

**COMMENTS OF THE CITY OF WEST SACRAMENTO  
TO  
CALFED DRAFT PROGRAMMATIC EIS/R**

The following comments to the CALFED Draft Programmatic Environmental Impact Statement/Report ("PEIS/R") are offered on behalf of the City of West Sacramento ("City"). In general, the City is concerned that the CALFED project, and therefore the environmental analysis lacks definition. The PEIS/R identifies no specific project proposed for implementation, and as a result, describes only generic non-specific impacts, and vague categories of mitigation for such impacts. Critical terms such as "beneficiaries" have, by necessity, been left undefined, and therefore informed discussion of cost allocation is also omitted.

The City believes that the circulated PEIS/R does not meet the criteria of even a programmatic environmental document. Before any CALFED project moves forward, much more detailed description and analysis will need to be prepared and circulated for comment. It is the City's understanding that a revised PEIS/R is now being drafted and will be released for further public comment before a final PEIS/R is certified.

As a general policy comment, the City believes that the critical elements of the CALFED program are the assurances and the cost allocation, neither of which has been described at this point. The CALFED declaration of principles states that an acceptable solution

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.

This principle is not only "extremely critical"<sup>1</sup> to CALFED's ultimate determination of a preferred project, it is also essential to the City's support of any CALFED project that may be proposed. Unfortunately, the PEIS/R contains no discussion of CALFED's definition of redirected impacts, nor of how CALFED intends to assure areas of origin that their rights and purses will be left intact.

The CALFED Phase II Interim Report states:

. . .when the benefits and impacts of the solution alternatives are examined in their entirety the balance must be positive for all of the interests depending upon the Bay-Delta system resources.

This articulation of the no-redirectioned-impact principle is too narrow. Not only must the solution have no-redirectioned-impacts "*for those depending on the Bay-Delta system,*" it

---

<sup>1</sup> CALFED Phase II Interim Report at vii.

must have no such impacts for *any* area involved in implementation of the solution.

For example, if watershed protection programs are part of the solution, the counties participating in that element must not thereby be adversely affected. Or, if the solution involves *modification of upstream dams for fish passage*, the dam owner must not be required to pay for the modification or to lose reservoir yield without compensation. In the absence of such a "hold harmless" approach, CALFED will find it difficult to meet its other stated criteria for a solution: those of reducing major conflicts and commanding broad public acceptance.<sup>2</sup>

The no-redirceted-impact principle requires CALFED to assure that the existing legal protections accorded watersheds, counties and areas of origin will not be disturbed as a result of the project. However, instead of reaffirming the area of origin principles that have been articulated by northern California interests in the Bay-Delta hearing process, for example, the PEIS/R focuses on the potential construction of additional water storage projects. While such projects are necessary and overdue, they are not a substitute for the legal protections provided by California's area of origin statutes.

The no-redirceted-impact principle requires also that areas and water users whose actions have not adversely impacted the Bay-Delta ecosystem, and those who do not directly benefit from the project, not be taxed to support the CALFED project. Whether this aspect of the no-redirceted-impact principle is honored cannot be assessed until the financing and cost allocations for the ultimate project have been proposed.

In this regard, as far as the current PEIS/R allows one to discern, the City appears not to be benefitted by the proposed strengthening of Delta levees, even though most of the City is within the legal boundaries of the Delta. No part of the cost of levee strengthening identified in the PEIS/R should be allocated to the City; indeed, the City has already embarked on such a program of its own. It should not be required to pay for the same benefit twice.

Paradoxically, as well as being too narrow, CALFED's articulation of the no-redirceted-impact principle is also too broad. Not only should there be no redirceted impacts of the program "in its entirety," but also there should be no significant redirceted impact of *any* specific element of the program. CALFED's Phase II Interim Report notes that:

At this time, CALFED has not made any determination about how the [CALFED] alternatives perform in terms of the 'assurances' or 'consistency with solution principles' characteristics . . .

(At vii.)

It is impossible for the City to respond positively to the CALFED program in the

<sup>2</sup> Ibid.

absence of such an evaluation.

Moreover, it is not for CALFED to determine what constitutes a negative redirected impact. As the Phase II Interim Report acknowledges, the evaluation of whether a proposed program is consistent with the solution principles is "highly subjective."<sup>3</sup> Accordingly, that determination must be left to the affected area, entity or interest.

As one example, the PEIS/R proposes that CUWCC urban water conservation measures be required of any participant "benefitting from the program." Because of the ambiguity left by the PEIS/R as to the identity of those benefitted, the document implies that water purveyors who have not previously signed the CUWCC Memorandum of Understanding may nevertheless now be required to adhere to its requirements. The City has not signed the CUWCC MOU, and the involuntary imposition of its provisions would impose additional costs on the City's water supply operations in an unknown amount.

While the cost of implementing CUWCC conservation measures is unknown, it would not be insignificant. Implementation could require new plumbing fixtures, distribution pipelines, landscape materials and additional personnel. The PEIS/R estimates the costs for the Sacramento Valley water purveyors to be \$3.70 per person per year.<sup>4</sup> For the City, that could mean \$100,000 or more annually.

The uncritically applied mandate of water conservation measures for urban suppliers is especially objectionable to suppliers such as the City, whose treated wastewater returns to the Sacramento River and provides inflow to the Delta. As the Draft PEIS/R acknowledges, the additional costs associated with increased conservation will not produce appreciable additional flow to the Bay-Delta system.<sup>5</sup> Indeed, the PEIS/R acknowledges that the "real water savings" achieved by implementing the CALFED proposal in the entire Sacramento Valley would be "nominal." (Water Use Efficiency Tech. App. At 5-50)

The imposition of the CUWCC measures is objectionable for an additional reason. The uniform imposition of the CUWCC requirements on all urban water users appears prompted more by a general philosophical premise that water conservation is

---

<sup>3</sup> CALFED Phase II Interim Report, at vii.

<sup>4</sup> Table 5.5 of Water Efficiency Component Technical Appendix at 5-48.

Table 5.4 of the Technical Appendix indicates that the actual urban water savings under the CALFED proposal would be "nominal," (Water Use Efficiency Tech. App. At 5-50) amounting to no more than 10,000 acre-feet per year for the entire Sacramento Valley in the year 2020. (At 5-47.) For this increase in supply, more than 120,000 acre-feet reduction in application would be needed. Although the PEIS/R posits the hypothesis that reduction in applied water could have benefits associated with timing, temperature and quality, this hypothesis should be tested for each water supplier and each proposed conservation measure before its imposition.

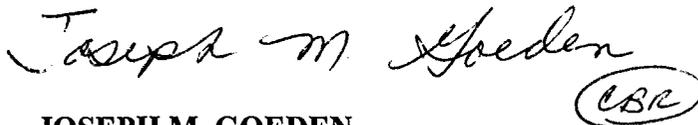
good<sup>6</sup> than by any evaluation of the CUWCC measures or by any determination that their wholesale application in northern California is would alleviate Bay-Delta environmental problems. The premise of the CUWCC program from the outset was that it was entirely voluntary. It is inappropriate simply to convert the CUWCC MOU to a mandatory regulation without further documented justification.

Regulation of water use and imposition of mandatory water conservation measures should originate through the traditional process required for administrative regulations: publication, public participation, documentation of the costs and benefits of the measures imposed, and review by the Office of Administrative Law for legal sufficiency.

In addition to these general comments, the City offers the attached specific comments to the PEIS/R. The City looks forward to reviewing a more specific CALFED proposal and detailed impact analysis in the future.

Sincerely,

CITY OF WEST SACRAMENTO

Handwritten signature of Joseph M. Goeden in cursive, with the initials "CBR" circled in blue ink to the right.

JOSEPH M. GOEDEN  
City Manager

By: Carol B. Richardson  
Assistant City Manager

---

<sup>6</sup> The CALFED Water Use Efficiency Component Technical Appendix 2-6 states: "Certain minimum levels of analysis, implementation, and demonstration of efficient use should be met by every water supplier in California, regardless of the supplier's desire to receive CALFED benefits." It is the City's view that such a broad policy determination should be the subject of legislative, rather than administrative mandate.