



## Memorandum

Date: August 6, 1997

To: CALFED Policy Group

From: Lester A. Snow  
Executive Director

Subject: Pre-Application Consultation for Section 404 Permit

### Summary

This is intended to provide you with an understanding of the Program's Section 404 permit pre-application consultation efforts.

The preferred programmatic alternative will not identify any specific proposed actions. Consequently, we will not be seeking a Section 404 permit from the Corps at the end of Phase II. However, we are interested in regulatory assurance that the preferred programmatic alternative can be pursued during Phase III without re-visiting all alternatives previously evaluated and eliminated from consideration in Phases I and II. Accordingly, we initiated discussions with the Corps and EPA in mid-1996 with a view towards obtaining "programmatic approval" for the preferred programmatic alternative.

To obtain "programmatic approval", we will identify the least environmental damaging practicable alternative in accord with EPA's Section 404(b)(1) guidelines. The following describes actions, identified in our discussions with EPA and the Corps, needed to select such an alternative and the status of our efforts to complete the work. All information will be compiled to document our selection:

- identify the appropriate project purpose, so as not to constrain the range of alternatives;

The Corps and EPA were instrumental in developing specific project purpose language for the Purpose and Need Statement. The Purpose and Need Statement is complete and has been approved by the Policy Team.

---

#### 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  
U.S. Army Corps of Engineers

Department of Agriculture  
Natural Resources Conservation Service  
Department of Commerce  
National Marine Fisheries Service

August 6, 1997

Page Two

- demonstrate the need for water storage and conveyance after demand reduction and other measures have been fully exercised;

We expect to have a "white paper" by the end of the year. An overall approach for this "white paper" should be available for discussion in mid-August.

- identify the least environmental damaging practicable alternative taking into consideration cost, existing technology and logistics in light of overall project purpose;

Phase I alternative narrowing is complete. Criteria used during Phase I for alternative development and narrowing were based on cost, existing technology and logistics. The Corps and EPA were substantially involved in our Phase I alternative narrowing efforts.

We are in the process of describing our Phase II alternative narrowing process, including reservoir site screening to the CALFED agencies. Again, cost, technology and logistics will play a significant role in the narrowing process. An initial meeting was held July 3, 1997, with the Corps and EPA 404 staff members to discuss the overall Phase II alternative narrowing process. A follow-up meeting is being scheduled for mid-September.

We are describing the consequences of implementing the various alternatives for the draft programmatic EIR/EIS. The impact analysis information along with results stemming from our efforts to comply with other requirements such as the State and federal Endangered Species Acts, the National Historic Preservation Act, etc. will be used in identifying the least damaging environmental practical alternative in Phase II.

#### **Action Item**

This memo is provided for information only. It is not on the CALFED Policy Group agenda and will not be discussed unless Policy Group members request additional information or discussion.