

Section 404 /Section10 Compliance Strategy 1999 Workplan Summary

Critical Issues

Completing the Department of the Army Permit process for the various CALFED Program components in a timely fashion will be one of the most challenging elements of the Program implementation process. Many of the proposed Program actions, ranging from wetlands creation to new surface storage construction, involve potential impacts to wetlands and waters of the United States and therefore will require various levels of assessment to be permitted. The most critical issues include:

- Developing a streamlined, early permitting process for those projects included in the initial CALFED actions during Stage 1 of Program Implementation.
- Developing programmatic assurances regarding a process by which the surface storage facilities and Delta conveyance facilities in the CALFED program will be evaluated under the 404 permit process. This would increase the level of assurances that Program Implementation can proceed as planned and agreed to, and will allow for a more expedited and limited Section 404 permit evaluation when CALFED Program elements need site specific permits.
- Narrowing the range of surface and groundwater storage facilities which must be given detailed scrutiny as part of the 404 Alternatives Analysis during planning for specific projects tiered off of the CALFED Programmatic EIR/EIS
- Resolving the issue of whether or not there is a need for new surface storage facilities. This is a policy decision which will be supported by a comparative economic evaluation of surface storage, groundwater storage, water use efficiency and water transfer actions, and water quality improvements. It will be critical to this component to explicitly establish the technical assumptions and policy constraints for this evaluation.

Process for Stakeholder and Agency Involvement

- CALFED staff (including Office of the State Attorney General), USEPA, and USACE staffs will develop the strategic framework for the compliance strategy. This strategic framework will be the foundation for an interagency Memorandum of Agreement between the involved Federal and State agencies, to be signed concurrently with the Record of Decision for the CALFED Programmatic EIR/EIS. CALFED leadperson for MOA text preparation: Lisa Sato.
- CALFED staff will identify, based on previous comments provided to the Program, key stakeholders with a strong interest in the 404 compliance strategy. At least two meetings with these stakeholders will be held to review the draft CALFED compliance strategy document.

- CALFED staff will prepare a draft reservoir screening report, which will be circulated to the CALFED agencies for review and comment. Subsequently the report will be provided as an Appendix to the revised draft PEIR/EIS, wherein it will be subject to wide public scrutiny and comment. CALFED leadperson: Mark Cowin.
- CALFED staff will work with USBR, DWR, consultant, and University of California technical staffs to formulate and conduct the economic evaluation. Progress of the study will be reviewed with a stakeholder technical committee, with monthly coordination meetings. Subsequently a progress report on the economic evaluation will be provided as an Appendix to the revised draft PEIR/EIS, wherein it will be subject to wide public scrutiny and comment. CALFED leadperson: Mark Cowin.

Time Frame

January-May, 1999. Prepare first draft 404 MOA text and circulate for comment among agencies and key stakeholders. Continue ongoing technical studies on reservoir screening and economic evaluation.

May 1999. Draft MOA completed, including program compliance strategy. Draft reports on surface storage screening and economic evaluation completed.

June 1999. Begin full public review of 404 compliance strategy documents as part of EIR/EIS process.

File CI-99-404
Smb 1/27/99