



Memorandum

Date: September 13, 1995
To: Mary Scoonover, Deputy Attorney General, Department of Justice
From: Rick Breitenbach, CALFED Bay-Delta Program
Subject: Draft CALFED MOU for NEPA and CEQA

CALFED Bay-Delta Program staff have reviewed the draft MOU and offer the following comments.

1. Page 2, 2nd full paragraph, last sentence. As we discussed this sentence may fit better as an example in your Disclaimer paragraph on page 6.
2. Page 2, Commitments. It may be more appropriate to describe agency commitments in Subparagraphs c. in two different sections entitled "special expertise" and "jurisdiction by law" (terms from CEQ relative to cooperating agencies). Using the Fish and Wildlife Service as an example, you would present the information you have described as "technical expertise" under the "special expertise" heading and then under the "jurisdiction by law" heading indicate they would be responsible for ensuring compliance with the Endangered Species Act and Fish and Wildlife Coordination Act. There are other areas of expertise and laws that fall under their purview but, rather than trying to identify each, I think we should ask them to identify the ones they believe are applicable to our efforts.
3. Page 2, Commitments, Paragraph A; Page 4, #5; Page 7. Usually, the lead agency(s) enter into subsequent agreements with cooperating agencies. Since the Corps of Engineers will be a cooperating agency should they be a party to this agreement?