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June 15, 1998

Rick Breitenbach  
CALFED Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, California 95814

Subject: Comments on the CALFED Draft PEIS/EIR

Dear Mr. Breitenbach:

Thank you for the opportunity to comment on the March, 1998, draft Programmatic Environmental Impact Statement/Environmental Impact Report (PEIS/EIR) developed by CALFED as part of the Bay-Delta Program. The Northern California Power Agency (NCPA\*) and its members continue to have an active interest in the effective planning and implementation of actions needed to resolve Bay-Delta and Central Valley water resource issues. We recognize the monumental task facing CALFED and the need for cooperative and consensus-building efforts. We support the need to expeditiously complete the planning process, and also feel the need to be thorough in the effort.

Until specific actions are defined, we can only comment on broader policy concerns and on potential future issues. In that regard, we have two major concerns that disappointingly continue despite our prior comments on these points throughout the process: 1) The failure to separate Central Valley Project Improvement Act (CVPIA) plans and implementation actions from CALFED's planning activities, and moreover, inappropriately suggesting that CVP contractors have additional obligations beyond current Reclamation Law and the CVPIA; and 2) the lack of quantified programmatic objectives for the Bay-Delta Program.

**The PEIS/EIR fails to acknowledge the independent nature of the CVPIA and its ongoing/anticipated implementation actions. Further, we do not believe the power impact allocation methodology is credible, or even meaningful, to permit decisions on the**

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\*NCPA is a nonprofit California joint-powers agency established in 1968 to generate, transmit and distribute electric power to and on behalf of its fifteen members: Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, the Plumas-Sierra Rural Electric Cooperative, the Port of Oakland, the Truckee-Donner Public Utility District, and the Turlock Irrigation District, and six associate members: Bay Area Rapid Transit District; California Irrigation District, Davis; Santa Barbara; Watsonville; and West Sacramento serving nearly 700,000 electric consumers in central and northern California.

**alternatives.** While one of CALFED's purposes is to better integrate restoration activities that impact the Bay-Delta, CALFED cannot alter or implement the CVPIA. The inadequate segregation of CVPIA from CALFED has significance to three areas in the CALFED draft Document: 1) Limiting CVP responsibilities to CVPIA actions; 2) the need to segregate CALFED-only restoration benefits and impacts, without inclusion of the CVPIA actions, and 3) The use of CVP hydroelectric power for CALFED purposes. These points are elaborated below. Also, the Documents do not adequately characterize funding for, or through, the CVPIA. In this regard, federal and the CVP contractor responsibilities and involvement need to be identified, both historically and as expected in the future.

1. The PEIS/EIR document fails to acknowledge that the CVPIA separately addresses CVP water and power contractor responsibilities for mitigating Central Valley fish and wildlife impacts resulting from the construction and operation of CVP facilities. CALFED cannot redirect the CVPIA, nor can CALFED add or alter CVP contractor responsibilities, as suggested by the impact analysis that allocates CALFED costs to CVP. This is specifically, and inappropriately, presented in Table 8.5.2.1, where it states that CVP power costs will rise from 21.59 to 73.55 mills/kWh as a result of CALFED activities. Any additional costs to the CVP contractors should occur only for increases in benefits to the CVP customers. Mitigation to the CVP customers must be provided for any negative impact upon them from CALFED activities.

The lack of segregation between CVP/CVPIA and CALFED is also portrayed in the Hydroelectric Power Impact Analysis. The power impact analysis fails to adequately address specific CVP responsibilities and, further, fails to put the potential impacts in context to the limits of CALFED. While further analysis must wait for specific proposed actions, a conclusion that new power generation benefits will occur through CALFED is highly unlikely at this time. If new off-stream surface storage facilities are built, the net power generation will likely be negative when, as stated correctly elsewhere in the document, the electric power used for pumping water to these facilities is considered. It is theoretically possible that some power generation will have added value (when compared to generation in winter flood control situations when pumping would occur) but the likely priority for use of the stored water for fishery benefits generally precludes the conclusion of added value for power generation. As a related point, there is no basis for stating (page 10-5) that there will be long-term savings in energy use.

2. CALFED's impact analyses must segregate out CVPIA benefits and impacts. The document currently aggregates CVPIA with CALFED benefits and impacts. Specifically, the no-action alternative must include CVPIA programs and plans. The basic criteria – would CVPIA be implemented without CALFED – is indisputably met. The use of arbitrary criteria (such as “is it excluded from the CALFED program”, “does it have final permits and approvals”, etc.) to exclude the CVPIA is inappropriate, given the reality of CVPIA. The discussion of CVPIA in

cumulative impacts does not acknowledge the discrete separation of CVPIA from CALFED, nor does the discussion define the separate impacts. Without the definition of CALFED-only benefits and impacts and proper allocation of those costs to beneficiaries of CALFED actions, informed decisions on CALFED cannot be made.

3. Another pervasive theme in the power analysis suggests that CVP (and SWP) will be picking up additional project-use responsibilities as a result of CALFED activities, regardless of whether CVP member accrue new benefits. This conclusion cannot be made at this time, outside of the separate CVPIA responsibilities, without a change in current federal reclamation law related to the operation of existing facilities, and without a potentially significant restructuring of existing capital and operating repayment obligations. *Any new CALFED project use must be paid for out of new generation or by the beneficiaries of the facilities at market rates, not by tapping into existing CVP resources.* In order to make a decision on CALFED programs, the entire cost to the beneficiaries of proposed new facilities must be included in the analysis, and not expect to be subsidized by others. In addition, CALFED does not have the authority to assume that new facility costs can be allocated to existing CVP or SWP contractors (beyond the limits of CVPIA). The entire power impact discussion needs to be rewritten to demonstrate the separate and distinct nature of CVP/CVPIA from CALFED.

Finally, the PEIS/EIR lacks a discussion on the potential responsibility of local (non-federal and non-state) water management entities. Given the programmatic nature of this document and the focus on an integrated water resource management strategy, the potential responsibilities and impacts on local water management entities appear appropriate for consideration and inclusion.

**NCPA believes that there is an immediate need for defining specific, quantified objectives for each CALFED program area.** Without dialogue on and guidance from quantified program objectives, effective evaluation of alternatives is not possible. These quantified program objectives would not be specific actions, but consensus-driven policy statements of the goals and objectives (as was suggested by the Scientific Review Panel for the Ecosystem Restoration Program). Quantified objectives need to be more than the subjective terms such as "improve and increase", "good", and "reduce" as currently used in the PEIS/EIR goal statements. This definition is essential for establishing and evaluating specific alternatives and, critically, for guidance to the adaptive management process, which is an important feature of the CALFED implementation strategy. Without this quantified goal statement, we are likely to fail in reaching consensus and in restoring the health and benefits of the Delta. Moreover, CALFED could be wasting valuable time and resources on the planning and evaluation of specific actions that lack adequate foundation.

Accordingly, we feel that CALFED should evaluate alternative quantified goal statements for

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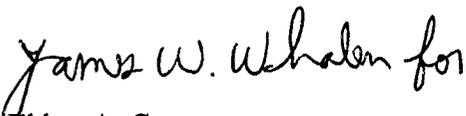
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each program area. Subsequent to that, CALFED should evaluate action alternatives that will achieve the selected goals, as part of this document or with subsequent tiered analyses. The current process is attempting to do the latter without having completed the former.

There is also a need to ensure the separation of policy decisions from technical evaluations as the CALFED institutional structure is formulated. A potential governing board, or any such policy-making group devised to support the CALFED program, should involve stakeholders, however, it must fully acknowledge limitations to general policy issues as distinct and separate from technical issues. Separate technical panels should be utilized with participation from *objective* stakeholder and agency representatives.

Thank you again for providing an opportunity to comment on the draft PEIS/EIR. We look forward to more specific plans, in order to provide more substantial comment. We hope that you find our comments useful and that you will provide a timely response to our concerns. Please call Hari Modi (916/781-4204) with any questions or comments.

Sincerely,



Eldon A. Cotton

Interim General Manager

cc: Jason Peltier (CVPWA)  
David Yardas (EDF)  
Kirk Rodgers (USBR)  
BDAC Members

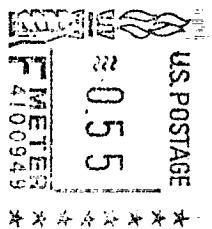
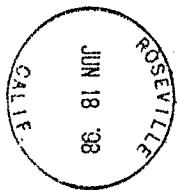
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