

APR 01 1998

23443 S. Hays Road  
Manteca, CA 95337  
March 29, 1998

Lester Snow, Executive Director  
CALFED Bay Delta Program  
1416 9th St., Suite 1155  
Sacramento, CA 95814

Dear Lester:

I am writing direct to you to offer comments on the DEIS which relate to basic process, approach, and coverage. More detailed comments may be submitted through normal channels. The DEIS is the result of a monumental effort by a lot of able people. I trust that you and they will recognize my constructive intent and not feel beleaguered by controversy.

1) Cost benefit and risk analyses

We are proposing to spend a lot of money and reallocate a lot of water. It is important to demonstrate that CALFED objectives will be achieved in the most cost effective manner, and with minimum adverse impacts. To do this there must be cost/benefit analyses. Many of the objectives are not subject to dollar evaluation. However, it should be possible to quantify anticipated benefits in environmental terms and determine the water, dollar and adverse impact costs of achieving those benefits by various means. There should also be some analyses of the probability that the proposed expenditures of water, lands, and funds will succeed in accomplishing the objectives, i.e. what are the risks that the expenditures will be ineffective? The fact that this will be difficult and imprecise does not excuse failure to attempt it. It is not reasonable to say that environmental objectives should be pursued without regard to costs, benefits, risks, and impacts, and without determination of least cost methods, whereas measures to provide water supplies and other objectives must meet those tests.

I don't believe these analyses can be left entirely to later local, site specific, non-cumulative examination.

2) Regulatory permits

The DEIS says little about the regulatory permits that will be required for the CALFED program and how they can be obtained. Much of what is proposed will require permits from the U.S. Corps of Engineers, the California Department of Fish and Game, and other agencies. It has been our experience that the Fish and Wildlife Service can write a "jeopardy opinion" which is not subject to review, and that the Corps is then powerless to issue a permit. Similarly, the Department of Fish and Game can decide

to deny a required permit for habitat and streambed alteration, and again there is no process of independent, neutral review. How will we cope with these veto powers by single purpose agencies whose decisions are not subject to balanced review? The problem is exacerbated by the lack of any process for resolving tradeoffs among environmental objectives. Measures to benefit one species of fish often impact another. There are tradeoffs between terrestrial wildlife and fish, between predators and bush rabbits, etc. If there can be no tradeoffs there will be less overall environmental benefit.

### 3) Water use efficiency

In pursuing water use efficiency and reasonable use of water the program still largely ignores the potential for better multiple use and reuse of water on a watershed basis. For example, the water yield of the San Joaquin River System is overcommitted except in wet years. Yet the program still advocates water acquisitions which basically and necessarily reallocate existing yield and do not address the option of providing Vernalis fish flows by the more water efficient method of recirculating and reusing water released to the river from the Delta Mendota Canal. Refer to my past presentations to you and the BDAC, and to SDWA's March 5 letter to you and others.

The proposal (such as on page 10 of Alternative Descriptions) still refers to "new water supplies" that will be "purchased from willing sellers" in the San Joaquin Basin. By calling these acquisitions "new supplies" the analyses avoid any review of the impacts caused by reallocation of this water. The DEIS does not even address the physical feasibility either now or with the forecasted future population of restoring the proposed flows while also protecting third parties and avoiding redirected impacts. Refer to my March 25 letter to Sunne McPeak with attachments and copy to you.

### 4) South Delta barriers

The DEIS discussion of barriers is another example of failure to heed past discussions. The program repeatedly refers to the head of Old River barrier, but does not make it clear that the tidal barriers are essential to mitigating the downstream consequence of that barrier, and also to mitigating the impact of export pumping on water depth, dissolved oxygen, and circulation in South Delta channels. Furthermore, the tidal barriers serve to keep the San Joaquin salt load, which derives from salt export via the DMC, from being recaptured and reexported via the DMC. Still further, the tidal barriers provide substantial protection for salmon smolts which migrate at times when the barrier at the head of Old River can not be operated for seasonal or hydraulic reasons.

6) Water quality

The DEIS does not explain many of its assertions, such as the salinity figures on page 8.1-34 and in Table 8.1.4-2. Why are the TDS values lower than past experience? What assumptions are made regarding future USBR compliance with the permit requirement that they make releases to meet the Vernalis salinity standard? They do not always comply. What assumptions are made regarding the Department of Interior's b(2) water plan? If the salinity is higher than stated, as I believe it often is, the impact of salinity increases caused by the canal will be more than is stated.

The DEIS is also not yet based on first optimizing the Alternative 2 design to minimize bromides in exported water, and to control the flow of water and fish from the Sacramento River through Georgiana Slough to the center of the deep peat, high tidal flux portion of the Delta.

What will be the process for addressing these issues, altering the DEIS and scrutinizing the changes before selecting a preferred alternative?

With best wishes for your daunting task,

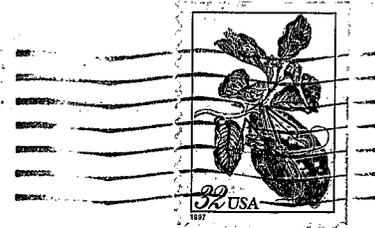
Sincerely,



Alex Hildebrand

cc SDWA

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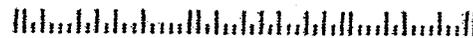


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