



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SEVEN OAKS DAM RESIDENT OFFICE
32330 SANTA ANA CANYON RD
HIGHLAND, CALIFORNIA 92346

REPLY TO
ATTENTION OF:

JUL 26 2001

Office of the Chief
Regulatory Branch

Metropolitan Water District
Attention: Kathleen Kunysz
Principal Environmental Specialist
P.O. Box 54153
Los Angeles, California 90054-0153

Dear Ms. Kunysz:

Reference is made to your letter (No. 200101288-AJS) dated July 2, 2001 for a Department of the Army Permit to construct a water delivery pipeline to supply the proposed Cadiz Groundwater Storage and Dry-Year Supply Program. The pipeline would cross a series of unnamed ephemeral drainages between the Colorado River Aqueduct at the Iron Mtn. Pumping Plant and a groundwater storage area near Cadiz, San Bernardino County, California.

Based on the information furnished in your letter and a review of the Draft EIR/EIS, we have determined that your proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

The receipt of your letter is appreciated. If you have any questions, please contact Antal Szijj of my staff at (909) 794-7704.

Sincerely,

A handwritten signature in cursive script that reads "Mark Durham".

Mark Durham
Chief, South Coast Section
Regulatory Branch



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

July 2, 2001

Mr. Antal J. Szijj, Ecologist
U.S. Army Corps of Engineers
Regulatory Branch
Seven Oaks Dam Resident Office
32330 Santa Ana Canyon Road
Highland, CA 92346

Dear Mr. Szijj:

Cadiz Groundwater Storage and Dry-Year Supply Program

The Metropolitan Water District of Southern California (Metropolitan) and the Bureau of Land Management are nearing completion of their joint review of the Cadiz Groundwater Storage and Dry-Year Supply Program, and a determination of the need for Clean Water Act (CWA) Section 404 permitting is needed. Metropolitan discussed the proposed Cadiz Project with you in July 1999, and has forwarded the Draft EIR/EIS and Supplement to the Draft EIR/EIS as they were issued for public review. More recently, we have inquired about the jurisdictional status of CWA 404 regulatory requirements for the Cadiz Project in light of the U.S. Supreme Court ruling issued earlier this year (*Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, No. 99-1178, January 9, 2001, "SWANCC"). You have indicated that project documents previously provided are sufficient for you to conclude that the Cadiz Project would not require a 404 permit from the U. S. Army Corps of Engineers (Corps). This letter is being sent to request a written confirmation from the Corps that the Cadiz Project does not require a Clean Water Act Section 404 permit.

The Cadiz Project would allow Metropolitan to enhance management of its water supplies through a groundwater storage and water transfer program. Metropolitan proposes to deliver water from the Colorado River Aqueduct (CRA) to an underground aquifer for storage and later withdrawal. During dry years, Metropolitan may pump the stored water and indigenous groundwater and convey it to the Metropolitan service area. The Cadiz Project would involve construction of spreading basins, a wellfield, a water conveyance pipeline, groundwater monitoring facilities, and appurtenances.

As discussed in Draft EIR/EIS and at our July 1999 meeting, the water conveyance pipeline and wellfield piping would cross a number of ephemeral washes as well as numerous very shallow erosional features associated with either overland flow of water

Mr. Antal J. Szijj
Page 2
July 2, 2001

or wind. The spreading basins would be located downgradient of an elevated railroad levee/trestle system which concentrates overland water flow associated with precipitation events into shallowly eroded ephemeral washes. All of these washes and erosional features are entirely isolated from any surface tributary system. They normally dissipate on the desert floor, but some occasionally deliver surface water to one of three nearby dry lake beds-either Bristol, Cadiz, or Danby dry lake beds. Any water transported to the dry lakebeds either evaporates or seeps into the ground and does not connect to any surface water system. As a result, all of the washes or erosional features affected by construction of the Cadiz Project are considered isolated, since they do not contribute surface water to an adjacent watershed. Since none of these areas are jurisdictional, the facilities constructed on them will also not be jurisdictional and will not require CWA 404 permits. Further, since the spreading basins will not be jurisdictional, CWA 404 permits will not be required for the operation and maintenance of the spreading basins.

Additional information regarding climate, soil types, habitats, threatened and endangered species, land use, and various other topics is presented in the Draft EIR/EIS prepared for the Cadiz Project. This document was forwarded to you in November 1999, and you have recently indicated that you have reviewed it.

I look forward to receiving written confirmation from you that neither the construction nor the operation and maintenance of the Cadiz Project will require a Clean Water Act section 404 permit. If any additional information or clarification is needed, please call me at (213) 217-6272.

Very truly yours,



Kathleen M. Kunysz
Principal Environmental Specialist

KMK:bvf

O:\clustr11\mm\corres\kkmkszjij.doc

cc: Mr. James Williams
Bureau of Land Management
California Desert District Office
6221 Box Springs Boulevard
Riverside, CA 92507