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# **Chapter 8**

## **Funding Principles to Support the**

### **Coequal Goals**

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# Chapter 8

## Funding Principles to Support the Coequal Goals

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4 In establishing the coequal goals, the Delta Reform Act affirmatively reset spending priorities for the  
5 Delta ecosystem and water management. Inherent in the coequal goals is a new governance structure  
6 (primarily the Delta Stewardship Council [Council]), which the Legislature intended to have the  
7 “authority, responsibility, accountability, scientific support, and adequate *and secure funding to achieve*  
8 *these objectives.*” The Council was directed to develop a long-term, legally enforceable management plan  
9 for the Delta, and in implementing the Delta Plan, to “direct actions across State agencies,” in part  
10 through the establishment of an interagency implementation committee. Additionally, as addressed in the  
11 preceding Delta Plan chapters, the Delta Reform Act set forth a number of policy objectives and other  
12 requirements for how the Delta Plan must be developed and what it must contain, ranging from broad  
13 guidance on types of projects the plan should promote, to specific performance measures for evaluating  
14 progress on ecosystem restoration. Accordingly, the Council set forth several priority recommendations  
15 and regulatory policies, which together make up this Delta Plan.

16 The Delta Reform Act does not require the development of a financing plan for the implementation of the  
17 Delta Plan; however, given the current economic climate, recent uneven funding for water and ecosystem  
18 investment, and the critical nature of what is at stake should the coequal goals fail to be achieved, the  
19 Council affirmed the need for a financing plan and is committed to its development.

20 As the Public Policy Institute of California succinctly stated in its 2011 report on water management in  
21 California, “Although money alone is not sufficient for successful water management, it is necessary”  
22 (Public Policy Institute of California 2011). In introducing any discussion on financing, particularly in the  
23 public sector, it is necessary to acknowledge the political and economic context. America is currently  
24 suffering a severe recession, and California’s economy has fared even worse. The State has experienced a  
25 multiyear budget crisis in which annual spending exceeds available revenue. As a result, financing  
26 infrastructure and new programs has become immensely challenging for State and local governments.

27 Today’s economic conditions may limit the ability to adequately finance a full range of water and  
28 ecosystem improvements necessary to achieve the coequal goals in the near term. However, the planning  
29 timeframe for the Delta Plan runs to the year 2100, and decisions on long-term, sustainable financing for  
30 water, ecosystem, and flood protection cannot be delayed much longer without grave and expensive  
31 consequences. A long planning horizon allows near-term foundational steps to be taken now toward  
32 improving the situation and for implementing agencies to stage actions, policies, and projects over time  
33 consistent with an adaptive management structure based on science. Additionally, some activities to  
34 implement the Delta Plan are currently funded or can be undertaken with no additional cost, and many of  
35 the actions called for in the Delta Plan are certain to result in significant long-term cost savings.

1 Due to the complex nature of the policy issues and of certain funding and finance methods, a  
 2 comprehensive and supportable Delta Plan finance plan will take time to develop. Thorough research is  
 3 needed to identify entities that may be assessed user or stressor fees, determine appropriate levels for  
 4 these fees, establish tiered fee structures, calculate the public benefits, and work through the legal  
 5 implications of any financing strategy, including the practical effects of Propositions 218 and 26 on State  
 6 and local financing mechanisms.

## 7 **About this Chapter**

8 This chapter provides background information on federal, State, and local spending for water supply,  
 9 water quality, flood management, and Delta ecosystem purposes; proposes the development of a  
 10 comprehensive finance plan to implement the Delta Plan; sets forth guiding principles for the  
 11 development of a finance plan; and proposes near-term funding for support of the Delta Protection  
 12 Commission, Delta Conservancy, and the Council. A 5-year budget is included in Appendix N. As  
 13 described in Chapter 2, successful implementation of the Delta Plan will depend upon many independent  
 14 agency authorities and actions under the coordination and leadership of the Council.

## 15 **Background**

16 Since the CALFED Bay-Delta Program was instituted in 1995 to restore ecological health and improve  
 17 water management in the Delta, significant expenditures have been made in the Delta. An estimated  
 18 \$400 million has been spent annually, on average, by federal, State, and local water users.

19 Traditionally, the State has financed water infrastructure with general obligation bonds. These bonds were  
 20 approved by the voters, and repayment is guaranteed by the State’s general taxing power. With respect to  
 21 State Water Project (SWP) debt, however, even though repayment was secured by taxes, general  
 22 obligation bonds were paid back primarily by the water contractors. Since 2000, California voters have  
 23 authorized \$19.4 billion in water-related general obligation bonds spread over six separate bonds (LAO  
 24 2008). Several of these bonds authorize expenditures for a multitude of purposes, including assorted water  
 25 projects, parkland acquisition, habitat restoration, and local assistance grants. One benefit of financing  
 26 water projects with general obligation bonds is that any expenditure made for a public purpose is repaid  
 27 by taxpayers, the primary beneficiaries. Currently, remaining fund balances for active bond accounts total  
 28 approximately \$2.2 billion out of the authorized total of \$19.6 billion, only a portion of which is for  
 29 Delta-related spending.

30 Table 8-1 summarizes the current balances for general obligation bonds by individual bond act related to  
 31 water, ecosystem restoration, and flood protection. It is important to note that these remaining balances  
 32 are not fungible; that is, statute generally dictates the specific types of projects or programs on which  
 33 funds can be spent.

**Table 8-1**  
**General Obligation Bonds – California (as of January 2012)**

<b>Bond Act (Year)</b>	<b>Authorized (\$ Thousands)</b>	<b>Committed (\$ Thousands)</b>	<b>Balance (\$ Thousands)</b>
Proposition 12 (2000)	\$2,027,999	\$2,012,422	\$15,577
Proposition 13 (2000)	\$2,054,934	\$1,838,856	\$216,078
Proposition 40 (2002)	\$2,500,268	\$2,461,309	\$38,959
Proposition 50 (2002)	\$3,317,210	\$3,317,210	\$0
Proposition 1E (2006)	\$4,090,000	\$3,040,893	\$1,049,107
Proposition 84 (2006)	\$5,388,000	\$4,550,659	\$837,341
<b>Total</b>	<b>\$19,378,411</b>	<b>\$17,221,349</b>	<b>\$2,157,062</b>

1 Currently scheduled for the November 2012 ballot, the Safe, Clean, and Reliable Drinking Water Supply  
2 Act of 2012 would authorize, upon voter approval, the issue and sale of \$11.14 billion in general  
3 obligation bonds for financing drought relief projects, water supply reliability projects, Delta  
4 sustainability projects, water system improvements, watershed and conservation protection programs,  
5 groundwater protection and water quality projects, and water recycling projects. Key Delta projects  
6 include \$2.25 billion for protection of water supplies from catastrophic levee failure, drinking water  
7 quality improvements, levee and flood control facilities improvements, lost property tax replacement,  
8 ecosystem restoration, and contaminants reduction.

9 Although general obligation bonds have been an important part of how California has funded water and  
10 ecosystem projects in the past, due to the uncertainty regarding voter approval of future bonds, a more  
11 sustainable and long-term financing approach for water, ecosystem, flood protection, and related projects  
12 is needed. As new revenue sources are developed, the use of revenue bonds may become more prevalent.  
13 For example, the SWP routinely sells and redeems revenue bonds to pay the costs of planning and  
14 construction, bond interest, and project operating expenses, as do many local agencies.

15 Federal-level expenditures in California in recent years have declined as grant programs for wastewater  
16 treatment in the late 1970s and 1980s expired and flood control spending was reduced. It is likely that  
17 large federal budget deficits for the foreseeable future will preclude any increases in federal funds for  
18 California water projects.

19 Although State-level expenditures for water-related programs and projects in recent years have been  
20 almost entirely funded with general obligation bonds, this contrasts somewhat with the financing methods  
21 available to local agencies. Although many of these agencies have at times issued general obligation  
22 bonds and revenue bonds, it is more common for them to establish stable income streams by charging  
23 dedicated fees to ratepayers to pay the costs of infrastructure projects including water treatment and  
24 wastewater systems.

25 The ability of local agencies to fund flood control and stormwater projects, however, is specifically  
26 governed by the provisions of Proposition 218, approved by California voters in 1996. Under  
27 Proposition 218, direct voter approval by a majority of property owners or a two-thirds vote of the general  
28 public is required to raise funds for these purposes. Results of local Proposition 218 elections in recent  
29 years have been mixed, with some agencies gaining voter approval and others falling short of funding  
30 needed for local projects. For example, Sacramento voters successfully approved new assessments for  
31 flood control projects in 2007, but 1 year later, voters in Orinda (East Bay Area) and Burlingame (Bay  
32 Area) failed to approve new assessments for the same purpose (Public Policy Institute of  
33 California 2011).

34 A companion measure, Proposition 26, approved by voters in 2010, effectively raised voting requirements  
35 for most State and local regulatory fees from a simple majority to a two-thirds majority. Regulatory fees  
36 with a broad public purpose are considered taxes and are subject to a two-thirds vote of the Legislature.  
37 Local agencies are also required to seek a two-thirds vote of the general public.

38 The best available information shows that total annual federal, State, and local spending on water and  
39 wastewater treatment in California is approximately \$24 billion (see Table 8-2). Operations, maintenance,  
40 and capital expenditures for water infrastructure consume significant economic resources in California.  
41 This total likely includes some overlap, but the expenditures are significant. Other sources cite higher  
42 expenditures for some of these categories. During development of the finance plan, this table will be  
43 updated to reflect the most recent data.

**Table 8-2**  
**Annual Budgets/Expenditures in California for Selected Agencies**

Agency	Budget/Expenditures		Source
	Operating (\$ Millions)	Capital (\$ Millions)	
Local cities, counties, and special districts water	\$10,100	\$2,000	California State Controller 2011a, 2011b, 2011c
Local cities, counties, and special districts wastewater	\$5,400	\$1,100	California State Controller 2011a, 2011b, 2011c
Local cities, counties, and special districts flood control	\$1,000	\$300	California State Controller 2011a, 2011b, 2011c
California Department of Water Resources	\$2,267	\$232	California Department of Finance 2012
State Water Resources Control Board	\$714		California Department of Finance 2012
California Department of Fish and Game	\$381		California Department of Finance 2012
Bureau of Reclamation	\$300		Bureau of Reclamation 2008
U.S. Army Corps of Engineers	\$100	\$100	U.S. Army Corps of Engineers 2008
<b>Total</b>	<b>\$20,262</b>	<b>\$3,732</b>	

## 1 Bay Delta Conservation Plan

2 Described in various sections of this Delta Plan, the Bay Delta Conservation Plan (BDCP) is a massive  
 3 water and ecosystem public works planning process under way in the Delta. The Council supports the  
 4 completion of the BDCP according to the provisions set forth in the Delta Reform Act. The scope or type  
 5 of any water facility improvements, related Delta ecosystem mitigation, and other habitat improvements  
 6 to be included is very preliminary at this time. The BDCP’s ongoing planning costs are currently funded  
 7 by State and federal water contractors. Currently available information from the BDCP indicates that,  
 8 once it is completed, the first 5 years of implementation will require between \$5.7 and \$5.9 billion total  
 9 for capital outlay, of which approximately \$5.2 billion is for water conveyance. Additionally, the BDCP  
 10 estimates that \$3.6 billion total plus \$46 million annually will be required for Delta ecosystem restoration  
 11 (BDCP Steering Committee 2010). The BDCP will include a funding plan that will address estimated  
 12 implementation costs and sources of funding that will be relied upon to cover these costs. The  
 13 accompanying sidebar provides additional background information about the BDCP.

## 14 Overview of Current State and Federal Delta-related Expenditures

15 Although what remained of the CALFED Bay-Delta Program was incorporated into the Council in 2010,  
 16 various program elements endured because remaining bond funds are dedicated by law for CALFED  
 17 purposes. Additionally, the CALFED program is still referenced in federal statutes. For these reasons, an  
 18 annual cross-cut budget showing State and federal expenditures for active CALFED programs and  
 19 projects is developed each January.

20 Because the cross-cut budget includes State and federal expenditure details on all the CALFED programs,  
 21 those data can be summarized to show expenditures for program elements displayed in the budget. The  
 22 results are shown in Table 8-3.

**BAY DELTA CONSERVATION PLAN COSTS AND EXISTING FUNDING SOURCES**

Potential future funding sources for the BDCP will likely compete with funding required for implementation of some elements of the Delta Plan, and for the plans and projects of State, federal, and local agencies. The Council does not consider any funding source to be solely available for the BDCP, or for any other program or plan. They are solely considered to be options at this stage.

Based on current information from the BDCP, the approximate costs of a facility and related ecosystem improvements needed for State and federal approval are approximately \$15.8 to \$16.7 billion in capital costs and an additional \$4.9 to \$5.6 billion in operating costs over the 50-year permit period. These costs are divided among the BDCP's four primary functions—water conveyance, habitat restoration, management of other stressors, and program oversight—as shown in the table below. The Council notes that preliminary cost estimates are just that: preliminary. Going forward, refined estimates will be required to complete this planning process.

**Options for BDCP Funding**

The BDCP is premised on the pledge of participating State and federal water contractors to pay the full cost of any new Delta export facility and the associated Delta ecosystem mitigation required to meet the requirements imposed on the BDCP by federal and State laws. Habitat and ecosystem restoration activities, beyond mitigation requirements, are considered to provide a general benefit to the State and should be funded accordingly.

Prior to completion of the BDCP and a full understanding of the Delta ecosystem improvements related to the BDCP, it is impossible to project the detailed funding options that might be necessary. However, it is highly likely that user fees, revenue bonds, and sources other than the State General Fund will be the primary sources of funding.

**SUMMARY OF BDCP COSTS AND EXISTING FUNDING SOURCES (\$ MILLIONS)**

Program Function	Bay Delta Conservation Plan <sup>a</sup>		
	Capital Costs	Operating Costs	Total
Water Conveyance <sup>b</sup>	\$12,691	\$2,936	\$15,627
Habitat Restoration <sup>c</sup>	\$3,108–\$4,009	\$346–\$437	\$3,454–\$4,446
Other Stressors <sup>c</sup>	\$12–\$15	\$1,213–\$1,679	\$1,225–\$1,694
Program Oversight <sup>c</sup>		\$404–\$548	\$404–\$548
<b>Total</b>	<b>\$15,811–\$16,715</b>	<b>\$4,899–\$5,600</b>	<b>\$20,710–\$22,315</b>

<sup>a</sup> Over 50-year permit period      <sup>b</sup> Midpoint cost estimate      <sup>c</sup> Range of low-high estimate given

Source: BDCP Steering Committee. Progress Report on the Bay Delta Conservation Plan. November 18, 2010.

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**Table 8-3**  
**Annual State and Federal Expenditures in California by Program Element (2012-13)**

Program Element	California	Federal	Total
Governance	\$21,145,596	\$20,490,000	\$41,635,596
Water Supply Reliability	\$161,523,833	\$18,774,000	\$180,297,833
Ecosystem Restoration	\$64,119,524	\$92,275,000	\$156,394,524
Water Quality	\$6,368,631	\$5,000,000	\$11,368,631
Risk Reduction/Levee Integrity	\$8,949,231	\$45,560,000	\$54,509,231
<b>Total</b>	<b>\$262,106,815</b>	<b>\$182,099,000</b>	<b>\$444,205,815</b>

# 1 **A Delta Finance Plan**

2 The Council proposes to initiate development of a finance plan following adoption of the Delta Plan. This  
3 process will require the active participation of the interagency implementation committee described in  
4 Chapter 2. Financing and funding mechanisms to be considered in developing the finance plan are  
5 included in Appendix O.

## 6 **Guiding Principles**

7 A finance plan to fund the Delta Plan should follow these principles:

- 8 ♦ The finance plan should first consider currently available funds that can legally support  
9 expenditures for Delta-related projects. Spending priorities should be established that address  
10 near-term funding requirements as contained in this Delta Plan.
- 11 ♦ Implementation of the Delta Plan will undoubtedly require an array of funding sources, including  
12 new funding sources and new statutory authority. Broad-based financing and diversity in funding  
13 sources will enhance revenue stability. Likewise, State and federal funds for activities that  
14 implement the Delta Plan must be reserved for public benefits not otherwise required for project  
15 mitigation or required by law for other purposes. Appendix O describes potential funding sources.
- 16 ♦ The Delta Plan recommends many projects that have multiple benefits; this increases  
17 opportunities to blend fund sources and builds on the tradition of past investments in  
18 multipurpose water projects with diversified fund sources.
- 19 ♦ A clear and analytically based methodology for assessing public benefits should be evaluated and  
20 implemented.
- 21 ♦ Targeted finance plans should be developed for major Delta Plan plans and projects (ecosystem  
22 restoration, flood risk reduction, regional water supply investments, science, administration, and  
23 water conveyance). Beneficiaries and stressors should be identified in each of these areas, and  
24 user fees should be developed to match these stressors and beneficiaries with planned investments  
25 in each of these areas.
- 26 ♦ Economic and financial analyses should be done as early as possible during the planning of large  
27 capital projects. This will assist agencies in the design of cost-effective projects and will help  
28 ensure that the projects are actually completed and implemented. Financial analyses should  
29 account for all of the costs of a project, both direct and indirect, including acquisition, planning,  
30 capital and interest, mitigation, science and monitoring, and operations and maintenance.

## 31 **User Fees**

- 32 ♦ User fees, including beneficiary fees and stressor fees, are essential and should be established to  
33 support the coequal goals and the implementation of the Delta Plan.
- 34 ♦ The “beneficiaries pay” principle is a common financing approach for water projects. The  
35 challenge is to determine the beneficiaries and design a cost-allocation method scaled to  
36 the benefit.
- 37 ♦ A companion principle to “beneficiaries pay” is “stressors pay.” Human activity that causes  
38 negative operational or environmental impacts should be assessed a fee, or otherwise charged, to  
39 repair the damage. An example of the stressors pay approach might be a surcharge on pesticides  
40 that are found to negatively impact the Delta ecosystem. Capital construction projects, whether  
41 for water reliability purposes or Delta ecosystem improvements, should be undertaken

- 1 simultaneously with the development of beneficiary and user fees. Delay in establishing  
2 beneficiaries/stressors fee structures will inevitably delay any needed capital improvement  
3 projects. The development of information related to financing (such as the identification of  
4 beneficiaries and stressors and detailed financing scenarios) should be undertaken simultaneously  
5 with the development of major capital decisions so that it can inform planning efforts.
- 6 ♦ The finance plan should include mechanisms to ensure that user fees are legally dedicated to their  
7 intended purpose. Given State and federal budget constraints, statutory protections must be  
8 enacted to assure users that their assessments will not be diverted to other purposes.
  - 9 ♦ Include opportunities to generate revenue when planning projects, where possible, to ensure long-  
10 term financing stability.
  - 11 ♦ To the extent possible, user fees should be based on the amount of water used or, for stressors,  
12 the volume of contaminants discharged. Tiered fee structures also should be explored  
13 where applicable.
  - 14 ♦ Long-term, stable funding approaches, such as the Delta Flood Risk Management Assessment  
15 District recommended in Chapter 7 or other beneficiary user fees, should be established to  
16 support the Delta Levees Maintenance Subventions Program, Delta Levees Special Flood Control  
17 Projects Program, and implementation of the Central Valley Flood Protection Plan.

## 18 **Near-term and Annual Funding Requirements**

19 The following items describe activities that must be addressed and funded as soon as possible. They  
20 describe the urgent need to immediately address the steps needed to achieve the coequal goals, begin  
21 implementation of the Delta Plan, and establish annual funding for key Delta agencies:

- 22 ♦ **Urgent expenditures for water supply reliability and ecosystem protection.** Immediate steps  
23 should be taken to protect the existing Delta water export system from flood risks and carry out  
24 ecosystem improvements being implemented pursuant to existing mitigation commitments of the  
25 SWP and the Central Valley Project. Those immediate needs are discussed in the various chapters  
26 of the Delta Plan.
- 27 ♦ **Create a regional Delta Flood Risk Management Assessment District.** The Legislature should  
28 create a regional district with the authority to assess fees on Delta levee beneficiaries, including  
29 landowners, infrastructure owners, and other entities, to fund flood control protection, including  
30 levee maintenance and improvement, and emergency response, as recommended in Chapter 7.
- 31 ♦ **Fund a strong Delta Science Program.** Funding is needed for continued operation of the  
32 Independent Science Board, development of the proposed Delta Science Plan, the State's share of  
33 the Interagency Ecological Program, and other activities that support a strong science foundation  
34 for Delta Plan implementation. Funding for the Interagency Ecological Program should continue  
35 from participating agencies.
- 36 ♦ **Fund urban and agricultural water management plans.**
- 37 ♦ **Continue the existing operational duties imposed by the 2009 Delta Reform Act.** The Act  
38 created the Council (which includes the Delta Science Program and Independent Science Board)  
39 and the Delta Conservancy, and modified the duties of the Delta Protection Commission. Future  
40 estimated annual operating costs for these agencies are provided in Appendix N.
- 41 ♦ **Fees for services.** The Legislature should grant authority to the Council to assess fees to cover  
42 the costs of providing specified services related to covered actions, specifically early  
43 consultations and reviewing appeals of consistency certifications.

# Policies and Recommendations

## FP R1 Conduct Current Spending Inventory

An inventory of current State and federal spending on programs and projects that do or may achieve the coequal goals will be conducted. Data sources to be used include the CALFED crosscut budget, State bond balance reports, and the annual State budget, among others. Consideration will be given to selecting an independent agency (which could include a non-governmental organization) to conduct the inventory.

## FP R2 Develop Delta Plan Cost Assessment

Costs will be assigned to the projects and programs proposed in the Delta Plan (Chapters 2 through 7), and sources of funding will be identified.

## FP R3 Identify Funding Gaps

Current State and federal funding gaps will be identified that are determined to hinder progress toward meeting the coequal goals.

# Timeline for Implementing Recommendations

TIMELINE		CHAPTER 8: Funding Principles to Support the Coequal Goals		
ACTION (REFERENCE #)		LEAD AGENCY(IES)	NEAR TERM 2012–2017	INTERMEDIATE TERM 2017–2025
RECOMMENDATIONS	Inventory of current State and federal spending on programs and projects (FP R1)	Council	●	
	Costs assigned to projects and programs proposed in the Delta Plan and sources of funding identified (FP R2)	Council	●	
	Current State and federal funding gaps identified that hinder progress toward meeting coequal goals (FP R3)	Council	●	
<b>Agency Key:</b>				DP_357
Council: Delta Stewardship Council				

**Figure 8-1**  
Timeline for Implementing Recommendations

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