

Solano County Water Agency
Issues and Interests Concerning the CALFED Bay-Delta Program
(May 28, 1998)

What is CALFED?

The CALFED Bay-Delta Program is a conglomeration of state and federal agencies dealing with water and ecosystem issues in California. CALFED's task is to develop a long-term comprehensive plan to restore ecological health and improve water management for the beneficial uses of the Bay-Delta system. The program is to comprehensively address problems in four resource areas: water supply reliability, water quality, levee system integrity, and ecosystem quality.

The origins of CALFED came from a realization that only a comprehensive broad-based process to resolve Bay-Delta water issues would work in the current regulatory and legal atmosphere. After years of failed proposals and litigation a "peace treaty" in December of 1994 was signed by representatives of urban and agricultural water agencies, key environmental groups, and regulatory agencies. This truce created the CALFED Bay-Delta Program, set interim Delta water quality standards with significantly higher Delta outflows, and provided temporary relief from Endangered Species Act listing impacts. Key water leaders feel that the CALFED Bay-Delta Program is the best, and probably the last chance to resolve Bay-Delta issues without lengthy, expensive, and contentious litigation where water users, the environment, and the general public will suffer.

The alternative to CALFED is a return to uncoordinated stricter regulation by independent agencies with probable added requirements on water projects to reduce water diversions resulting in reduced water supplies (including North Bay Aqueduct supplies).

The estimated costs for a complete CALFED solution range from \$8 to 10 billion. The scale of ecosystem restoration proposed as part of the CALFED program has never been attempted before.

CALFED Solution Principles

The CALFED program has defined the following solution principles. Comments on how these principles apply to SCWA are included.

1. **Reduce Conflicts in the System.** Solutions will reduce major conflicts among beneficial uses of water.

Comment: SCWA supports this concept.

2. **Be Equitable.** Solutions will focus on solving problems in all problem areas. Improvement for some problems will not be made without corresponding improvements for other problems.

Comment: SCWA supports this concept of "getting better together."

3. **Be Affordable.** Solutions will be implementable and maintainable within the foreseeable resources of the Program and stakeholders.

Comment: SCWA agrees that the solution must be affordable and cost equitably distributed to those who benefit from the CALFED program.

4. **Be Durable.** Solutions will have political and economic staying power and will sustain the resources they were designed to protect and enhance.

Comment: SCWA supports this concept.

5. **Be Implementable.** Solutions will have broad public acceptance and legal feasibility, and will be timely and relatively simple to implement compared with other alternatives.

Comment: This is a key concept. If key stakeholders are not supportive of the CALFED solution, the solution will fail. In particular, SCWA feels that Delta interests and environmental interests must support the CALFED solution.

6. **Have no Significant Redirected Impacts.** Solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California.

Comment: SCWA has concerns about the phrase, "when viewed in their entirety." Since many of the ecosystem restoration projects may be located in Solano County, there may be significant redirected negative regional impacts. While these impacts may be countered by beneficial impacts to other areas of the State resulting in an overall better system, these local negative impacts still must be completely mitigated.

CALFED Program Status

The CALFED Bay-Delta Program has recently released a draft Programmatic Environmental Impact Report/Environmental Impact Statement on their proposed program. There are three alternatives for conveyance of water through the Delta. Each has variable water storage programs and a series of common programs to deal with levee system integrity, water quality, ecosystem restoration, water use efficiency, water transfers, and watershed management. The CALFED program hopes to come to a recommended preferred alternative by the end of 1998. Additionally, they are developing an "assurance package" that will specify how the components of the program will be operated and providing an implementation plan for both short-term and long-term projects and programs.

Through bond issues and federal appropriations the CALFED program has made money available immediately for implementation of programs primarily dealing with ecosystem restoration and water quality. Agencies and organizations in Solano County have been awarded

some of these funds for projects, and there continues to be more opportunities to fund these types of projects. For example, the Solano County Water Agency will be receiving \$580,000 of CALFED funding for water quality improvements in the North Bay Aqueduct watershed. The Solano County Farmlands and Open Space Foundation also received a \$244,000 CALFED grant for the Jepson Prairie area. Larger amounts of funding will be available during the implementation stage of CALFED.

Solano Issues and Interests

SCWA's main interests as related to the CALFED program are impacts to the North Bay Aqueduct and Delta agricultural areas in eastern Solano County. The North Bay Aqueduct pumps water from the Delta to serve about 400,000 people in Solano and Napa counties. The Delta provides agricultural water to about 50,000 acres within Solano County.

Specifically, SCWA has identified the following issues and interests that need to be resolved through the CALFED Bay-Delta Program or other related processes such as the State Water Resources Control Board water rights hearings to implement the Bay-Delta Water Quality Control Plan. A more detailed explanation of each of these issues and interests is attached.

- The pumping restriction at the North Bay Aqueduct for the protection of Delta Smelt must be lifted as a part of the implementation of the CALFED program. Other water diversions in the Delta should also be protected from Endangered Species Act impacts since the overall CALFED program is designed to benefit endangered species. Relocation of the North Bay Aqueduct intake could be part of this solution.
- The CALFED program must provide improved water quality at the North Bay Aqueduct either by relocation of the intake or funding water quality projects in the local watershed. The CALFED program should insure that other Delta water diversions are not adversely affected by the CALFED program.
- The reliability of the North Bay Aqueduct water supply is expected to increase with the CALFED program along with increases in State Water Project reliability.
- The CALFED program should help clarify the rules and procedures for water transfers that are envisioned in the future to augment Solano's water supplies.
- The CALFED program must recognize that Solano County is within the "watershed of origin" of the Sacramento River under State law and that portions of the County fall under the provisions of the Delta Protection Act. The CALFED program must respect and support these statutory protections with the assurance that a CALFED solution will not diminish or impair these water rights.

- The CALFED solution must provide for the continued reliance on the Delta Common Pool concept to ensure that a substantial portion or all of the water diverted from the Delta flows through the Delta.
- Conversion of active Delta agricultural land to ecosystem restoration or other CALFED purposes should be minimized to the greatest extent possible by using government owned or inactive land. Any conversions should have its economic and social impacts fully mitigated by CALFED.
- SCWA supports appropriate ecosystem restoration projects in Solano County provided that their impacts can be fully mitigated; especially impacts on the North Bay Aqueduct water supply and conversion of agricultural land.
- Any ecosystem enhancement projects in Putah Creek must be consistent with the physical limitations of the Creek and within available water supplies.
- Releases from the Solano Project for Bay-Delta water quality must not be required since the Solano Project does not have hydraulic continuity with the Delta during relevant time periods.
- The CALFED levee stability program should provide for the development of an appropriate Delta levee standard, development and funding of a reliable long-term levee maintenance program and provide for an improved Delta levee emergency response and recovery system .
- SCWA supports ecosystem restoration and fish screening projects within the Suisun Marsh. We oppose the augmentation of western Suisun Marsh flows with flows with the North Bay Aqueduct, the Solano Project, or the Vallejo Lakes System.
- SCWA supports a reasonable and regionally appropriate CALFED water use efficiency (conservation/recycling) program.

Current SCWA Position

SCWA supports the CALFED process to date. SCWA represents a consensus of diverse water interests in Solano County. The Board of Directors of SCWA includes all members of the County Board of Supervisors, all mayors and directors from three agricultural water districts. These SCWA member agencies represent urban, agricultural, Suisun Marsh, San Francisco Bay and Delta interests. SCWA will participate in the CALFED process and continue to express our interests and continue to monitor the CALFED program as it proceeds. The SCWA position will be evaluated as necessary in the future.

**Solano County Water Agency Issues and Interests
(Expanded Version)
CALFED Bay Delta Program**

- **Endangered Species Act Impacts on Pumping.** The United States Fish and Wildlife Service imposes a pumping restriction at the North Bay Aqueduct for the protection of Delta Smelt when larval Delta Smelt are present. Barker Slough, where the intake of the North Bay Aqueduct is located, is considered an important habitat area for Delta Smelt spawning. Many of the sloughs and channels in eastern Solano County are considered good habitat for Delta Smelt. The CALFED program has funded and will fund more projects to improve habitat for Delta Smelt and other fish species in this part of the Delta. Increasing fish populations will result in more fish being present at the intake to the North Bay Aqueduct and other Delta diversions. The pumping restriction at the North Bay Aqueduct must be lifted as a part of the implementation of the CALFED program. It is unfair to continue to limit pumping to protect the species if CALFED increases the population of endangered species near the intake of the North Bay Aqueduct. Similarly, increased, relocated, or otherwise introduced populations of such species should not be used as the basis for the imposition of regulatory actions against currently unregulated diversions. The CALFED agencies have the means to protect water diversion from Endangered Species Act impacts through such means as Habitat Conservation Plans, "Safe Harbor" agreements and other mechanisms. Relocation of the NBA intake to a location away from sensitive fish habitat could be part of this solution.
- **Water Quality.** None of the three CALFED alternatives improve the water quality at the North Bay Aqueduct or in the Solano County part of the Delta. CALFED studies actually show the water quality to slightly decrease. One of the specific goals of the CALFED program is to improve water quality, particularly for urban water users receiving water exported from the Delta. The CALFED program needs to also improve the water quality at the North Bay Aqueduct either by relocation of the intake or funding of water quality projects in the Barker Slough watershed. The CALFED program should insure that the water quality of other Delta water diversions are not adversely affected by the CALFED program, and that Delta water supplies are provided consistent with all statutory and contractual obligations in the Delta.
- **Water Supply Reliability.** As part of the State Water Project, the North Bay Aqueduct benefits from water supply reliability that will accrue to the State Water Project from the CALFED program. Increases in water supply reliability as a part of the overall CALFED program is a benefit to SCWA.
- **Water Transfers.** SCWA also has the opportunity for increased water supply through future water transfers. CALFED is including water transfers in its programs common to all

alternatives. CALFED should help clarify the rules and procedures for water transfers to facilitate water transfers to meet the needs of water users while protecting areas from where the water originates.

- **Area of Origin and Delta Statutory and Contractual Protections.** Solano County is within the “watershed of origin” of the Sacramento River under State law and has the right to have its water needs met prior to the needs of exporters. Cities in Solano County have filed for priority water rights under the “watershed of origin” laws. Those portions of Solano County within the defined Delta are afforded statutory protection for both water quality and quantity by the Delta Protection Act. These protections provide substantial enhancements above those provided by the Area of Origin statutes. Additionally, lands within the North Delta Water Agency boundaries have a contractual relationship with the State of California that provides guarantees as to the water quality and right to use Delta water on those lands. Any CALFED program must respect and support these statutory protections with the assurance that a CALFED solution will not diminish or impair the water rights, statutory or contractual, of those in the watershed of origin or the protected Delta.
- **Delta Common Pool.** The Delta common pool is a concept that is intended to assure that a substantial portion or all of the water diverted from the Delta flows through the Delta. The Delta common pool concept assures that in-Delta as well as export interests maintain a mutual dependence on Delta levee integrity, Delta conveyance capacity and Delta water quality.
- **Agricultural Land Conversion.** The CALFED program anticipates creation of large number of ecosystem restoration projects. Solano County is a prime location for ecosystem restoration projects because our land is on the fringe of the Delta where land can easily be restored to tidal action. Land in the central Delta is harder to restore because much of that land has subsided over time and is well below sea level. Land suitable for ecosystem restoration may be currently farmed. Conversion of large amounts active Delta agricultural land to ecosystem restoration or other CALFED purposes has economic and social impacts that must be fully mitigated. Taking agricultural land out of production impacts local government tax and assessment revenue, impacts local businesses and workers and impacts the regional economy. Impacts can be reduced to the greatest extent possible by using government owned lands and lands that are not in agricultural production for ecosystem projects.
- **Ecosystem Restoration.** Ecosystem restoration projects are pivotal to the success of the CALFED program. Ecosystem restoration is intended to allow for endangered species to be de-listed and to improve the overall biological productivity of the estuary. These improvements are considered by CALFED to be necessary to obtain the water supply reliability improvements envisioned by CALFED. SCWA supports appropriate ecosystem restoration projects in Solano County provided that their impacts can be mitigated; especially impacts on the North Bay Aqueduct water supply and impacts from conversion of agricultural land. Solano County interests must be protected from the possibility of adverse

regulatory actions as a result of the movement, relocation or creation of special status species as a result of the implementation of the CALFED program.

- **Putah Creek.** The CALFED Ecosystem Restoration Plan includes Putah Creek as potential location for ecosystem projects. The issue of instream flows in Putah Creek has been argued and litigated for many years. There is no consensus among Putah Creek factions on the appropriate ecosystem for Putah Creek. The Ecosystem Restoration Plan makes recommendations for Putah Creek primarily based upon a report prepared by one of the parties to the Putah Creek litigation that has not gone through peer review and lacks credibility. Prior to construction of Monticello Dam, Putah Creek was a seasonal stream and little or no flow was present in most reaches below the Monticello Dam site in late summer and fall months. During wet seasons, flood flows from Putah Creek merged with Sacramento River overflow in the Yolo Bypass. This event is not uncommon today, since Monticello Dam was not designed with storage for a flood control reservation. During drought periods, Putah Creek was essentially dry in most reaches downstream of Winters by mid-summer. Since construction of the Solano Project, daily releases are made to the creek all year at the Putah Creek Diversion Dam, approximately seven miles downstream of Monticello Dam. Much of this stream, which meandered through areas now occupied by U.C. Davis and the City of Davis, was relocated into a barren artificial channel in the latter part of the last century, leaving behind the natural stream deposits of gravel and sand and creating a steeper gradient which caused erosion of the upper channel. Any ecosystem enhancement projects in Putah Creek must be consistent with the physical limitations of the Creek and be implementable using water supplies allocated for those purposes.
- **Solano Project.** The State Water Resources Control Board is holding hearings on the obligation of parties to meet flow requirements for their Bay-Delta Water Quality Control Plan. Although these hearings are separate for the CALFED process, many of the parties are the same and there is overlap of some issues. Releases from the Solano Project to help meet Bay-Delta water quality standards must not be required since the Solano Project does not have hydraulic continuity with the Delta during relevant time periods, as explained in the above paragraph.
- **Delta Levees.** Improving Delta levees is one of the common programs of CALFED. Levees protect farmland and other beneficial uses in the Delta, including water quality and water supply. Delta levees are key to preservation of current Delta uses and are important for conveying water through the Delta. The CALFED program must emphasize local involvement in the planning, rehabilitation and maintenance of levee and other flood control works, including, maximizing the use of local agencies to contract for work with oversight by State or Federal agencies. Levees should be rehabilitated to Public Law 84-99 standards. Any levee enhancements beyond local needs should be funded by State and Federal interests through the CALFED program. CALFED should develop and fund a reliable subventions program for long term levee maintenance of all Delta levees. Availability of State and Federal emergency response and disaster assistance programs must be assured. CALFED should coordinate and streamline the regulatory permitting process to facilitate flood control project rehabilitation and maintenance. CALFED should integrate levee improvement

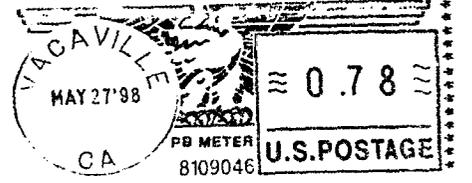
projects with implementation of CALFED ecosystem restoration plan including assurances that ecosystem projects will not adversely impact operation and maintenance of flood control facilities.

- **Suisun Marsh.** Appropriately, the Suisun Marsh figures prominently in the CALFED ecosystem restoration program. SCWA supports ecosystem restoration and fish screening projects within the Suisun Marsh. SCWA supports the amendment to the Suisun Marsh Preservation Agreement now before the State Water Resources Control Board, which updates efforts in the Marsh to provide adequate water quality for Marsh resources. There have been suggestions made that the Western Suisun Marsh water quality be improved through the release of water from the North Bay Aqueduct, the Solano Project, the Vallejo Lakes System and the Fairfield Suisun Sewer District. With the measures proposed in the amended Suisun Marsh Preservation Agreement these flow augmentation schemes are unwarranted.
- **Water Efficiency.** Water conservation and recycling are an important part of water management. The level of water use efficiency required by the CALFED program should recognize the geographical location of Solano County. Since most of Solano County is upstream of most water users, wastewater discharges and agricultural return flows re-enter the system for re-use by others. The types of water efficiency standards for Solano County and other similar areas should be different from those areas discharging to unrecoverable water bodies. The existing California Urban Water Conservation Council and the Agricultural Water Management Council are the appropriate entities to develop and administer urban and agricultural water conservation certification programs.

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