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RANDELE KANOUSE
SPECIAL ASSISTANT TO THE GENERAL MANAGER

November 8, 1996

Mr. Lester Snow
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Assumptions for Existing Conditions and the No-Action Alternative

Dear Mr. Snow:

The East Bay Municipal Utility District (EBMUD or the District) wishes to re-iterate its recommendations regarding the assumptions for the Existing Conditions and No-Action Alternative for the CALFED Programmatic EIR/EIS.

Existing Conditions

The flow under "existing conditions" is to reflect conditions during the baseline period. Accordingly, the appropriate instream flow for use in CALFED's "Existing Condition" analysis needs to utilize the flows identified in the 1961 Agreement between California Department of Fish and Game and EBMUD. This agreement was incorporated by reference into the District's 1981 FERC license. The 1961 Agreement was, and continues to be, the standard for which the District is responsible. No other flows are required of the District at this time. The District voluntarily began releasing flows identified in its Lower Mokelumne River Management Plan (LMRMP) beginning in the fall of 1994. Clearly, use of anything other than the 1961 Agreement flows for modeling "existing conditions" would result in a flawed analysis. Use of the 1961 Agreement would be consistent with CALFED's decision to use the previous flow requirements on the Tuolumne River as opposed to the new requirements pursuant to the recent FERC agreement.

No-Action Alternative

Apparently, there had been a misunderstanding (see attached e-mail) concerning the current status of the Principles of Agreement negotiations between EBMUD and the fishery resource agencies. These negotiations have been successfully completed. The final agreement was sent to Mr. Wayne White, USFWS State Supervisor, for initialing this week, and is scheduled to be initialed next week by Banky Curtis, CDFG Region 2 Director. The District expects a decision from FERC, amending the District's hydropower license to include the requirement to operate to the flows identified in the settlement agreement, by mid-1997. Thus, it is appropriate for these new fishery flow requirements to be reflected in CALFED's analysis of the No-Action Alternative, but not Existing Conditions.

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Thank you for your consideration of these requests.

Should you have any questions, please call me at (916) 443-6948.

Very truly yours,



RANDELE KANOUSE
Special Assistant to the General Manager

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cc: Jim White, CDFG