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Chico, CA 95928-8884
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Lester Snow
Executive Director
CalFed Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mr. Snow:

The following are my comments on the Draft Programmatic Environmental Impact Statement/Environmental Impact Report, CalFed Bay-Delta; State Clearinghouse Number: 96032083. This also includes comments on the performance of the CalFed process as a whole, as a project of this size is a landmark undertaking and could benefit from some public input.

First and foremost, I feel it needs to be stated that this document is so entirely overwhelming in both its geographical extent and technical nature that it borders on impossible for the average citizen to read and comprehend to the point that they will be able to make meaningful comment. Even as a professional in the field of environmental planning and watershed hydrology, I found that dedicating over one month of early-morning reading for approximately one and a quarter hours was not enough to sufficiently analyze the document. Is it realistic to expect the citizens of California to dedicate much more time than this to one project?

Additionally, I would like to point out that there is no index to the multitude of volumes accompanying the actual EIS/EIR. I would never have known that I was missing the "Coordinated Watershed Management" section, although I was a bit suspicious when I found two copies of the "California and Federal Endangered Species Act Compliance" section as I opened the box, until I read Chapter 1 of the EIS/EIR. Perhaps including a checklist would help your staff in filling orders completely and timely.

While on the subject of efficiency, I would like to bring to your attention the fact that on *every single piece of mail received from CalFed* I have found either my name or the University's name grossly misspelled. Also, it appears that your organization is not using a computerized database to keep track of your stakeholders and interested parties, as the errors in spelling were different every time! As I have spelled out my name and pertinent information each time I have requested documents from your group, it would appear that either the transcribing from the voice mail is the weak link, or staff is unable to identify names currently on the database (assuming one is in use). Regardless of the spelling, the wait of over one month for an executive summary is unacceptable. Another three weeks to receive all components of the EIS/EIR is also ridiculous. A document of this size is difficult enough to read in the time period allotted, let alone when it comes nearly a month after you requested it.

On several occasions I have been fortunate enough to have witnessed CalFed representatives give presentations to special audiences. These engagements were supposedly going to go "beyond" what was to be expected at the series of public meetings and hearings held in April and May. Once was at a Butte Creek Watershed Project "Watershed Advisory Committee" meeting in Chico, where you were the speaker, and another was at a Spring Run

Workgroup meeting in Maxwell, with CalFed being represented by Judy Heath. In both cases, an otherwise fairly knowledgeable audience was subjected to a "cookie-cutter" presentation that did very little in the way of explaining what would be happening in the Butte Basin Ecological Zone or the upper Sacramento River watershed, respectively. The engagement in Chico turned into a 1.5 hour session on "CalFed Basics" when the group agreed to hear a "little about what CalFed is about." Time for questions ran only fifteen minutes at that meeting. In Maxwell, Ms. Heath sprang upon a group of grassroots watershed conservationists and fisheries professionals the new "Coordinated Watershed Management" technical appendix. None in attendance had been solicited for input or advice. Ms. Heath had earlier declined to speak ahead of someone else, saying that the discussion was "interesting" and that she'd like to wait until after lunch to speak. Following her presentation, she declined to stay for a discussion, stating that she "needed to get back to work." This is unfortunate, since the very people that she was leaving, encompass her "work" on coordinated watershed management. It seems that whenever high-level CalFed officials come to Northern California, the discourse is fairly one sided. Still further, it is apparent to those of us in this area that know persons working for the Department of Water Resources (DWR), Northern District, Red Bluff, that work for the Sites-Colusa Reservoir is going ahead full steam. Are we to the point that we need to be doing serious engineering and environmental analysis on this possible project before we've identified that it is a course of action that best serves the needs of the state? I have heard Northern District Chief Naser Bateni publicly outline DWR's ideas for future storage options at a Water Awareness forum in Chico this spring, but I have never heard an acceptable explanation of *why* we need them. I am left wondering if the old cliché regarding the cart being put before the horse applies in this case. I strongly urge CalFed to create and select a new alternative that is based on conservation and restoration to provide reliable, high-quality water for California's people and wildlife. Such an alternative would include the following elements:

- maximize water efficiency before even considering costly new dams and reservoirs or a Peripheral Canal
- ensure strong conservation programs and economic incentives to use our water efficiently
- perform economic analyses of alternative methods of improving water supply reliability
- restore and protect our watersheds and groundwater basins
- adopt the financing principle that "user pays"
- restore California's fish, birds, wetlands, rivers, delta and bays
- provide assurances that the ecosystem program will be implemented, that CalFed will not result in increased impacts on the environment, and that all environmental laws will be fully implemented (such as Endangered Species Act and Central Valley Project Improvement Act).

At this point I would like to state some of the shortcomings or deficiencies that are contained within CalFed's Draft Programmatic Environmental Impact Report/Statement (DPEIR/S):

1. All of CalFed's program elements should be subjected to independent scientific review.
2. The DEIR/S fails to fully analyze an alternative based on conservation and efficiency (including some or all of the following:

conservation, recycling, properly-regulated transfers, conjunctive use, and operational changes).

3. The DEIR/S does not represent an adequate basis for decision making (for example, many information gaps exist and the range of alternatives is not wide enough).

4. All of CalFed's program elements (water use efficiency, ecosystem restoration, watershed management, levee system integrity, water transfers, water quality) should have *specific* goals and performance standards.

5. CalFed must better evaluate the interrelationships of program elements (for example, the water quality benefits associated with improving water use efficiency).

6. The DEIS/R fails to establish a comprehensive environmental and financial baseline and should do so.

7. The "user pays" principle should guide CalFed's finance decisions.

8. Section 1.3.1 (Page 1-9) When the report mentions "The descriptions of consequences are presented at a programmatic level of detail rather than at a site-specific level of detail because the actions being evaluated are not yet precisely defined" and concludes with the statement that this analysis method is consistent with CEQA and NEPA and "descriptions of consequences generally include the upper range or most severe effects that are expected to be associated with each alternative", I must question the validity of the numerous speculations on cumulative effects and impacts that will be very site specific in nature. For example, the document advocates water transfers and conjunctive use, but fails to identify the impacts to species such as the Valley Oak (*Quercus lobata*). Such keystone species must be considered, even at the "programmatic level."

General Comments on specific programs are outlined as follows, corresponding to the program:

Ecosystem Restoration Program Plan

1. CalFed must resolve unresolved technical issues regarding the effects of water diversions on fisheries before CalFed can make a final decision.
2. *CalFed must consider the Trinity River as an important part of the Bay/Delta ecosystem*
3. CalFed must include all of San Francisco Bay as an integral and important part of the Bay/Delta ecosystem
4. CalFed must include plans for restoring the San Joaquin River

Water Use Efficiency

1. CalFed vastly underestimates the potential for water conservation and should do further analysis.
2. CalFed incorporates many flawed assumptions from Bulletin 160-98. For example, on page 8-20, Bulletin 160-98 states that "M&T Chico Ranch also dedicated 40 cfs of instream flow for fishery needs on Butte Creek." This statement is false. *Up to 40 cfs, during the period October 1 through June 30 will be left in Butte Creek per the*

"Agreement for Relocation of the M&T/Parrott Pumping Plant Providing for Bypass of Flows in Butte Creek." This is very different from what is stated in Bulletin 160-98.

3. CalFed should identify the untapped potential within urban conservation, develop goals that would be incorporated into a phased decision-making process, and offer financial assistance to help meet those goals
4. CalFed should likewise develop sufficiently rigorous goals for agricultural water conservation, performance standards comparable to those used for urban conservation, and assistance to meet these goals
5. A program to pay willing sellers to stop irrigating lands that contribute to runoff which contaminates our rivers (retire those lands with drainage problems) should be part of CalFed. Such a land retirement program provides benefits for water quality, water supply reliability, and habitat improvement. CalFed inappropriately did not include its analysis of such a program in its DEIR/S, and should include this in its next draft.

Water Quality

1. *CalFed should establish "Total Maximum Daily Loads" for the contaminants (mercury, selenium, cow manure, sediments, etc.) identified as parameters of concern and incorporate these goals into the phased decision-making process*
2. CalFed should include full implementation of existing laws related to water quality, including the authority to regulate those contributing to nonpoint source pollution (such as pesticide, fertilizer, and urban runoff)
3. CalFed must evaluate drinking water treatment technology, including its comparative cost as a way to ensure safe drinking water for south of delta water users

Levee Stability

1. CalFed's analysis is based on questionable assumptions regarding the long-term sustainability of the delta islands
2. CalFed's levee program must be better integrated with the ecosystem program

Storage

1. Dams and reservoirs have caused great problems for the environment
2. CalFed must describe clear goals for exploring the opportunities for efficiency and conservation strategies to benefit water supply reliability
3. CalFed must evaluate and compare the costs of new surface storage (dams and reservoirs) to the cost of water supplies developed through conservation and efficiency (including some or all of the following--recycling, reclamation, conjunctive use,

properly-regulated and managed transfers).

4. Does diverting more water, even if it is for so called "environmental storage" really provide net environmental benefits? Even if one assumes that new dams could benefit fisheries, I do not believe surface storage is a cost effective strategy.

Conveyance

1. CalFed needs to consider alternatives to building a peripheral canal. These include:
 - examining watershed restoration, managing manure from dairies, and urban and agricultural runoff control as a way to improve drinking water quality
 - alternative treatment processes for improving drinking water quality
 - bridging knowledge gaps regarding fisheries protection and the impacts of the 3 conveyance options
2. CalFed needs to recognize that a "silver bullet" for resolving problems with fish at the pumps in the delta does not exist. *All 3 alternatives have some level of benefit or risk for certain species.*

Finance

1. Water users, not the public, should pay for the costs of water supplies developed for their benefit
2. I support public-private funding partnerships for appropriate projects which include ecosystem restoration above the baseline, programs that reduce overall water use (such as conservation), or that allow more end uses to be served without taking more water out of the system (such as recycling)
3. Any new surface storage and conveyance facilities should be paid for by water users for their full financial and ecosystem costs
4. Any water from new surface storage for "ecosystem" should be considered partial mitigation for the past and ongoing impact to the environment

No Action Alternative

1. This relies on conclusions of DWR's Bulletin 160-98 which is based on flawed assumptions
2. Other flawed assumptions include:
 - no new listings under state or federal endangered species acts (there are numerous petitions and species likely to become candidates for endangered species protections)
 - only 45,000 acres of land with toxic runoff will stop being irrigated (otherwise known as land retirement) (a much higher estimate is more likely because roughly 30,000 acres have been offered up by willing sellers in one year alone and other government programs have funds to purchase this land)

Specific comments on the Ecosystem Restoration Program Plan:

1. In the section regarding "Visions for Reducing or Eliminating Stressors," there is nothing on the impacts of timber harvest, forest road construction, lack of maintenance of forest road systems, and other upland activities that act as stressors.

2. The inclusion of the Striped Bass as a species of concern is nothing short of criminal. While it is noted on page 162 (ERPP, Vol. I) that it is an introduced non-native species, the ERPP only mentions that it is a "top predator within the Bay-Delta and upstream rivers." What exactly do these fish prey upon? Juvenile Chinook salmon, steelhead trout, and other natives are its prey! To be managing for a non-native species that is detrimental to the health of native fishes that are imperiled is a direct conflict of the CalFed Mission Statement and Solution Principals. The irony of poisoning Lake Davis in the Sierras to eradicate Northern Pike while protecting other non-native predatory fishes in the Bay-Delta is not lost on me. To see this occurring leads me to believe that significant pressure from special interest groups (in this case, sport fishery advocates) are driving ecosystem restoration goals. This is also not in the best interest of the Bay-Delta ecosystem, and is counter to CalFed's Solution Principals.

Specific comments on the Ecosystem Restoration Program Plan, Butte Basin Ecological Zone Vision (ERPP Vol. II):

1. In the introduction (page 219), ecological processes, species and habitat are mentioned. Habitat is the only one to not have its current conditions described in any way. Example: "...processes are in a reasonably healthy condition..."; "Generally, the wildlife populations are healthy." Habitat lacks such a description, and as it is a highly impacted component of the Butte Basin, it needs to be addressed.

2. While processes and wildlife were given short mention, all three of the above need to have more extensive documentation to demonstrate how "...processes are in a reasonably healthy condition...". In my own analyses and field examinations I have found numerous natural physical processes to be lacking in the Butte Basin Ecological Zone. The statements in the ERPP Butte Basin Ecological Zone Vision need documentation, not generalities.

3. Peak flows on Butte Creek have reached 35,600 cfs in 1997. As stated in the ERPP on page 228, "Peak flow in winter of wet years reaches 1,000 to 3,000 cfs." This is grossly inaccurate.

4. Page 228. "...a small number of steelhead trout." This should read "an unknown number of steelhead trout.", as there are no surveys or studies to document the numbers of these fish.

5. Page 230, third paragraph on left dealing with gravel recruitment, hydropower and agricultural diversion dams, and their effects on gravel. This section pays no mind to the effects that the slack water areas behind these have on finer grained sediment. Observations above the former Western Canal Dam site show sedimentation, as do Adams and Gorrill Dams.

6. Page 230. "Currently timber harvest in the upper watershed is generally not a threat to Chinook salmon or steelhead holding and spawning areas." Says who?! This statement is unsubstantiated, is not referenced, and completely dismisses the effects of timber harvest, road construction and lack of proper maintenance on these road systems. Cumulative effects encountered with continued activities such as these and others in the upper watershed are also neglected.

7. Fine-grained sediment is not mentioned as a problem anywhere in the ERPP Butte Basin Ecological Zone Vision, yet the Coordinated Watershed Management program mentions streams with high sediment loads as a problem. Butte Creek has regularly exceeded the Central Valley Regional Water Quality Control Boards (CVRWQCB) guidelines for turbidity. Evidence from DWR, Red Bluff (see Gerald Boles or Jan Kilbuck) will substantiate this statement. This evidence alone is cause for concern with upper watershed activities as mentioned in number 6 above.

8. The damage done to the creek by large amounts of fine-grained sediment caused by the numerous failures of hydroelectric flumes and canals is never mentioned in the ERPP. PG&E's current system is given only fleeting mention, yet they are responsible for a large number of water quality violations over the years. See Ron Dykstra, CVRWQCB for accounts of violations.

Thank you for this opportunity to submit these comments and suggestions.

Sincerely,



Eric M. Ginney

cc:

Mr. Rick Breitenbach
CalFed Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

The Honorable Albert Gore
Executive Office of the Vice President
White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Jenna Olsen
Environmental Water Caucus
85 Second Street, second floor
San Francisco, CA 94105

DEPARTMENT OF
WATER RESOURCES
SACRAMENTO
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Lester Snow
Exec. Director
CalFed Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

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Chicago CA
95928-8884

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