



**CALFED
BAY-DELTA
PROGRAM**

Lester

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March 19, 1996

Colonel John R. Reese
District Engineer
U. S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento CA 95814

Dear Colonel Reese:

The CALFED Bay-Delta Program is requesting that the U. S. Army Corps of Engineers (USACE) be a cooperating agency for preparation of a Programmatic Environmental Impact Statement/Environmental Impact Report on the CALFED Bay-Delta Program.

The CALFED Bay-Delta Program is exploring and developing long-term solutions for preserving the Bay-Delta System and its resources. The Program is conducting a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta's ecosystem, improve water reliability for all beneficial uses and minimize Bay-Delta System vulnerability.

Council on Environmental Quality regulations state that the federal lead agency must, early in the NEPA process, request the participation of other federal agencies with jurisdiction by law or with special expertise concerning the proposal. Implementation of the CALFED Bay-Delta Program will involve activities in waters of the United States. Further, the alternatives will include flood control actions, habitat restoration actions and actions which may affect navigation. We believe the USACE participation as a cooperating agency would prove helpful in the development of the Program EIS/EIR because the USACE has regulatory jurisdiction with respect to the Clean Water Act and Rivers and Harbors Act and special expertise with respect to flood control, navigation, and environmental restoration efforts.

As a cooperating agency, we anticipate the USACE would have the following responsibilities:

1. Provide technical assistance and expertise in developing the Joint Program EIS/EIR and review administrative drafts of the Program EIS/EIR;
2. Provide early participation in meetings, conferences, correspondence, and document reviews that are for the purpose of assisting with the preparation of the Program EIS/EIR and related permits;
3. Provide expertise in those federal laws applicable to the USACE;

CALFED Agencies

California

The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal

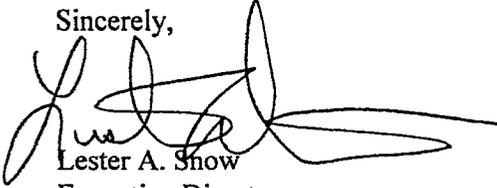
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
Department of Commerce
National Marine Fisheries Service

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4. Provide assistance, information, and review of the impact of implementation of proposed alternatives on "waters of the United States" and navigable waterways;
5. Provide the USACE's position on or interpretations of any potential effects on Clean Water Act, Rivers and Harbors Act, or other directives, laws, guidelines affected by CALFED Program alternatives; and
6. Provide guidance on and technical assistance with levee protection and maintenance, flood control, navigation, and environmental restoration.

The USACE participation as a cooperating agency does not imply endorsement of or concurrence with the Program alternatives developed through the CALFED solution-finding process. The USACE role as a cooperating agency does not abridge its independent authority to review and comment on the official Drafts and Final versions of the Program EIS/EIR which the USACE conducts pursuant to NEPA and applicable sections of the Clean Water Act and Rivers and Harbors Act.

Thank you for your assistance in this matter. Please contact Rick Breitenbach at (916) 657-2666 if you have any questions or comments.

Sincerely,

Lester A. Show
Executive Director

cc: Arthur Champ, Regulatory Branch; Water Yep, Planning Branch; Doug Wheeler, Resources Agency; Michael Mantell, Resource Agency, Dave Kennedy, DWR; Robert Potter, DWR; Jacqueline Schafer, DFG; James Strock, CalEPA; Jack Pandol, CalEPA; Walt Pettit, SWRCB; Mary Scoonover, OAG; Patty Beneke, DOI; David Cottingham, DOI; Roger Patterson, USBR; Penny Howard, USBR; Bob Perciasepe, EPA; Phil Metzger, EPA; Felicia Marcus, EPA; Tom Hagler, EPA; Hilda Diaz-Soltero, NMFS; Jim Lecky, NMFS; Michael Speer, FWS; Wayne White, FWS; Dale Hall, FWS

bcc: James Martin, Rm. 215-29, Ray McDowell, Rm. 215-28
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