



# Memorandum

Date: January 22, 1996

To: Alan Solbert  
Harlan Glines  
Lisa Larabee  
Jones & Stokes Associates

From: Rick Breitenbach *Ri*  
CALFED Bay-Delta Program

Subject: Introductory Format for Task Orders 3, 4 and 5

The following general comments apply to all deliverables for Task Orders 3, 4, and 5. The specific comments are related to the Environmental Review and Permit Requirement task.

## General

We have a very short review time for all of our efforts. Therefore, we need to help the reviewers as much as we can. Accordingly, for all efforts associated with the three task orders, we need to tell the reader:

1. What they will be reading;
2. How it fits into environmental documents;
3. How we intend to use it, keeping in mind the programmatic nature of our work; and
4. What we want them to do.

All work should be completed in close consultation between JSA and CALFED..

## Specific

The following is a suggested revision of the Introduction section to the Environmental Review and Permit Requirement task.

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**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

To the fullest extent practicable, the preparation of NEPA and CEQA documents should be completed concurrently and integrated with other environmental review and consultation requirements. In addition, NEPA and CEQA documents should list all local, State and Federal permits, licenses and other entitlements which must be obtained in implementing the proposal (NEPA and CEQA citations).

The first environmental document the CALFED Bay-Delta Program will prepare is a program EIS/EIR. Following preparation of the program and prior to implementation of the projects discussed in the program document, specific project environmental documents will be prepared.

The CALFED Bay-Delta Program will develop a comprehensive and balanced plan that addresses resource problems related to ecosystem quality, water supply reliability, water quality and vulnerability of system functions in the Bay-Delta system. The actions to be considered in the plan will be as diverse as the resource problems being studied, geographically dispersed throughout the State and will be progressively implemented over the course of several years. While, the exact nature of many of these actions is unknown at this time it is expected that some of the actions will be well defined and others will be conceptual when the program EIS/EIR is finalized.

Because of this disparate mixture of actions, their widespread distribution, the different timing for implementation and because many of the efforts will be conceptual and general in nature, the CALFED Bay-Delta Program concluded that a programmatic approach was appropriate for the first environmental document. Given the immensity and uncertainty of the overall undertaking, the CALFED Bay-Delta Program believed a broad overview of all the actions and their interrelationships was necessary to ensure that decision makers are informed about the environmental dimensions of the proposed actions. Armed with this information, they will be able to make preliminary decisions regarding the direction and approaches for the long-term plan and subsequent specific actions.

Since the program EIR/EIS would not result in the implementation of specific actions without further environmental compliance, it is anticipated that environment review and consultation requirements and permitting requirements would be more general, if required at all, than those for the specific actions. In addition to complying with the appropriate environmental review and consultation requirements and identifying permitting requirements, the program EIS/EIR will layout to the extent practicable, the steps, for complying with the specific environmental review requirements and for acquiring the necessary permits for the subsequent specific actions.

The summary tables provide an overview of the requirements for environmental review and consultation and permits necessary for several recent specific project EIS/EIRs that were prepared for activities in or near the Delta (Delta Wetlands, Los Vaqueros, Estuary Dredging Program, others?).

We would appreciate your review of the information in the tables and request that you identify :

1. Any omissions;
2. Your general thoughts on programmatic compliance requirements for those environmental review requirements which your agency oversees;
3. An individual(s) that should be consulted in order to proceed with defining and carrying out the environmental review and permitting requirements for the program EIR/EIS; and
4. An individual(s) that should be consulted in order to proceed with laying out the steps for complying with the specific environmental review requirements and acquiring the necessary permits for subsequent specific actions.

The following is a suggested revision of the tables and summary section.

Drop the summary section for now. Since the focus is on requirements of recent Delta EIS/EIRs, change the table titles to reflect that the information is from the Delta documents. The two tables should follow the same format, i.e., Table 2 should add the heading "Activities Subject to Requirements". The following is an interpretation for each of the three headings for Table 2 using the Fish and Wildlife Coordination Act.

Agency & Requirements	Agency Authority	Activities Subject to Requirements
Fish & Wildlife Coordination Act	Whatever the Act says FWS is suppose to do.	Whatever the act says Federal agencies are suppose to do when undertaking Projects that control or modify surface waters. Also include exceptions.

If you have any questions, please give me a call at 657-2666.

cc: Lester A. Snow  
Steve Yaeger  
Jim Martin - DWR Planning  
Ray McDowell - DWR Planning