

From: dsandino  
Date: 16 Apr 96  
Subject: existing condition and no action alternative  
To: sbuer@dop(Stein Buer)  
Cc: rickb@exec(Rick Breitenbach)

The following are my comments on your Existing Condition and No Action alternative discussion papers.

Existing Conditon Paper

1. Page 2-2. I have not seen the historical periods for CVPIA PEIS, and I think it would be helpful to describe them. Also, I recommended that Calfed consider the historical period to be used by the SWRCB in its Delta water rights proceeding for its surface water and aquatic resources discussions. The SWRCB has proposed to use as its environmental reference condition the hydrological conditions that existed in the Delta, upstream areas, and service areas during water years 1984-1994. When the data is inadequate to discuss an alternative, the reference condition would be based on modeled water project operations at the 1995 level of development. This approach has already been fully discussed at a SWRCB workshop and the public comments were generally favorable.

2. Page 2-3. DWR has done extensive work relating to baseline conditions in its service areas. When Calfed begins to write this section, it should consult with the Department before it starts. Delores Brown of DWR has worked on the service area impact studies.

3. Page 3-5. I am not familiar with the Federal Highways Administration approach to aesthetics. More detail would be helpful. Is there a FCR site?

#### No Action Alternative Paper

1. Page 1. I am not so sure there is a difference between NEPA and CEQA on the no action alternative. I think really we are splitting hairs, and it might be better not to make it so complicated. Both require, in essence, that a no action alternative be included to compare it to impacts of the proposed project and other alternatives.

2. Page 2. I think the statement at the bottom that the criteria for including future actions in cumulative impacts analysis is less rigorous is probably misleading. Calfed is right to the extent it means it is not required to speculate about the impacts of uncertain projects. However, some projects are very certain in their project description and the impact from those projects can be ascertained and discussed.

3. Page 3. Rather than the six step process, I would suggest simply that Calfed consider that any past, present, or future project independent of Calfed that is likely to occur be included in the cumulative impacts analysis. What future project are "likely to occur" is the judgment call of the lead agency and not likely to be second guessed by a court. Also, I think it may improve the analysis to consider more than one no action alternative. For SWRCB hearings, the Department recommended the following no action alternatives: (1) D-1485 as a base; (2) D-1485 + jeopardy

biological opinions; (3) D-1485 as modified by WR 95-6, which implements certain parts of the accord. This type of approach may have some validity for Calfed alternatives

4. Page A-4. Coastal Branch will be completed by the time the Calfed document is final and the Kern Water Bank will have been transferred to the Kern County Water Agency pursuant to the Monterey Agreement.