



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95614-2922
April 29, 1996

Regulatory Branch (199600168)

CALFED Bay-Delta Program
ATTN: Mr. Rick Breitenbach
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Dear Mr. Breitenbach:

I am responding to the Notice of Intent to prepare a Programmatic Environmental Impact Statement on the CALFED Bay-Delta Program, San Francisco Bay/Sacramento-San Joaquin River Delta, California (61 FR 10379, Wednesday, March 13, 1996).

As has been identified previously, the selection of a program alternative itself will not require a permit from the U.S. Army Corps of Engineers (USACE) under either §10 of the River and Harbor Act of 1899 (§10) or §404 of the Clean Water Act (§404). However, it is our intent to use the NEPA document generated at this stage of your program as the first tier of the environmental documentation needed as part of the permit review and approval process that much of your program will need to go through, prior to construction and implementation.

The CALFED Bay-Delta Program staff have performed a creditable accomplishment in generating the range of issues and potential impacts to be addressed by the forthcoming series of NEPA documents. We will limit our comments here to those issues which we do not believe have been previously identified, based upon review of the preliminary documents associated with bringing your program to this stage. Additionally, we would like to provide comments regarding the alternatives analysis required to satisfy the requirements of Section 404(b)(1) of the Clean Water Act.

In addition to following the CEQ's NEPA implementing regulations, and the US Bureau of Reclamations policies for preparing an Environmental Impact Statement, the document will also need to adhere to the NEPA implementing regulations for the USACE's Regulatory Program, found at 33 CFR 325, Appendix B. A copy of this regulation may be obtained by contacting our office.

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We are in receipt of the two memoranda concerning our requirements under §404(b) (1) and how they relate to the CALFED Bay-Delta program that were prepared by Jones and Stokes Associates, Inc. (enclosed). Our staff was directly involved in the development of the final language of these two memoranda and we are incorporating their text into this letter by reference. The information provided in these memoranda should be used in the review and eventual selection of the program's preferred alternative.

However, we do need to expand on the discussion related to offsite alternatives. We believe that it is the mutual intent of our respective agencies that the PEIS provide us with information that will enable us to satisfy the requirements of §404(b) (1) when eliminating programs from future consideration. However, where there are program features that require a §404 permit, such as an onstream storage facility at an undetermined location, a subsequent alternatives analysis will need to be performed to determine the site, as well as the attributes, of the program feature that constitutes the least environmentally damaging practicable alternative for siting and constructing that program element.

The one omission that we have noted in the significant issues identified by CALFED to date is an evaluation of the impacts that existing and projected recreational boating, with associated facilities such as marinas, has upon the range of values associated with the Delta. Documents prepared as far back as 1973 (Delta Master Recreation Plan) have recognized the adverse impacts that boat wakes have upon the berm islands within the Delta. Numerous recommendation letters and biological opinions rendered by the US Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game have identified adverse impacts the aquatic habitat and water quality in the Delta by the construction and use of individual boat docks and marinas by recreational boaters. At the same time, recreational use of the Delta's waterways remains significant from both an economic and social perspective.

The Bay-Delta PEIS should evaluate existing and future patterns of boating use, along with its associated support facilities, with a goal of identifying an optimal tradeoff between providing for reasonable recreational access and use of

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Delta waterways while preserving and restoring ecologically significant habitat within the estuary. Substantial effort and investigation has been made in this direction over the past twenty years. The documents associated with such effort should be closely reviewed and used as guidance in making an evaluation of recreational boating impacts.

Additional actions that could be taken, possibly as part of the "core" actions proposed by the program, would enhance recreational boating within the Delta without creating substantial permanent adverse impacts upon the existing habitat. One example could be the removal of major navigation hazards that remain in the Delta, including abandoned or unauthorized pilings and docks, as well as relict features on Franks Tract below the waterline. Another could be the creation of new public access boat ramps, with economical sanitation facilities for boat pumpout use, as well as associated upland public recreation facilities (e.g. picnic and camping uses, with potable water and restrooms), in lieu of allowing additional marinas to become established.

We hope that this information is useful as you prepare the environmental documentation for your program. We have assigned identification number 199600168 to this action. Please refer to this number in any correspondence with us on this program. If you have any questions, please write to Mr. Jim Monroe, Room 1480 at the letterhead address, or telephone (916) 557-5266
Office

Enclosures

Copy furnished w/o enclosure:

Jones & Stokes Associates, Inc., Attn: Mr. Ken Bogdan, Esq.,
2600 V Street, Suite 100, Sacramento, California 95818-1914

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