CALFED
BAY-DELTA
PROGRAM

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July 25, 1996

Robert Perciasepe
Assistant Administrator for Water
U. S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Douglas P. Wheeler, Secretary
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 98514

Dear Mr. Perciasepe and Secretary Wheeler:

The purpose of the Bay-Delta Advisory Council (BDAC) is to provide advice and guidance to CALFED's Bay-Delta Program for the Bay-Delta system. BDAC provides a public perspective on Bay-Delta issues and the solution-finding process.

Councilmembers have been jointly selected by the U.S. Secretary of the Interior and the California Resources Secretary from California's agricultural, environmental, urban, business and other interests to reflect the wide variety of groups and interests having a stake in the Estuary and its management.

BDAC has met a total of nine times since June, 1995. Specifically, BDAC has been established to advise CALFED on the Problem Definition and on measures to be taken to ensure public participation, review and comment on draft reports prepared by CALFED staff, and advise CALFED on the adequacy of proposed solution alternatives as part of the NEPA/CEQA environmental documentation process.

As the chair and vice-chair of the Bay-Delta Advisory Council, we want to take this opportunity to commend the members of the Council for their hard work and sincere effort over the past year to provide quality advice and guidance to this Program. Attendance at the BDAC meetings has been consistently high, and it has been our pleasure to chair these meetings where the range of comments were broad, but discussions and deliberations were consistently cordial and resulted in sound policy advice.

The Bay Delta Advisory Council is pleased to have this opportunity to comment on the Preliminary Draft Phase II Alternatives. BDAC has considered five questions posed by staff,

and wishes to present the following response to CALFED. The comments below first express the consensus opinion of the Council, and then as additional advice, reflect opinions or comments made by one or more members of the Council.

While BDAC generally concurs with the overall approach taken by CALFED in framing alternatives for refinement and analysis for Phase II, we have several specific comments and concerns that we believe should be addressed. Our more detailed response follows:

Do the alternatives represent a reasonable range of solutions?

The Range of Solutions Is a Reasonable Range: BDAC concurs that the alternatives represent a reasonable range of solutions, and asks that staff proceed with further refinement of the three draft alternatives.

Additional Advice: BDAC agrees that the current level of analysis is appropriate for the conclusion of Phase I, but recommends that CALFED move quickly to more clearly define the alternatives in the following ways. BDAC recommends that CALFED staff reconsider wider ranges and clarify the rationale for the selection of the upper and lower ends of the ranges in the sizing of storage and conveyance.

BDAC also recommends that CALFED staff clarify the intent and definition of land retirement as a tool. BDAC also recommends that the Program develop a clear description of the use of proposed water transfers, and a clear forecast of associated benefits and impacts.

BDAC recommends that CALFED staff move ahead to establish clear assurances to demonstrate that all Program objectives are reasonably met. We also recommend that CALFED staff continue to clarify the meaning and intent of CALFED terminology such as "core actions," "common programs," and "watershed management."

Is the development of common programs at fairly extensive levels to address the issues of ecosystem restoration, water quality, system vulnerability, and water use efficiency a reasonable approach?

Common Programs are a Reasonable Approach: BDAC agrees that the common programs are a practical idea and a helpful structure. BDAC believes that this is a wise policy choice, and a superior way to configure the Program relative to the earlier approach of modest, moderate, and extensive levels of effort.

Additional Advice: BDAC believes that the Common Programs bring focus to the need to make expenditures in the four Program areas. BDAC urges that CALFED staff ensure the programs will actually be extensive enough to resolve the problems. We recommend that Phase II include design of an administrative structure to ensure adequate Program development, implementation, monitoring and adaptive management strategies.

BDAC has specific concerns and recommendations about the ecosystem restoration and water use efficiency components, and about water supply. For example, BDAC recommends that the Ecosystem Restoration program address survival of adult fish and the entrainment of eggs and larvae, and that the technical capabilities of fish screens to handle proposed flows be confirmed. On the question of water use efficiency, BDAC asks that CALFED staff explain how land retirement would work, under what circumstances different alternatives might employ different levels of conservation and reclamation, and how "demand hardening" could be a factor that could limit efficient use of water. BDAC suggests that water supply planning can be improved by increasing the accuracy of water availability. With regard to water supply area, BDAC recommends that accepted demand and population projections be used to ensure the alternatives meet future supply needs and water consumption targets.

Is the staged implementation of the common program a reasonable way to proceed?

Staging is a Sound Policy Choice: BDAC's overall response was that the staging of common programs is a practical approach and a sound policy choice. BDAC recommends that CALFED ensure that the four programs really must proceed concurrently, to reinforce the idea that all stakeholders will realize benefits at a fairly continuous rate. This concern in turn requires close attention to assurances.

Additional Advice: BDAC recommends that CALFED staff be accorded discretion in designing the adaptive management approach in the implementation of the common program. BDAC asks that this flexibility be coupled with accountability to the overall Program objectives and solution principles.

Has this level of public involvement and outreach been adequate? Are there important groups that are underrepresented?

Public Involvement has been Adequate in Phase I: BDAC agrees that the overall public involvement program has generally been adequate. In fact, BDAC believes the public involvement effort is one of the CALFED Program's strengths.

Additional Advice: BDAC recommends that staff step up the level of public involvement in Phase II. Constituencies that should get more attention may include Southern California, the Bay Area, Mountain Counties, and business and labor.

BDAC asks that the Program work hard to reach groups that do not fully understand the Program's objectives, the three alternatives, and the associated benefits of each alternative. BDAC suggests that one way to proceed is to compare the list of individuals and organizations that have participated with those organizations known to have a stake in Bay-Delta issues. Then, staff can create more outreach and involvement opportunities for those groups who are not participating.

What other policy issues need to be highlighted and addressed in Phase II?

Several Policy Issues Require More Attention: BDAC recommends that staff continue to define and analyze several important policy issues as the Program moves into Phase II. Questions to be addressed include:

- under what conditions will land retirement be used as a tool to meet Program Objectives?
- how will water transfers be used to implement Program Objectives?
- how will CALFED ensure that allocation of costs to beneficial users will be addressed?

Concluding Observations: As a final comment, BDAC recommends that CALFED strive to integrate the dual policy and technical tracks that comprise the Program. BDAC asks that written and technical reports keep pace with the policy deliberations and explanations given in public forums.

Again, BDAC has appreciated the opportunity to comment on these questions. We want to continue to serve in our role as advisers to CALFED as you carry out important technical and policy deliberations.

Sincerely,

Mike Madigan, Chair
Bay-Delta Advisory Council

Sunne Wright McPeak, Vice Chair
Bay-Delta Advisory Council