certifying that review issues have been resolved or elevated. ATR may be certified when all concerns are resolved or referred to the vertical team and the ATR documentation is complete.

c. INDEPENDENT EXTERNAL PEER REVIEW

(i) Type I IEPR

Decision on Type I IEPR. In accordance with EC 1165-2-217, Paragraph 11.d.(1) and the CECW-CE memo dated 05 April 2019, subject: Interim Guidance on Streamlining Independent External Peer Review for Improved Civil Works Product Delivery, it has been determined that this study does not meet any of the mandatory triggers for Type I IEPR. The mandatory triggers include:

- The estimated total cost of the project is greater than \$200 million.
- The Governor of an affected State requests a peer review by independent experts.
- The Chief of Engineers determines the project study is controversial due to public dispute over the size, nature, or effects of the project or the economic or environmental costs or benefits of the project (including but not limited to projects requiring an environmental impact statement).

Approval of this Review Plan by the MSC will document the MSC's risk-informed assessment of the expected contribution of IEPR and determination that Type I IEPR is not required. Due to the limited scope of this study, it is anticipated that Type I IEPR would not provide substantial benefit to the project. The project will result in conventional bank modifications and revegetation along

a seasonal creek on isolated Tribal lands with minimal off-site effects. The consequences of project non-performance on project economics, the environment, and social well-being (public safety and social justice) would therefore likely be limited to the loss of a portion of the financial cost of the project, including adaptive management costs. Additionally, the outcomes of the study are not anticipated to contain influential scientific information or high influential scientific assessment. No additional action to exclude the study from IEPR is necessary.

(ii) Type II IEPR

The second kind of IEPR is Type II IEPR. These Safety Assurance Reviews (SARs) are managed outside of USACE and are conducted on design and construction for hurricane, storm and flood risk management projects or other projects where existing and potential hazards pose a significant threat to human life. A Type II IEPR Panel will be convened to review the design and construction activities before construction begins, and until construction activities are completed, and periodically thereafter on a regular schedule.

Decision on Type II IEPR. In accordance with EC 1165-2-217, Paragraph 11.d.(1) and the CECW-CE memo dated 05 April 2019, subject: Interim Guidance on Streamlining Independent External Peer Review for Improved Civil Works Product Delivery, the District Chief of Engineering has made a risk-informed decision that the project would not benefit from a SAR. Based on the project measures currently under consideration, there would be no significant threat to human life, use of innovative methods or techniques, novel engineering methods, complex challenges for interpretations, precedent-setting methods or models, or conclusions that are likely to change prevailing practices. The need for Type II IEPR will be revisited at the beginning of the design phase based on the approved plan and additional information developed for the feasibility report.

d. MODEL CERTIFICATION OR APPROVAL

EC 1105-2-412 mandates the use of certified or approved models for all planning activities to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions. Planning models are any models and analytical tools used to define water resources management problems and opportunities, to formulate potential alternatives to address the problems and take advantage of the opportunities, to evaluate potential effects of alternatives and to support decision making. The use of a certified/approved planning model does not constitute technical review of a planning product. The selection and application of the model and the input and output data is the responsibility of the users and is subject to DQC and ATR. Coordination with the National Ecosystem Planning Center of Expertise on appropriate Habitat Suitability Indices and Habitat Evaluation Procedures will occur.

The following models may be used to develop the decision document:

Table 4: Planning Models

Model Name and Version	Brief Model Description and How It Will Be Used in the Study	Certification / Approval
Habitat Suitability Index for Yellow Warbler	The approved ecosystem model will quantify habitat availability within the study area. It will also be used to evaluate/compare plans to aid in selecting a recommended plan.	Listed as approved in the ecosystem model library.
Habitat Suitability Index for Downy Woodpecker	The approved ecosystem model will quantify habitat availability within the study area. It will also be used to evaluate/compare plans to aid in selecting a recommended plan.	Listed as approved in the ecosystem model library.

EC 1105-2-412 does not cover engineering models used in planning. The responsible use of well-known and proven USACE developed and commercial engineering software will continue. The professional practice of documenting the application of the software and modeling results will be followed. The USACE Scientific and Engineering Technology Initiative has identified many engineering models as preferred or acceptable for use in studies. These models should be used when appropriate. The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC, ATR, and IEPR.

Due to the limited scope of this study, no hydraulic modeling is planned to be used. Design concepts will be assessed using estimated flow ranges from the U.S. Geological Survey’s stream statistics.

The climate preparedness and resilience assessment portion of the study will be comprised of two parts (Table 5). Firstly, an assessment will need to be performed at a watershed level. This has already been completed for a previous study in the area and will be able to be utilized. Secondly, a stationary test will need to be performed, which will look at two local gages as a comparison.

Table 5: Climate Preparedness and Resilience Models

Model Name and Version	Brief Model Description and How It Will Be Used in the Study	Certification / Approval
USACE Climate Hydrology Assessment Tool	The approved tool will be used to identify historic trends in instantaneous peak flows at the gage(s) nearest the study area as a proxy for understanding how flows in the watershed have changed over the period of record (or other, relevant period of analysis).	Model is approved
USACE Nonstationarity Detection Tool	The USACE Nonstationarity Detection Tool will be used to assess abrupt or slowly varying changes in observed peak flow data. This tool will support a qualitative analysis in an unregulated basin.	Model is approved

e. POLICY AND LEGAL REVIEW

Policy and legal compliance reviews for draft and final planning decision documents are delegated to the MSC (see Director’s Policy Memorandum 2018-05, paragraph 9).

(i) Policy Review

Because approval of this TPP feasibility study has been delegated to the MSC, and no Chief of Engineers Report will be required, the policy review team will be identified by MSC Chief of Planning and Policy. The team is identified in Attachment 1 of this Review Plan. The makeup of the Policy Review team will be drawn from the MSC, the Planning Centers of Expertise, and other review resources as needed.

- The Policy Review Team will be invited to participate in key meetings during the development of decision documents as well as milestone meetings. These engagements may include In-Progress Reviews or other vertical team meetings plus the milestone events.
- The input from the Policy Review team should be documented in a Memorandum for the Record (MFR) produced for each engagement with the team. The MFR should be distributed to all meeting participants.
- In addition, teams may choose to capture some of the policy review input in a risk register if appropriate. These items should be highlighted at future meetings until the issues are resolved. Any key decisions on how to address risk or other considerations should be documented in an MFR.

(ii) Legal Review

Representatives from the Office of Counsel will be assigned to participate in reviews. Members may participate from the District and MSC. The MSC Chief of Planning and Policy will coordinate membership and participation with the office chiefs.

- In some cases legal review input may be captured in the MFR for the particular meeting or milestone. In other cases, a separate legal memorandum may be used to document the input from the Office of Counsel.
- Each participating Office of Counsel will determine how to document legal review input.

f. IN-KIND CONTRIBUTIONS

The level of review for all in-kind contributions should be commensurate with the significance of the information being reviewed, but both DQC and ATR are required.

Tasks that have been identified and agreed upon for the Tribe to complete and receive credit for include: (1) assisting with Habitat Evaluation Procedure data collection, (2) piezometer well preparation, installation, data collection, and reporting, (3) environmental data collection and coordination, upon request, (4) writing the Environmental Baseline portion of the report, (5) meeting attendance and participation, (6) coordination with Bureau of Indian Affairs, (7) other report writing, review, and edit, (8) data call response, (9) GIS related tasks, as necessary, and (10) geotechnical work, as necessary.

ATTACHMENT 1: TEAM ROSTERS

PROJECT DELIVERY TEAM			
Name	Position	Phone Number	Email
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Non-Federal Sponsor			
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Sandra Knight	Tribal Vice-Chair/ Business Development	(530) 899-8922	Sknight@mechoopda-nsn.gov
Gerald Ballard	Tribal Administrative Officer	(530) 899-8922	gballard@mechoopda-nsn.gov
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DISTRICT QUALITY CONTROL TEAM			
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Lori Schultz	Hydraulic Assessment (in-kind)	(916) 557-7226	Lori.L.Schultz@usace.army.mil
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TBD	Cost Engineering		
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TBD	Real Estate		
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AGENCY TECHNICAL REVIEW TEAM			
Name	Position	Phone Number	Office
TBD			

VERTICAL TEAM			
Name	Position	Phone Number	Office
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POLICY REVIEW TEAM			
Name	Position	Phone Number	Office
TBD			