COMMENTS AND RESPONSES TO COMMENTS RECEIVED AT THE WORKSHOP ON THE PROPOSED APPROACHES TO EXISTING CONDITIONS, THE NO-ACTION ALTERNATIVE, AND CUMULATIVE ACTIONS

The Existing Conditions, No-Action, and Cumulative Actions Workshop was held on July 11, 1996, at the Sacramento Convention Center from 9:00 a.m. to 11:30 a.m. CALFED Bay-Delta Program (CALFED) staff presented the current objectives and approaches to addressing existing conditions, the No-Action Alternative, and cumulative actions in the pending Programmatic Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (as generally described in the Information Packet mailed before the workshop) and solicited input and comments from workshop participants. Questions and comments were recorded during the workshop and written comments were received at the end of the workshop and at the CALFED office. The following is a summary of the comments and CALFED's responses to comments. Where feasible, comments similar in nature have been combined to allow one response.

COMMENTS RECEIVED DURING THE WORKSHOP

COMMENTS ON EXISTING CONDITIONS

RESOURCE CATEGORIES

Comment 1: *There appears to be an absence of recognition of the drainage problem. A description of the drainage problems needs to be included as part of the existing conditions, no action, and alternatives.*

Response: Drainage conditions and concerns will be discussed in the Programmatic EIR/EIS under the following resource topics: hydrology, soils, water quality, land use, and agricultural economics.

Comment 2: *The resource categories are too general. What is included in water quality and water supply? A more specific discussion of the issues is needed. The municipal and industrial water supply economics and the in-Delta and out-of-Delta issues should be separate discussions, not combined. The "Biological Environment" section should include a discussion of species that are doing well because certain actions may affect those species.*

Response: CALFED agrees that the resource categories and resource topics presented in Table 1 of the Information Packet are general. A more detailed list of the resource categories is included as Attachment A. Primary issues that will be addressed in water quality include: evaluations of flow, temperature, dissolved oxygen, electrical conductivity; dissolved minerals and salinity; dissolved organic carbon, selenium levels, aquatic toxicity, chloride and bromide concentrations, heavy metal and pesticide residue concentrations; and applicable standards and plans for streams, export water, irrigation uses, and drinking water.

Issues that will be addressed in the water supply section include: surface water hydrology; reservoir storage volumes, releases, operation and demands; groundwater storage capacity and supply yield; instream flow targets, deficits, and surpluses; agriculture drainage volumes; Delta water projects' operations and water supply planning; Delta exports and diversions; water rights and use policies; area-of-origin statutes; and water transfers.

The Programmatic EIR/EIS will address the resources most likely to be affected by proposed CALFED actions including in-Delta and out-of-Delta issues. The Programmatic EIR/EIS will include a discussion of wildlife, among other biological resources, and will address all relevant species.

Comment 3: *A discussion of the existing flood-control-system status and Delta and upriver needs to be included as part of existing conditions, no action, and cumulative actions. There needs to be more analysis of CALFED actions on that important system. Where will the vulnerability of the levee system be discussed?*

Response: A programmatic-level discussion of the flood control system status, including levees, channels, water management and operations, and levee system vulnerability, will be included in the Programmatic EIR/EIS's affected environment and environmental consequences sections under the topic, "Flood Control Systems and Other Infrastructure".

Comment 4: *Groundwater resources in both the San Joaquin and Sacramento Valleys need to be analyzed as a separate resource category.*

Response: As acknowledged in the workshop materials, groundwater hydrology, including resources in the Central Valley, will be addressed as a separate resource topic under the "Physical Environment" resource category.

Comment 5: *CALFED should consider using the Habitat Evaluation Procedure (HEP) as a tool for analyzing impacts in the terrestrial resources analysis. Some HEP analysis has been done in the Delta, so there is a lot of existing information.*

Response: CALFED believes that HEP analyses may be appropriate for future site-specific projects, but CALFED is not proposing to use a HEP analysis in the Programmatic EIR/EIS. Rather, CALFED will be assessing changes in habitats and habitat types at a broad scale and using this information to predict effects on wildlife and plant species in areas likely to be affected by the alternatives.

Comment 6: *Wildlife resources should be added to the list under the resource category of "Biological Environment" (Table 1).*

Response: Wildlife resources will be discussed in the Programmatic EIR/EIS. See Attachment A.

Comment 7: *Does the water management facilities and operations under the "Physical Environment" resource category (Table 1) include water use and supply? Does the fisheries analysis in the "Biological Environment" resource category (Table 1) include the harvest aspect? These should be included.*

Response: Water use and water supply will be addressed in the Programmatic EIR/EIS under several categories. Fish harvest information will be presented under fisheries resources ("Biological Environment" resource category), as will recreation and commercial fishing ("Economics and Social Environment" resource category). See also response to Comment 2.

Comment 8: *The geographic scope of the analysis for Table 1 is a little unclear. Is it just the Delta or does is it include the full Central Valley?*

Response: The Programmatic EIR/EIS will include a two-tiered assessment of resources that may be affected by or may affect CALFED actions. The "problem scope" includes the legally defined Delta and Suisun Bay to Carquinez Strait and Suisun Marsh. The "solution scope" includes the Bay-Delta region within and as part of a larger water and biological resource system that involves the Central Valley watershed, the Southern California service system of existing delivery facilities, the greater San Francisco Bay Area, and portions of the Pacific coastline.

Comment 9: *Both Tables 1 and 2 mention power production but not power supply. With the potential for moving water around the Delta, power use is important, as well as production.*

Response: The Programmatic EIR/EIS will include analyses of power use and power supply.

Comment 10: *The land use analysis may need to be broadened. There are projections that the population in the Central Valley will double and triple over the next 20 to 40 years. We are losing 10,000 to 100,000 acres a year of agricultural land that*

also provides open space. There will be a lot more development. The land use/socioeconomics analysis should be expanded to grasp land use shifts as a result of the alternatives.

Response: The land use analysis will include a discussion of existing and future population projections, demographics, and trends.

Comment 11: *Under "Economics and Social Environment", where will third-party impacts on communities and school districts be discussed?*

Response: Third-party impacts will be discussed where appropriate with the programmatic-level analysis being conducted for CALFED. Third-party impacts will be addressed in more detail during the appropriate project-specific and site-specific efforts.

HISTORICAL PERSPECTIVE

Comment 12: *The historical periods need to reflect the removal of the beaver population that was a keystone species to aquatic ecology and the Sacramento River; the periodic burning of the tule swamps by the Native Americans; the epidemics in the 1830s and 1840s that killed so many Native Americans; and the increased population of salmon in 1850 that was a consequence of fewer Native Americans harvesting salmon after the malaria outbreak. These historical periods should be pushed back to 1830. The historical period for commercial fishing should go back to 1870. The California Department of Fish and Game (DFG) has a database for the river gill-net fishery.*

Response: The historical period for natural resources in the Delta will consider events that occurred before 1920 and that are determined to be significant at the programmatic level.

Comment 13: *One cannot help but allude to the Native Americans who lived on this continent and knew it more thoroughly than we Europeans. They worshipped the Great Spirit and lived very lightly on the land.*

Response: The prehistoric and historic periods will be considered and addressed for Native Americans in the study area under the "Cultural Resources" category in the Programmatic EIR/EIS, and requirements will be identified to preserve related historic and cultural resources.

Comment 14: *Where will the Indian trust assets be discussed?*

Response: Indian trust assets will be discussed under the "Land Use" category.

Comment 15: *The time period for geomorphology and soils is 1940-1995. What is the basis for the information and the credibility of the sources?*

Response: The historical period for soils has been revised. It now extends from 1850 to 1995 to address the effects of drainage and diking for agriculture and associated subsidence and agricultural and other land uses since then. Sources of information will include the U.S. Department of Agriculture Natural Resources Conservation Service, County Soil Surveys; U.S. Geological Survey publications, California Division of Mines and Geology and California Division of Oil and Gas; California Department of Water Resources reports; and Delta Protection Commission reports.

Comment 16: *The levees had a dramatic effect on soils going back to the mid-1800s. The time period for the historical period needs to be extended back to at least 1850 to capture those changes.*

Response: CALFED agrees. The historical period has been revised. It now extends back to 1850 to address such effects.

PERIOD OF ANALYSIS

Comment 17: *Why was a 10-year period from 1986 to 1995 selected for the period of analysis? For example, from 1986 to 1995, agriculture experienced a severe drought; mixing it into the analysis will skew the analysis. The San Joaquin Valley Agricultural Water Committee published two reports regarding the effects of the 1991 and 1992 droughts on economics and agriculture. Five of the 10 years from 1986 to 1995 had less than 100% delivery of contracted water. If the years for analyzing surface water hydrology are extended from 1980 to 1995, there will be a better distribution and more representative information.*

Response: CALFED has revised the period of analysis for surface water topics related to agriculture, agricultural economics, and agricultural land use in response to comments received at the workshop and during scoping. The previous 10-year period of analysis (1986-1995) has been expanded to 1976-1995. CALFED believes that this 20-year period encompasses a more representative period for hydrology and associated agricultural issues.

Comment 18: *The period of analysis for agricultural land use and agricultural economics needs to be extended back to the mid-1970s because there were 5 years of less than 100% contracts given during that timeframe. Six to 7 of those years were*

affected by the drought.

Response: See response to Comment 17.

Comment 19: *The period of analysis for water needs to be extended back to 1983 to include some wet years and result in a better distribution of wet and dry years. If CALFED extends the period beginning from 1980 to 1995, it will have a much better distribution of water-year types.*

Response: See response to Comment 17.

Comment 20: *In 1983, there was a serious decline in the commodity prices and it is really only recovering today. The period of analysis for agricultural economics should be extended back to the mid-1970s.*

Response: See response to Comment 17.

ELEMENTS

Comment 21: *The discussion of elements should include other projects besides the Central Valley Project (CVP) and State Water Project (SWP). Other projects, such as the East Bay Municipal Utility District (EBMUD) and San Francisco projects, should be included, as well as other private projects.*

Response: The discussion of elements is being revised to include public and private projects.

Comment 22: *A clear understanding of the elements and assumptions for existing conditions is needed. Most elements and assumptions are focused on water operations studies. Assumptions are needed for other issues such as for restrictions on fishing, rice practices, and rice-land flooding. There are many other factors beyond water supply.*

Response: Assumptions for all the issue areas will be identified for existing conditions, the No-Action Alternative, and proposed action alternatives before the consequences of implementing the alternatives are analyzed.

Comment 23: *Do contracts and water rights deliveries include all types of water rights, or just appropriative water rights?*

Response: In addition to appropriative rights, the Programmatic EIR/EIS will address contracts, riparian water rights, area-of-origin statutes, water transfers, and other appropriate policies and practices.

Comment 24: *The discussion of elements needs to include the State Drought Water Bank, conjunctive use, and temporary transfers.*

Response: The Programmatic EIR/EIS will discuss the State Drought Water Bank, water conservation plans and statutes, and groundwater management policies.

COMMENTS ON THE NO-ACTION ALTERNATIVE

Comment 25: *Why isn't the Monterey Agreement discussed in "Existing Conditions"? The agreement is being implemented this year.*

Response: CALFED has reviewed the Monterey Agreement and determined that although the environmental documentation for the agreement was recently found to be valid, the agreement has not yet begun to be implemented and further actions are required before it can be implemented. Therefore, CALFED believes that it is appropriate to include the agreement in the No-Action Alternative rather than in "Existing Conditions".

Comment 26: *On one of the tables, you have the Kern Water Bank as a state project. It is not a state project; it is being transferred.*

Response: CALFED recognizes the transfer of the Kern Water Bank to the Kern County Water Agency in 1996 as a condition of the Monterey Agreement and will include it on the list of projects for evaluation under screening criteria.

Comment 27: *What are the criteria for distinguishing between existing conditions and no action?*

Response: "Existing conditions" describes current conditions. The No-Action Alternative describes the likely future conditions in the study area, assuming implementation of reasonably foreseeable projects, without implementation of CALFED actions.

CRITERIA

Comment 28: *Only two of the mandated actions for the Central Valley Project Improvement Act (CVPIA) are listed under no action: 800,000 acre-feet/yr and the delivery of Level 4 quantities of water to wildlife refuges. Maybe some of Criteria 3 and 4 are excluding the other CVPIA actions. This will skew the evaluation of alternatives. There are definite CVPIA actions that will happen regardless of what CALFED does. It may not be possible to separate the CVPIA effects from the non-CVPIA effects in the alternatives analysis. CALFED staff should look*

at which actions are truly mandated and separate their impacts from the impact of those that are not mandated.

Response: Many of the CVPIA fish and wildlife actions are included in the CALFED alternatives. Most of the components do not meet the No-Action Alternative criteria. CALFED is reviewing the criteria as they relate to CVPIA actions.

Comment 29: *Several other local projects, such as the Eastside Reservoir and the Inland Feeder in Southern California, should be considered.*

Response: These projects have been added to the list of projects to be considered for inclusion in the No-Action Alternative and cumulative impact analysis. CALFED has screened both projects using the criteria stated at the workshop. Both projects will be included in the No-Action Alternative.

Comment 30: *The sidebar analyses being discussed by CALFED should include projects such as EBMUD's American River contractual entitlement on the American River. These projects should be evaluated at a level equal to other actions (the full range of issues, not just the flow or instream requirements) The analysis should assume deliveries to EBMUD within the constraints of the Hodge Decision.*

Response: This project and other projects will be included in various sidebar analyses. These analyses will be conducted at an appropriate level of detail compatible with the nature of the Programmatic EIR/EIS.

Comment 31: *The water bank is an existing program, but it is elusive. There are water efficiency plans that count on conjunctive use in the CALFED alternatives. The water bank should be included under "Existing Conditions".*

Response: The water bank will be discussed under "Existing Conditions".

Comment 32: *What is the Tracy Pumping Plant Improvements project?*

Response: The Tracy Pumping Plant Improvements project is a project proposed by the U.S. Bureau of Reclamation and DFG to develop long-term solutions to improve fish survival at the Tracy Pumping Plant. The agencies are studying alternative pumping operations, predator management, and other alternatives.

No-Action Elements

Comment 33: *Under State of California projects in Table 4, the Suisun Marsh Plan of Protection is listed as a project under construction; however, the project is listed as "No" on Table 5 and is not incorporated into the No-Action Alternative.*

Response: The Suisun Marsh Preservation Agreement is being updated. Under the new conditions, the four large facilities identified in the Suisun Marsh Preservation Agreement and Plan of Protection, which are not yet built, will not be needed. The agreement identified 18 actions, 11 of which were considered highly feasible; these 11 feasible actions were advanced to the SWRCB for inclusion in the EIR for implementation of the 1995 Water Quality Control Plan. The 11 program actions will be included in the cumulative impact analysis.

Comment 34: *One other project that should be added to the list is the Semitropic Water Bank. It has been implemented for at least a year or more.*

Response: This project has been added to the list of projects being screened for inclusion in the No-Action Alternative or the cumulative impact analysis. The project met all criteria and will be included in the No-Action Alternative.

Comment 35: *Under CVPIA, CALFED lists the 800,000 acre-feet and the Level 4 water deliveries. Should this be Level 2 because Level 2 is out of project yield? Level 4 is supposed to be delivered from nonproject sources. If Level 2 is included, Level 4 should be included as another nonproject demand.*

Response: CALFED recognizes that the source of the incremental quantities of water needed to reach Level 4 deliveries is to be from nonproject sources. However, because this effort is ongoing, CALFED believes it appropriate to include the Level 4 deliveries under the No-Action Alternative.

ELEMENTS

Comment 36: *The definition of power for existing conditions and no-action elements deals only with CVP; there is no reference to SWP or other projects. This should be reconsidered.*

Response: The definition of power has been revised to include SWP and other public and private projects.

Comment 37: *How do area-of-origin demands (needs) fit into the elements?*

Response: CALFED does not intend to modify, strengthen, or expand California water law

for protecting area-of-origin needs. The Phase II analysis will examine any impacts of the proposed alternatives upon area-of-origin water rights.

Comment 38: *Population projections should consider zero population growth.*

Response: CALFED will use the California Department of Finance projections for population growth.

Comment 39: *How many years in the future is the No-Action Alternative?*

Response: CALFED is anticipating the No-Action Alternative and cumulative impact analysis to be an analysis of 2020 conditions because the data up to 2020 are available and it is possible to predict 2020 conditions with some degree of certainty. This is the same timeframe being used by other similar major environmental documents.

Comment 40: *If No-Action is 2020, should the Interim Reoperation of Folsom Reservoir be included in a long-term plan?*

Response: CALFED believes that the Interim Reoperation of Folsom or an equivalent program that maintains Sacramento's 100-year level of flood protection will be continued in the future and will reflect No-Action conditions in 2020 in the absence of a higher level of flood protection than could be obtained under the American River Watershed Project.

Comment 41: *The Information Packet said that the population projections would be coming from Bulletin 160-93; CALFED should use California Department of Finance projections.*

Response: CALFED will use California Department of Finance projections.

Comment 42: *How are the elements significant to the analytical process? It seems like another laundry list of things that are already included in the No-Action Alternative analysis.*

Response: The elements are the basic assumptions about present and likely future conditions. There are elements for existing conditions (e.g., the biological opinions about how much water will be delivered) and elements for the No-Action Alternative that will assume that the biological opinions will remain until 2020 or will change. The elements have to be identified as a reasonable basis to analyze impacts.

Comment 43: *Where is the Stockton East Central San Joaquin Irrigation District Conveyance System in the list of projects? It is an existing constructed project that has been in use for 2 years. Where is the Farmington Canal in the list of projects?*

Response: CALFED has included both projects in the screening process. The New Melones Conveyance Project will be included in the No-Action Alternative. The Farmington Dam project, according to U.S. Bureau of Reclamation sources, is considered speculative at this time and should not be included in the No-Action Alternative or cumulative impact analysis.

Comment 44: *Many elements appear to affect how water use and human population projections will be estimated. This ties in well with area-of-origin demands. It seems that there needs to be some clarification of that very important component of the No-Action Alternative.*

Response: Assumptions regarding water use and population projections will be clearly identified in the Programmatic EIR/EIS because the assumptions will form the basis for assessing potential future conditions for the alternatives.

Comment 45: *Regarding water conservation, the Information Packet states that CALFED will use Bulletin 160-93; the assumptions for Butte County in that document are incorrect. Bulletin 160-93 has serious flaws for Butte County.*

Response: CALFED has asked California Department of Water Resources' (DWR's) Statewide planning staff to contact the Valley Water Protection Association, review the water conservation assumptions for Butte County, and discuss and address, where possible, the association's concerns.

Comment 46: *Bay-Delta Water Quality Standards are in the No-Action Alternative. What assumptions will be made about achieving those standards? The State Board's process could have the project solely responsible for those standards as one alternative. In that case, there would be an additional 1 million acre-feet of outflow over D-1485 in dry years and there would be less export pumping. Another possibility is more of a burden on upstream users in which there would be higher tributary inflow on the Sacramento and San Joaquin Rivers.*

Response: The Programmatic EIR/EIS will assume the State Water Resources Control Board's (SWRCB's) interim water quality control plan for the existing conditions water quality baseline. This interim plan is currently in place and is supported by the U.S. Environmental Protection Agency's (EPA's) federal standards pursuant to the Clean Water Act. The Programmatic EIR/EIS will examine water supply and water delivery conditions from a representative range of years to develop appropriate assumptions.

Comment 47: *Will CALFED analyze impacts on exotic species? The logic is that there is a massive uncontrolled experiment going on right now that, in a sense, can be inferred as a no action. That could have significant implications, at least some of us believe it could, for the future biological status of the system.*

Response: CALFED will be assessing how the alternatives may change the current and future situation for nonindigenous and exotic species.

Comment 48: *On page 32 of the Information Packet, there is a characterization of the SWRCB's No-Action Alternative. The long-term biological opinion requirements refer specifically to the upstream requirements of the Endangered Species Act relating to temperature requirements on Shasta and do not refer to the Delta environmental opinions. There should be no confusion on that issue.*

Response: The clarification is noted.

Comment 49: *Will CALFED do a scenario on the future state of the levees (e.g., breaks and timing)? It will be difficult to do projections. In the past, the U.S. Army Corps of Engineers (Corps) has grappled with the No-Action Alternative with predictions of which islands will fail and which islands will be reclaimed. That should be a big part of the analysis.*

Response: CALFED intends to rely on information developed by the Corps and DWR on levee failure probability as well as more recent information on seismicity and stability to develop assumptions about the future conditions of levees.

Comment 50: *What will CALFED assume with respect to compliance with National Pollutant Discharge Elimination System (NPDES) permits? There are a large number of permit holders who are not in compliance. This is a serious problem.*

Response: General compliance with NPDES permits will be addressed in the Programmatic EIR/EIS under "Water Quality".

Comment 51: *How will CALFED allocate responsibility for meeting the Bay-Delta water quality standards and allocating a fair share to upstream users. If this is done in the No-Action Alternative, there will be some really serious problems.*

Response: The Phase II environment review will use the SWRCB's interim water quality control plan (95-1 WR) for the existing conditions water quality baseline. This interim plan is currently in place and is supported by EPA's federal standards pursuant to the Clean Water Act. Phase II analysis will examine water supply and water delivery conditions from a representative range of years to develop appropriate assumptions. The Bay-Delta Advisory Council has established a

Finance Work Group and an Assurances Work Group to assist the Bay-Delta Advisory Council and CALFED in resolving issues related to financing mechanisms and fair allocation of costs.

COMMENTS ON CUMULATIVE CONDITIONS

CRITERIA

Comment 52: *National Environmental Policy Act (NEPA) regulations mention cumulative conditions being "reasonably foreseeable" future actions. CALFED has a more rigorous screening process for the No-Action Alternative than for the cumulative impact analysis. Why are there different screening criteria for cumulative impacts versus no action? The analysis for cumulative impacts and no action should include the same actions, but the section on cumulative impacts should be a little broader and analyze interactions. A description of the No-Action Alternative and reasonably foreseeable projects and the cumulative impacts of the No-Action Alternative should be done, with a separate chapter on cumulative impacts of "blue sky" projects.*

Response: Adverse impacts will be compared with those for existing conditions and No-Action Alternative conditions in the Programmatic EIR/EIS. The cumulative impacts section will be an additional analysis that will link past, present, and reasonably foreseeable future conditions. CALFED believes that the screening criteria are appropriate and reduce speculation regarding the likelihood of each project considered being implemented and will provide appropriate baselines for consideration in the Programmatic EIR/EIS.

Comment 53: *The description of Criterion 4 in "Cumulative Impacts" seems to have the same purpose as Criterion 6 in "No-Action Alternative". Criterion 6 is worded more clearly than Criterion 4. Should Criterion 4 be reworded?*

Response: The two criteria are similar and are designed to achieve similar purposes. The difference, however, is that even those potential cumulative actions that could have effects identifiable at the level of detail being considered by CALFED will not be included in the cumulative impacts analysis if they do not have the potential to cumulatively affect the same resources.

Comment 54: *Delta Wetlands is considering flooding certain islands. Part of the CALFED alternatives refer to flooding islands in the Delta as reservoirs. Is there a conflict with having Delta Wetlands as part of the cumulative impact and analysis of island storage as part of the alternatives?*

Response: CALFED does not believe that there is a conflict. The cumulative analysis will identify what effects would result from using additional islands for storage.

Comment 55: *The cumulative conditions should include the CVPIA voluntary marketing of water in addition to the State Drought Water Bank because both will be pulling water out of the same system.*

Response: CALFED is reviewing the status of the CVPIA actions. CVPIA actions are being considered for inclusion in the cumulative impact analysis. The State Drought Water Bank is an approved program that is implemented on an as-needed basis and is therefore included under "Existing Conditions".

ACTIONS

Comment 56: *Where is the proposed CALFED land retirement in the list of projects? Has it been dropped? How will land retirement be addressed (i.e., land retirement as an active program in which land is selectively removed from production versus land that simply goes out of production because of drainage problems, etc.).*

Response: CALFED originally included significant land retirement acreage as a proposal for water supply demand reduction and improvement of water quality. However, in response to scoping comments, discussions with stakeholders and members of the Bay-Delta Advisory Council, and after further evaluation, CALFED will not consider permanent land retirement as a demand management measure.

CALFED will continue to consider permanent land retirement as a potential measure to improve water quality. In this context, land retirement will be considered in an area limited to drainage management problem areas on the west side of the San Joaquin Valley. CALFED recognizes that there are several strategies available to manage agricultural drainage from these lands, so there may be alternatives to land retirement. Further refinement will be necessary to determine the range of acreages considered for retirement to improve water quality. However, this range will not exceed 40,000 acres.

Land fallowing or retirement might take place under two other circumstances. First, during drought periods, local irrigation districts and growers may elect to implement fallowing to make adequate water supplies available to other lands for crop production. This approach would be the result of integrated water resources planning carried out at the local level.

Second, if CALFED reduces physical constraints across the Delta and reduces institutional constraints to water transfers, a more active water market may result. This water market could prompt local decisions to temporarily fallow or permanently retire land to make water available for other uses. It may be

necessary for CALFED to develop mechanisms to guard against social or environmental impacts that could result from an unrestricted water market.

The Bay-Delta Advisory Council has established a Water Use Efficiency Work Group, which will continue to advise CALFED on policy issues related to land retirement.

Comment 57: *The Pardee Reservoir Enlargement project should be listed in the list of cumulative actions because it is the storage component of the Folsom South Canal connection project.*

Response: The Pardee Reservoir Enlargement project was included in the screening analysis and will be included in the cumulative impact analysis. It will not be included in the No-Action Alternative because it does not yet have environmental documentation or permits.

Comment 58: *What is the process that CALFED will use to assess which components of the CVPIA might be in the alternatives?*

Response: See response to Comment 28.

Comment 59: *The Montezuma Wetlands Project should be added to the list of cumulative actions. The project involves taking approximately 2,000 acres on the eastern side of the Suisun Marsh or the western Delta and converting it into habitat using dredged material out of the Oakloand inner harbor and depositing it there.*

Response: The Montezuma Wetlands Project was considered and dismissed for the No-Action Alternative because it does not yet have permits. It will be included in the cumulative impact analysis.

Comment 60: *What does the Delta-Mendota Canal Conveyance Project include? The Bay Area recycling or something else? Westlands has a revised EIR on the street today to do the same thing on the California Aqueduct: Westlands conveyance of nonproject water through the aqueduct.*

Response: Westlands Water District served as the lead agency for two groundwater conveyance projects being proposed by two separate farming groups (the Mendota Pool Group and Canalside Group) within the District. Westlands Water District is not a project proponent and is only serving as lead agency to meet the requirements of the California Environmental Quality Act (CEQA).

The first project involves pumping a maximum of 50,000 acre-feet per year of groundwater into the Mendota Pool for subsequent conveyance to the California

Aqueduct using Westlands Water District laterals 6 and 7. An EIR for the project was issued in October 1995. The final EIR has not yet been prepared.

The second project, the Canalside Project, involves a system of wells located along the California Aqueduct that would discharge directly into the aqueduct. This project would pump a maximum of 150,000 acre-feet per year. An EIR for that project was also issued in October 1995. The final EIR has not yet been prepared.

Comment 61: *What is the timeline for the existing conditions technical reports? Will they be available for review?*

Response: The draft technical reports will be available for review in fall 1996.

WRITTEN COMMENTS RECEIVED AFTER THE WORKSHOP

In addition to comments made orally at the meeting, CALFED staff received written comments and questions about the approaches to defining existing conditions, the No-Action Alternative, and cumulative impacts in developing the Programmatic EIR/EIS. The following is a summary of the written comments.

Comment W1: *Under existing conditions, cutbacks in our deliveries are objectionable as a violation of the area-of-origin provisions. Although it happened during the recent drought, this is not acceptable as an existing condition; therefore, using actual deliveries over a period of recent years to establish appropriate assumptions would be flawed in that it would incorporate a historical anomaly.*

With respect to the No-Action Alternative scenario, growth is anticipated. According to the area-of-origin provisions, we are entitled to increase our contract amounts and to take full delivery even during droughts. In the event that limitations and requirements arise that restrict deliveries, the remaining yield should be allocated in accordance with the applicable laws.

Response: CALFED will address these concerns in the Programmatic EIR/EIS in respective chapters regarding affected environment and the No-Action Alternative, with supporting rationale. Also, please see responses to Comments 17, 18, and 23 in the preceding section.

Comment W2: *With respect to existing conditions and instream flow requirements, CALFED proposes to include Federal Energy Regulatory Commission (FERC) flow requirements on the Tuolumne River as part of existing conditions. It is*

recommended that Tuolumne River flows be based on the current FERC license requirements rather than on the flows provided in the recent FERC settlement agreement.

The settlement agreement has not yet been approved by FERC, and operations are maintained according to the current FERC license until the agreement has been approved. The agreement is currently undergoing environmental review and, as of this date, it is not known when FERC will act on the agreement.

The current FERC instream flow requirements were in place throughout the proposed period of analysis identified in Tables 2 and 3. Furthermore, the exclusion of yet-to-be-implemented Tuolumne River flows from the existing conditions is in accordance with the EIR for the SWRCB's 1995 Bay-Delta Water Quality Control Plan, which was based on current Tuolumne River flow requirements and historical flows, and the U.S. Bureau of Reclamation's CVPIA Programmatic EIS, which assumes the current Tuolumne River flows under its No-Action Alternative.

Response: The Programmatic EIR/EIS will address the appropriate FERC flow regulations and requirements, both historically and in place when the document is prepared.

Comment W3: *With respect to the No-Action Alternative and instream flow requirements, it is recommended that CALFED use the current Tuolumne River instream flow requirements in developing the hydrologic modeling assumptions for the No-Action Alternative. The recent FERC settlement agreement does not meet all the applicable screening criteria used to define the future actions for inclusion in the No-Action Alternative. It is recommended that the FERC settlement agreement flows be included in the cumulative impact analysis as a reasonably foreseeable future action.*

Response: Final FERC actions and timing of the Programmatic EIR/EIS will determine whether the settlement agreement flows are appropriate under No-Action or cumulative impact assumptions. See response to Comment W2.

Comment W4: *In regard to Cumulative Impact Analysis Table 6, under State of California projects, the Old River Barrier is excluded from further analysis because it does not meet the criteria for reasonably foreseeable future actions. The Old River Barrier should be evaluated in the cumulative impact analysis because it is currently under active consideration; is currently undergoing environmental review by the California Department of Water Resources, DFG, and others; is scheduled to be completed within the timeframe being considered for CALFED; and could significantly affect the resources being addressed in CALFED.*

Response: Upon further review, CALFED believes that the South Delta Temporary Barriers, of which the Old River Barriers are a part, should be included in the "Existing Conditions" section. The barriers have been in place for several years and were installed to provide relief from litigation. It is expected that the barriers will remain within the Delta until a long-term solution to Delta fishery problems, such as that proposed by CALFED, is achieved.

Comment W5: *Table 6 lists a summary of projects considered for inclusion in the cumulative impact analysis. Table 6 should have a column added to indicate when the action could be completed. This is important because there is a need to balance new water supplies and new environmental improvements so that one segment or feature of the program does not get ahead of another.*

Response: CALFED believes that the table is appropriate as designed. CALFED has established an Assurances Work Group that is examining the issue of phasing the actions making up the alternatives to ensure that each of the four resource categories is balanced with the others.

Comment W6: *Discussion of both the No-Action Alternative and the cumulative actions should include existing and expected advanced treatment elements of water treatment facilities. If the preferred alternative includes an isolated facility for the purpose of improving dissolved oxygen content and bromide conditions at the point of Delta export, that facility would need to be operational prior to the time that treated water purveyors switch to advance treatment methods for other reasons. If this were the case, CALFED's decision process will have been distorted. An appendix could briefly describe each facility so that each community is in a position to confirm that its case is accurately described. For the basic document, however, some representative examples could be used for simplicity.*

Response: Urban water information regarding treatment and facility needs has been developed by the domestic water utilities that take water from the Delta. Work is proceeding in the North Bay and California Aqueducts' service areas as well as in the Delta Mendota and Contra Costa Canal service areas and within the Delta.

One of the major drinking water concerns identified is the need to control the production of disinfection byproducts. These are compounds that are formed when total organic carbon (TOC) and seawater-induced bromide are exposed to disinfectants (chlorine and ozone) used in water treatment. One of the objectives of the planning process is to identify actions that may be taken to minimize the production of these compounds. That assessment is being done by interested water users and their information will be considered by the CALFED planning process through the urban water quality technical group. CALFED will

document the general status and the known future plans of the water treatment facilities. For the Programmatic EIR/EIS, some representative samples will be used.

Some water utilities that use Delta water have already started to make improvements to their facilities in anticipation of changes in the drinking water standards. These changes in the standards are being drafted by both the State of California and EPA.

The analysis conducted in Phase II of the benefits and impacts of any isolated facility would include many more variables than dissolved oxygen and bromide. Other important parameters that are being defined by the Water Quality Work Groups (urban, agriculture, and ecosystem) would be considered. Other variables associated with an isolated facility, such as the location of the intake, screening facilities, conveyance capacity, operational criteria, and other components in the alternative, would all be considered in determining the benefits of and impacts on all Delta uses.

Comment W7: *The Delta Wetlands project will probably begin before the CALFED Programmatic EIR/EIS is ready for public circulation and needs to be added to the No-Action Alternative.*

Response: CALFED is monitoring the status of the Delta Wetlands project approvals. This project is currently included in the list of actions to be addressed in the cumulative impact analysis.

Comment W8: *In several cases, it appears that SWRCB Water Rights Order 95-6 rather than WR 95-1 should be referenced in the Information Packet text. Also, the text should be clear that Water Rights Order 95-6 is not the same as the Interim Water Quality Control Plan.*

Response: This clarification is noted. The Phase II environmental review will use the SWRCB's interim water quality control plan (95-1 WR) for the existing conditions water quality baseline. This interim plan is currently in place and is supported by EPA's federal standards pursuant to the Clean Water Act.

Comment W9: *The Information Packet describes both the existing conditions and the No-Action Alternative as baselines against which to compare specific alternatives. If that is the case, which one of the two will provide the baseline for CEQA and NEPA? Will the other alternative provide a second baseline merely for illustrative purposes?*

Response: The impacts of the alternatives will be compared with both existing conditions

and the No-Action Alternative. Alternatives will be compared with the No-Action Alternative as required under CEQA and NEPA. Because of the complexity of the CALFED Bay-Delta Program and number of projects included within the No-Action Alternative, CALFED will also conduct additional analyses comparing its alternatives to existing conditions. This approach will ensure that all potential impacts and benefits are identified and assist in the identification and selection of a preferred alternative.

Comment W10: *It would be helpful for CALFED to describe the process that it will use to provide for stakeholder review of the analysis. CALFED has conducted several meetings on analysis tools that have been attended by stakeholder representatives. CALFED should describe the process that will be used for this analysis to ensure that all stakeholders have the opportunity to participate in workshops that describe the details of the proposed analysis.*

Response: CALFED remains committed to continuing its active ongoing public involvement process. Stakeholders and other concerned members of the public are provided with opportunities to receive and review publications, information materials, and to attend and participate in a series of meetings and workshops throughout the CALFED planning and evaluation process. Additional materials and workshops will be provided for stakeholders regarding analyses, tools, and rationale, as necessary.

Comment W11: *The resource topics included in Table 1 are not consistent and do not represent the entire range of topics that should be analyzed. As examples, fishery resources are identified but not terrestrial resources; municipal and industrial water supply economics are combined, but commercial fishing and recreational fishing are separate. It is suggested that CALFED modify the list to make it consistent and describe specific elements that will be considered in each topic.*

Response: A detailed list of resource categories is included in Attachment A.

Comment W12: *The scope of analysis for various resource topics listed in Table 1 should be described to indicate whether the analysis is limited to the Bay-Delta estuary, the Central Valley watershed, the service areas, or all three.*

Response: The Programmatic EIR/EIS will include a two-tiered assessment of resources that may be affected by or may affect CALFED actions. The "problem scope" includes the legally defined Delta and Suisun Bay to Carquinez Strait and Suisun Marsh. The "solution scope" includes the Bay-Delta region within and as part of a larger water and biological resource system that involves the Central Valley watershed, the Southern California service system of existing delivery facilities, the greater San Francisco Bay Area, and portions of the Pacific coastline.

Comment W13: *The discussion of elements of existing conditions focuses almost exclusively on assumptions for CVP and SWP operations. There is no relationship between the description of elements of existing conditions and the listing of resource categories in Tables 2 and 3. The discussion of elements of existing conditions should also describe assumptions about factors other than Delta operations such as the level of fisheries use, environmental restoration programs in place, and extent of introduced species (e.g., Asian clam), among others.*

Response: The discussion of elements and assumptions for all the issue areas will be described in the Programmatic EIR/EIS.

Comment W14: *The discussion of CVP and SWP facilities on page 16 of the Information Packet should reference the limitations on SWP and CVP operations that are imposed by SWRCB Water Rights Order 95-6.*

Response: CALFED agrees with this comment.

Comment W15: *The discussion of contracts and water rights deliveries presented on page 16 of the Information Packet is overly vague; 1995-level demands should be used as included in Bulletin 160-93. This approach is consistent with the proposed SWRCB EIR and avoids unrealistically low delivery amounts such as those that occurred during recent drought years because of lack of water supply. The presentation should also clarify that 1995 level of demands are normalized to reflect long-term hydrologic conditions, not the actual hydrologic conditions that occurred in 1995.*

Response: CALFED recognizes the dynamic nature of many of the resource categories that will be evaluated in the Programmatic EIR/EIS. Phase II analysis will examine water supply and water delivery conditions from a representative range of years to develop appropriate assumptions.

Comment W16: *The analysis of water conservation should not penalize water users that have already achieved a high level of efficiency by requiring a specified percentage reduction in water usage. Additionally, the phrase "current levels of water conservation" should be described in some detail.*

Response: CALFED intends to encourage and facilitate the efficient use of water. Phase II analysis will examine market-based incentives, efforts to remove institutional impediments, and regulatory measures to promote water use efficiency. The Bay-Delta Advisory Council Water Use Efficiency Work Group will provide policy recommendations in the area. CALFED will define "current levels of water conservation".

Comment W17: *The Monterey Agreement should be included in existing conditions considering partial implementation and Judge Bond's ruling in the Planning and Conservation League lawsuit.*

Response: See response to Comment 25 in the preceding section.

Comment W18: *The South Delta Temporary Barriers have been operating for several years and are permitted to operate for 5 additional years. They should be included in the existing conditions and No-Action Alternative.*

Response: See response to Comment W4.

Comment W19: *Many projects in Table 4 have not been evaluated for years and have no prospects for development. Although it is recognized that many of these projects are dropped from consideration later, some judgment should be used to eliminate several projects with no prospects for development (e.g., Caliente Creek Feasibility, Mid-Valley Canal).*

Response: CALFED is updating the status of all projects included in Table 4 of the workshop materials.

Comment W20: *Table 4 should also list the Eastside Reservoir, Semitropic Water Bank, and the Inland Feeder as local projects. These projects would be identified as part of the No-Action Alternative using the criteria in Table 5.*

Response: See responses to Comments 29 and 34.

Comment W21: *The elements of the No-Action Alternative should be expanded and should include more complete descriptions.*

Response: CALFED is expanding the list and description of elements for the No-Action Alternative. This information will be included in the Programmatic EIR/EIS.

Comment W22: *As with existing conditions, the normalized 1995-level demands for contracts and water rights deliveries should be used for the analysis.*

Response: See response to Comment W8.

Comment W23: *The analysis of water conservation will need to recognize agencies that have already implemented water conservation measures and ensure that they are appropriately credited for these efforts.*

Response: See response to Comment W16.

Comment W24: *The elements of CVPIA that are not proposed to be included in the No-Action Alternative should be presented.*

Response: CALFED is reviewing the status of CVPIA actions and will clearly identify the status of the various components. See also response to Comment 35 in the preceding section.

Comment W25: *Water quality (including the San Francisco Bay) appears to be missing from the "Existing Conditions" resource categories as an element under "Physical Environment". Also, smaller organisms, such as plankton, are missing from the "Biological Environment" and commercial fishing is missing from "Economics".*

Response: Water quality will added and will be discussed in detail, as will commercial fishing. The "Biological Environment" section will include a discussion of smaller organisms. See Attachment A.

Comment W26: *The No-Action Alternative elements include the Bay-Delta water quality standards, but not the San Francisco Bay water quality standards, which are separate. Delta outflow into the Bay has a major impact on water quality in the Bay.*

Response: CALFED will discuss the San Francisco Bay water quality standards as part of the No-Action Alternative.

Comment W27: *The historical period for riparian resources should be extended from 1856 to 1995.*

Response: CALFED agrees. The historical period for riparian resources should be the same as the historical period for levees. See also response to Comment 16 in the preceding section.

Comment W28: *The "Existing Conditions" resource category, "Physical Environment", should include watershed area of origin.*

Response: CALFED agrees. Watershed area of origin will be discussed under "Surface Water Hydrology".

Comment W29: *The periods of analysis for resource categories are of grave concern and must reflect an accurate period of average years. Agricultural land use and agricultural economics vary by region and year-type and a range of years may not be as appropriate for one region as it is for another. For example, the suggestion of using the mid-1970s through 1995 would not be a fair range for the*

Tehama-Colusa Canal water users as their first deliveries were not made until 1976, with the last connections for deliveries completed in 1985. Although several of the districts in the Tehama-Colusa Canal area were still developing during this time, a more accurate period of time for deliveries would be 1986-1989. Water deliveries in the late 1970s and early 1980s were small and were just starting up, and inclusion of these values in any averages would cause an understatement of actual water requirements. 1990 through 1994 were water shortage years that ranged from 25% to 65% of contract supply available for delivery because of the drought and would not accurately reflect the amount of deliveries under normal circumstances for existing conditions.

Response: See responses to Comments 17, 18, 19, and 20.

Comment W30: *Another consideration for the Tehama-Colusa Canal and Corning Canal area should be the current limitations of deliveries because of the biological opinion regarding the winter-run chinook salmon and the Red Bluff Diversion Dam. When the fish passage problem is solved at the Red Bluff Diversion Dam, it is optimistically anticipated that agricultural land use and agricultural economics will improve because there will be a more reliable water source and water deliveries will increase.*

Response: CALFED agrees with this comment.

Comment W31: *The use of water deliveries as the basis to set a No-Action Alternative will reflect an arbitrarily low water delivery base. Consideration must be made for the recent drought period, as well as consideration for each region and facility separately for various reasons.*

Response: See responses to Comments 17, 18, 19, and 20.

Comment W32: *It would not be appropriate to include the proposed FERC flows on the Mokelumne River under existing conditions for the following reason.*

In February 1996, EBMUD, DFG, and the U.S. Fish and Wildlife Service signed a document entitled "Principles of Agreement", which sets forth flow and nonflow measures for the Lower Mokelumne River. These parties are now completing a Joint Settlement Agreement, consistent with the Principles, to be submitted to FERC in the expectation that FERC will issue an order implementing the flows set forth in the Principles. However, those flows have not yet been formally ordered by FERC; therefore, they cannot fairly be defined as "existing conditions". For a variety of reasons, FERC may choose to adopt an order containing flows other than those contained in the Principles; therefore, CALFED agreed that the Principles' flows are not appropriate for the "existing

conditions".

The existing conditions should include for the Lower Mokelumne River the flows currently required in the 1961 Agreement, as amended, between DFG and EBMUD. That Agreement required EBMUD to build a fish hatchery at Camanche Dam and to release from Camanche Reservoir 13,000 acre-feet annually for fishery protection. This water is in addition to the releases for the Woodbridge Irrigation District, riparian and senior appropriators, and channel losses. If CALFED needs additional details on the existing Lower Mokelumne River flow requirements, EBMUD can provide the necessary information.

Response: The "Existing Conditions" section will discuss the current flows on the Lower Mokelumne River. The Programmatic EIR/EIS will address the appropriate FERC flows both historically and as part of existing conditions.

Comment W33: *The Principles for the Lower Mokelumne River are appropriate for inclusion in the No-Action Alternative because adoption of the Principles is an action that has a high probability of reaching closure if "existing trends and conditions continue into the future" (page 19, workshop Information Packet).*

Response: CALFED agrees. The Programmatic EIR/EIS will address the appropriate FERC flows both historically and as part of existing conditions.

Comment W34: *Strict application of the CALFED screening criteria for the No-Action Alternative would result in the exclusion of EBMUD's American River CVP contract entitlement. Strict application of the screening criteria would result in a flawed No-Action Alternative because EBMUD is in the midst of an environmental review process that will allow it to take American River water by the end of 2000.*

However, the "Possible Additional Analyses" proposed by CALFED should ensure a complete environmental review. This analysis should be conducted to address issues at the same level of detail as other actions in the No-Action Alternative. The range of flows analyzed must also include EBMUD's American River contractual entitlements, subject to the instream flow requirements set forth by Judge Hodge in the American River litigation (Environmental Defense Fund, Inc. et al. v. EBMUD [1990]). This analysis should also include unused entitlements on the American River and their respective instream flow constraints.

Response: See response to Comment 30.

Comment W35: *EBMUD's Pardee Reservoir Enlargement project should be included in the*

cumulative impacts analysis as listed in Table 6 of the Workshop Information Packet. As confirmed by the EBMUD Board of Directors on November 28, 1995, the enlargement of Pardee Reservoir is the best surface storage alternative for EBMUD to pursue. The project would consist of several major components, including: enlarging the main dam, modifying or replacing the spillway, modifying or replacing the intake tower, modifying aqueduct facilities, modifying or replacing recreation and shoreline facilities, replacing the Highway 49 bridge over the Mokelumne River, and constructing a secondary dam in the vicinity of the existing Jackson Creek outlet.

Response: See response to Comment 57.

Comment W36: *The Programmatic EIR/EIS should discuss the evidence that recent centuries and decades have been wetter than the future might be. If there is a reasonable chance that the future might be drier, it follows that long-lasting facilities begun during the next 25 years should be able to adapt to a decrease in rainfall. If the future is to be drier, starting now to preserve farmland that uses water efficiently will become even more important.*

Response: CEQA and NEPA require an analysis of reasonably foreseeable future conditions based on the best available information. No one can precisely predict future weather conditions. Technical analysis must rely on existing data to indicate possible future trends or conditions. CALFED is proposing alternatives that provide adaptive management to allow and change the operations of the Program to adapt to increases or decreases in rainfall.

Comment W37: *Does the Caliente Creek Feasibility Study refer to the Caliente Stream Group that is near the Sand Ridge in Kern County?*

Response: The Caliente Creek Feasibility Study is a project funded 50% by federal funds and 50% by Kern County Flood Control District to determine the feasibility of locating and sizing new levees to protect the towns of Arvin and Lamont, California, from flooding.

Comment W38: *The two following projects should be included in the analysis. First, Stockton East Water District (SEWD) and Central San Joaquin Water Conservation District (Central) entered into contracts for water supply with the U.S. Bureau of Reclamation on December 19, 1983. SEWD's contract provides for a supply of 75,000 acre-feet annually and Central's contract provides for a maximum supply of 80,000 acre-feet annually. The New Melones Conveyance System from Goodwin Dam to SEWD and Central was completed in 1992. Water was not delivered in 1993 or 1994; however, water was delivered to the two Districts in 1995 and 1996.*

A second project is the U.S. Bureau of Reclamation's study of the Farmington Dam and Littlejohn Creek drainage. This study was initiated in 1996 and is supported by local water districts and the City of Stockton. The study will focus on both flood control and possible water supply. This project should be a candidate for the list of cumulative actions.

Response: Please refer to response to Comment 43.