



**CALFED
BAY-DELTA
PROGRAM**

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Date: July 15, 1997
To: Program Coordination Team
From: Frank Piccola
Subject: 404 (b)(1) Analysis Update

1. The CALFED agencies intend to prepare a programmatic level 404 (b)(1) analysis pursuant to the Federal Clean Water Act. The 404 planning process ensures that effects of potential CALFED actions to Waters of the United States are avoided, minimized or mitigated. If the determination is made that through the process the least damaging practicable environmental alternative has been identified, the CALFED agencies would receive assurances that the preferred alternative can proceed into Phase III and that alternatives considered but discarded during Phase II will not be re-visited.
2. The CALFED Program has initiated discussions with the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) regarding the preparation of the programmatic 404 (b)(1) analysis. The most recent meeting was held on July 2, 1997. To date, the following items have been discussed:
 - The CALFED Program has requested that pre-application consultation commence.
 - The CALFED Purpose and Need Statement has been discussed and approved.
 - The Corps, EPA, and CALFED staff have reached consensus on the approach and process for screening storage and conveyance variations within the program alternatives.
 - The schedule for preparation of the programmatic document would parallel the EIS/R process. The draft EIS/R would contain a discussion of the 404 (b)(1) process, the screening of storage and conveyance variations, and a process for determining the least damaging practicable environmental alternative. The final EIS/R would contain the final programmatic 404 (b)(1) analysis, as well as the final

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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determination by the Corps on the effect of the preferred alternative on the Waters of the U.S.

3. The CALFED agencies through the PCT will be updated regularly concerning the progress of the programmatic 404(b)(1) analysis.