



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922  
May 10, 1996

Regulatory Branch (199600168)

**MAY 17 1996**

Mr. Lester A. Snow, Executive Director  
CALFED Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, California 95814

Dear Mr. Snow:

I am responding to your letter of March 19, 1996, requesting the Sacramento District of the U.S. Army Corps of Engineers (USACE) to be a cooperating agency during the preparation of a Programmatic Environmental Impact Statement/Environmental Impact Report on the CALFED Bay-Delta Program.

Pursuant to 40 CFR 1501.6, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition, any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement, may be a cooperating agency.

Based upon a review of the documents generated to date by the CALFED Bay-Delta program, many of the physical components that would be established would require authorization by Department of the Army permits under either §10 of the River and Harbor Act of 1899 or §404 of the Clean Water Act, prior to their construction. As we have jurisdiction by law under these statutes, implemented through our Regulatory program, we must act as a cooperating agency during the preparation of your NEPA documentation.

In reviewing your request, we will meet the specific responsibilities that our agency has, as identified in the CEQ's implementing regulations for NEPA. In that vein, my Regulatory staff has already begun to provide the input and participation called for in your letter, as it relates to the potential for impacts to waters of the United States, expertise in the federal laws associated with our Regulatory program, and direction as appropriate to ensure compliance with the implementing statutes for the Regulatory program. Additionally, there has also been direct involvement by my Planning staff to provide planning and technical assistance regarding levees and flood control, environmental restoration and navigation. My Regulatory and Planning staff will continue to be actively engaged in your program, consistent with their responsibilities, for the duration of the program.

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As you refer to in your letter, our role as a cooperating agency shall not prejudice our independent authority to review and evaluate applications for those program features which may eventually need Department of the Army permits.

The point of contact at Sacramento District for Regulatory program involvement is Mr. Jim Monroe, telephone (916) 557-5266. The point of contact for all other involvement by the District in the CALFED Bay-Delta program is Ms. Lynn O'Leary, telephone (916) 557-6781. We appreciate having the opportunity to be involved with your program, as it seeks to effectively develop and implement a long term solution for the Sacramento/San Joaquin Delta and estuary.

Sincerely,



John N. Reese  
Colonel, Corps of Engineers  
District Engineer

Copies furnished:

Felicia Marcus, Regional Administrator, Region IX,  
U.S. Environmental Protection Agency, 75 Hawthorne Street,  
San Francisco, California 94105-3901  
Michael Speer, Regional Director, Region 1, U.S. Fish and  
Wildlife Service, Eastside Federal Complex, 911 N.E. 11th  
Avenue, Portland, Oregon, 97232-4181  
Ms. Hilda Diaz-Soltero, Regional Director, National Marine  
Fisheries Service, 501 W. Ocean Boulevard, Suite 4200,  
Long Beach, California 90802-4213  
Mr. Roger Patterson, Regional Director, U.S. Bureau of  
Reclamation, 2800 Cottage Way, Sacramento, California 95825  
Mr. Doug Wheeler, Secretary for Resources, 1416 Ninth Street,  
Room 1311, Sacramento, California 95814  
Mr. James D. Strock, Secretary, California Environmental  
Protection Agency, 555 Capitol Mall, Room 525,  
Sacramento, California 95814  
Mr. Walter Pettit, Executive Director, State Water Resources  
Control Board, 901 P Street, Sacramento, California 95814  
Ms. Jacqueline Schafer, Director, Department of Fish and Game,  
1416 Ninth Street, Room 1205, Sacramento, California 95814  
Mr. Dave Kennedy, Director, Department of Water Resources,  
1416 Ninth Street, Room 1115, Sacramento, California 95814