



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

June 23, 2004

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

Maiser Khaled
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Dear Mr. Khalid:

At the request of the Federal Highway Administration (FHWA), the California Department of Transportation (Department), and the Riverside County Transportation Commission (RCTC), the U.S. Army Corps of Engineers (USACE) has been asked to provide preliminary agreement on "Criteria for Alternatives Selection and Range of Alternatives for the State Route 79 Project, Domenigoni Parkway to Gilman Springs Road, Riverside County, California".

We appreciate the opportunity for continued involvement on this project, and pursuant to the NEPA/CWA Section 404 Integration Process Memorandum of Understanding (MOU), we are providing Preliminary Agreement on the Final Project Criteria and Alternatives Selection for Preliminary Agreement, State Route 79 Project, dated June 22, 2004.

My staff has completed a review of the above titled document. The document explains how alternatives were evaluated and screened based on satisfaction of the project purpose, feasibility, reasonableness, and regulatory constraints. The document also describes the methodology for the identification, classification, and screening of potential alternatives.

The document also states that the locally preferred alternative, referred to as the "Central Alignment", will not be screened at this time, and will be carried forward into the Draft Environmental Impact Statement (DEIS). The "Central Alignment" does not represent an alternative that is least environmentally damaging due to its proximity to sensitive aquatic resources as identified in the Multi-Species Habitat Conservation Plan (MSHCP) and under Section 404 of the Clean Water Act. Therefore, the "Central Alignment", in its present form, conflicts with Section 404(b)(1) Guidelines.

A number of technical studies will be undertaken in the next phase of the NEPA/404 Integration Process. The Corps requests the opportunity to review and comment on the scope of the proposed technical studies. Our involvement in the review of these studies will ensure that the information in the DEIS is sufficient to identify the "Least Environmentally Damaging


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Practicable Alternative (LEDPA), pursuant to the Section 404(b)(1) guidelines and determine how the preferred alternative will satisfy the requirements of the MSHCP.

Once again, we appreciate this opportunity for continued involvement in the development of this project. If you have any questions, please contact Stephanie J. Hall of my staff at (213) 452-3410. Please refer to this letter and 200400289-SJH in your reply.

Sincerely,



Douglas R. Pomeroy
Acting Chief, Regulatory Branch

Cc: Elizabeth Varnhagen, U.S. Environmental Protection Agency, Region IX
Sally Brown, U.S. Fish & Wildlife Service, Carlsbad
Mark Adelson, California Regional Water Quality Control Board, Santa Ana Region
Scott Dawson, California Department of Fish & Game, Chino Hills