

Army Corps Report – Harry Lyons 04/28/21

I had a long, informal phone conversation with Dylan Van Dyne, our Project Manager at the Army Corps, on Monday, May 19th. We discussed the funding of the Corps Work Plan.

Dylan had sent us a list of the requirements needed to get to the Record of Decision; this list, sent on Thursday, March 18th is reviewed in the last paragraph of this report. All these actions are to be 65% funded by the Work Plan as requested by the Sacramento District of the Corps, the lead federal agency, and 35% funded by contributions from the County of Lake, the Non-Federal Sponsor.

The Sacramento District has repeatedly requested Work Plan funds for Middle Creek for fiscal 2019, fiscal 2020, and fiscal 2021. It is my sense that they asked for just under a million dollars. I will describe the request process for fiscal 2021 (October 1, 2020 – September 30, 2021).

In March 2020, the Sacramento District of the Corps makes its request (communicates the capability of the project) to the South-Pacific Division of the Corps in San Francisco. The Division weighs the promise of the projects presented by its four Districts and in late Spring, sends the more competitive requests on to Corps Headquarters in Washington. No later than September, Headquarters puts forward the most competitive projects from all its Divisions, publishes the Work Plan, and awaits funding from congress, which in some years includes additional, bonus funding. So, the money is allotted, appropriated, to begin work by the beginning of fiscal 2021, October 1, 2020.

No projects are denied, they are just not approved. Congressional representatives may communicate their desire that certain projects be approved by the Corps, but it is just a request not a directive. Representatives do this by sending a letter to the Chief of Engineers at Army Corps Headquarters and to the Assistant Secretary of the Army for Civil Works.

Peter and I made requests to the staffs of John Garamendi and Mike Thompson to send such letters, last week. If we are not selected this year, we will request such letters again, next year, earlier, in February or March. We can also press folks, at the District level of the Corps, for information on the chokepoint: is it San Francisco or Washington? Such information might assist the Congressmen in their requests.

Sending our share of funding to the Corps ahead of Work Plan inclusion might prove our sincerity but would not increase the likelihood of funding. And forwarding funds for our share of Preconstruction Engineering and Design (\$800,000) would be premature before the Record of Decision, the Supplemental Environmental Impact Statement, and the Programmatic Agreement are published. Tribal consultation and satisfaction by the State Historical Officer are also required before we enter the design phase; all these aspects of updating National Environmental Policy Act compliance are the next steps and the last steps in the feasibility phase. All awaits Work Plan Funding through a mostly internal process at the Army Corps.