

OFFICE MEMO

TO: Lester Snow	DATE: February 8, 1996
FROM: Stein Buer <i>SMB</i>	SUBJECT: Level of Detail Review

In response to your request dated January 30, 1996, DWR staff has reviewed the Level of Detail Statement for Programmatic EIR/EIS. This memo summarizes the comments provided by the Extended Review Team and Program Coordination Team. You may have also received comments directly, although it is our intent to consolidate these comments whenever time allows. Because of the short review time and multiple documents out for review, we only have responses from a few of the team members at this time.

Dave Sandino, PCT

I don't have any major comments, but I would:

1. Propose both a programmatic and project specific EIR/EIS,
2. Eliminate details relating to forestry EIS/EIR because it is too far afield from Calfed.

Specific Comments:

P.2-1. Paragraph 2, line 1. Add "the" in front of "CEQA Guidelines".

P.2-1. Paragraph 3, line 1. Delete "State" in front of "CEQA Guidelines".

P.2-2. Bottom of page, response to last paragraph: DWR's Coastal Branch and the Monterey Agreement EIR/EIS were both programmatic and project specific EIR. Maybe this EIS/EIR should be too.

P.2-5. Second paragraph. I think the approach should be programmatic but with the opportunity for project specific components in the EIS/EIR.

Figure 3-1. Why use this example? Use a water project example.

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Earle Cummings, ERT

My opinion on the level of detail statement for the CALFED Program is that the best model is the CVPIA Programmatic EIS. Thanks for the examples. That was easy.

The only worries I had were that we are still using the phrase, "...ecosystem quality, water supply reliability, water quality and vulnerability of system functions...". I earlier suggested replacing "vulnerability" with a positive quality like robustness or integrity, to provide parallel structure. I also think we might want to introduce the concept of a predictable or dependable quantity. Reliability may imply quantity is assured too, but I think it would be worth while to be specific in that regard. A supply of one million acre feet of Delta water annually for State Water Contractors will not meet their expectations, even if all of the other stakeholders agreed it could be reliably supplied. I realize these issues aren't entirely germane to the consideration of level of detail, but if we don't have our assumptions clear in the earliest stages, we can get to the end and discover we weren't on the same track.

The most troublesome area will be determining issues ripe for discussion, which I understand is yet to come. My preference, in deciding what issues are ripe for discussion, definitely leans toward a combination of broad and moderately deep. I have been seeing hints that this will be difficult. For example, some of us in DWR would prefer not to consider discussing quantities of water to be diverted that are less than the amount we have contracted to deliver. Agencies with a responsibility to double runs of anadromous fish may insist we discuss alternatives that would make it impossible to deliver amounts of water as great as the amount we have been accustomed to deliver.

I prefer to take a hard look at enough alternatives so each stakeholder will be assured we addressed its institutional duties. That creates a risk we will discuss alternatives that some will find pretty infeasible. When we agree to think through alternatives that an agency is mandated to support, we also need to carefully disclose the consequences to all other interests of fulfilling those duties.

If we double anadromous fish, will we have 5 million unemployed Californians trying to fish for them for food? If we supply all of the water wanted in areas south of the Delta, will we be creating an urban population so large that the state cannot provide it with the other minimum requirements for health, like breathable air or earthquake safety?

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In summary, the level of discussion needs to be broad enough to consider concerns not just of Delta stakeholders, but the overall interests of the State and region. That will be hard.

Stein Buer

I agree with Dave Sandino's comments that the document should be a combined programmatic and project EIR/EIS, for several reasons:

- **Urgency**: The State has an interest in expeditiously fixing the Delta problems to prevent further physical and biological deterioration and to address concerns about the State's economic and hydrologic health.
- **Cost**: The longer the process drags on, the more it will cost. If we can reasonably hope to do the programmatic and the first set of project documents simultaneously, the savings may be on the order of \$10 to \$30 million.
- **Political**: The current Calfed process has bipartisan political support, federal and State agency support, and stakeholder support. There is a sense of urgency and importance to the process. These are in fact extraordinary circumstances, which may not persist indefinitely, even if work progresses smoothly and rapidly in a sequential manner. Historically, large public works projects have had long, torturous histories, and are consummated only when technical information, political support, and funding capacity all coincide. It is very important to develop decision documents and take action while the opportunity exists.
- **Institutional and Technical**: The institutional framework for Delta planning has changed rapidly over time, and will probably continue to do so. Planning documents, even programmatic documents will become rapidly obsolete. The shelf life of a Delta environmental document is probably no longer than 3 years or so. If history is a teacher, there will be pressure both to wait until specific external actions are finalized before completing documents, as well as to incorporate changes that have already occurred. In practical terms, this could mean that the programmatic document becomes obsolete before the first project document is completed.

A commitment now to issue a combined document would allow Calfed to move to the action phase on the most critical components within a reasonable period of time, while at the same time addressing cumulative impacts of the long-term Delta solution components.

I also recommend that Calfed prepare a document which describes in detail the intensity of effort, method of analysis, and impact area for each category of impact. This should be done up front to get agency buy-in on the methodology. The alternative to up-front agreement is a protracted series of discussions to resolve these issues while studies are underway or after they are completed. Permit and cooperating agency requests to expand or modify resource evaluations late in the game can kill the schedule and the budget. The stakes are not as high up front, because the money has not yet been invested in perishable resource evaluations.

In summary, the subject document does a pretty good job of explaining in general terms the difference between programmatic and project EIR/EIS. We now need to move forward to describe specifically how the Delta impact analyses will be done for each resource category.

cc: PCT distribution list
ERT distribution list
Steve Yaeger
Rick Breitenbach
Mike Ford
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