

**CALFED
BAY-DELTA
PROGRAM**

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Res. Dir.

April 28, 1998

Colonel Dorothy F. Klasse
U.S. Army Corps of Engineers
District Engineer
1325 J Street
Sacramento, CA 95814

Felicia Marcus, Regional Administrator
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dear Colonel Klasse and Ms. Marcus:

We appreciate your thoughts and suggestions on how the CALFED Bay-Delta Program might achieve conformity with the 404 (b) (1) guidelines (Guidelines). You made several observations which demonstrate that conformance with the Guidelines is critical to the success of the Program. Key among these were stakeholder assurances: 1) that the Program alternative selected by CALFED agencies in Phase II, will not be "second-guessed" and possibly even changed, subsequent to the submission of permit applications in Phase III, and 2) that the selected Program alternatives must be designed so it will remain in compliance with the Guidelines should it be altered between Phase II and Phase III.

The approaches presented in your letter represent a traditional approach to the permitting process. CALFED is a unique process, and as such presents a unique opportunity to tailor the more traditional approach presented in your letter to the distinctive characteristics of this Program. Specifically CALFED will achieve the Program's purpose by concurrently addressing problems of the Bay-Delta system within the critical resource categories: environmental quality, water quality, water supply reliability, and levee stability. Further, CALFED is considering phased decision making and implementation which does not lend themselves to the traditional regulatory approach.

At this juncture, I believe that it would be helpful for us to set up a small work group consisting of a member of the Program, EPA and the Corps. They would be responsible for

CALFED Agencies

California
The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

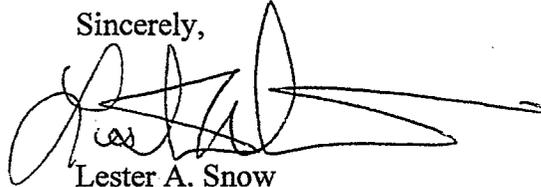
Federal
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

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developing a plan to address 404 regulatory issues and attain conformance with the Guidelines. If you are in agreement with this approach, I propose that the workgroup meet as early as possible in May to discuss strategies. Should you have questions or wish to discuss availability for the initial meeting, please contact Mr. Stein Buer at (916) 653-6628.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lester A. Snow', with a long horizontal stroke extending to the right.

Lester A. Snow
Executive Director

cc Michael Spear, Regional Director
U.S. Fish and Wildlife Service

Dr. William T. Hogarth, Acting Regional Administrator
National Marine Fisheries Service

Roger Patterson, Regional Director
U.S. Bureau of Reclamation

Henry C. Wyman, Acting State Conservationist
Natural Resources Conservation Services

Doug Wheeler, Secretary
Resources Agency

Jacqueline Schafer, Director
Department of Fish and Game

Dave Kennedy, Director
Department of Water Resources