



COUNTY OF ORANGE  
**BOARD OF SUPERVISORS**

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Recommended on 6-18-98  
By the OC Water Task Force

June 30, 1998

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

**SUBJECT: CALFED DRAFT EIS/EIR COMMENTS**

Dear Mr. Breitenbach:

We have reviewed the Draft EIS/EIR for the CalFed Program and have prepared the following comments based on the direction of the Orange County Board of Supervisors on February 24, 1998.

GENERAL

The EIS/EIR should be revised to improve the integration of programs to keep all components intact. We suggest the use of footnotes to reference the location of source data.

WATER SUPPLY

The CalFed Bay-Delta Program is in a position to provide firm physical and regulatory conditions allowing for increased reliability in operating the State Water Project (SWP). The EIS/EIR addresses a variety of alternatives and sub-alternatives, several of which can offer California reliable water supplies. The EIS/EIR should clearly identify the environmental benefits of this water supply reliability throughout the SWP. The "no-project alternative, and alternatives that do not offer the highest levels of supply reliability should clearly indicate the potential environmental damage and effects on State resources, including agriculture, habitat and the economy that may occur in drought cycles. The water supply issue should be clearly analyzed without partiality, with the alternatives that offer the greatest flexibility in water management for the Bay/Delta shown as superior for the overall environmental, human and economic well being for the State.

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As the Bay-Delta is considered "broken", the EIS/EIR should demonstrate how each alternative improves the ability to transport water from the source water areas to the State Water Project. For instance, Alternatives 2 and 3 appear to offer some improved operational reliability, and the EIS/EIR should provide incremental analysis of the differences between the alternatives.

The Preferred Alternative that will be identified in the Final EIS/EIR should include specific levee restoration and new storage facility projects for meeting these requirements with a methodology for achieving regulatory certainty in their construction and operations. The EIS/EIR should provide absolute clarity on the issue of water storage. The Preferred Alternative is suggested to include only "off-stream" storage facilities and avoid the well-known conflicts and costs of "on-stream" facilities.

### BAY-DELTA RESTORATION

Our Bay-Delta is one of California's most valuable environmental resources. Orange County supports Bay-Delta restoration as the primary focus of this environmental document as it relates to environmental restoration, water supply reliability and water quality improvements. With restoration will come progress on all other issues. No alternative should be selected that compromises the quality of these resources. The Preferred Alternative must include mechanisms to succeed at significantly improving environmental conditions of the Bay-Delta in an affordable manner. We note that Page 3-5 of the EIS/EIR states that Alternative 3 would have the highest potential benefit on east, central and south Delta Regions due to reduced entrainment losses, increased productivity and improved aquatic outmigration. However, the Vegetation and Wildlife impact discussions in the document describe impacts as greater for alternatives with associated storage and other facilities. As such facilities have not been actually sited, and the siting and location are imperative for a true discussion of the environmental impacts, it appears that this document's analysis is speculative at this programmatic stage of review. The desired level of restoration may not be feasible without utilizing new "off-stream" storage and improved water conveyance facilities. The EIS/EIR should include clear linkages, including benefits and impacts, between restoration, storage and conveyance. Sound environmental engineering should be utilized to identify and locate cost-effective "off-stream" storage and conveyance facilities that may not have significant adverse unmitigable impacts on the environment.

To ensure that the Bay-Delta will not suffer adverse impacts with the Preferred Alternative, we suggest that a Mitigation Monitoring and Reporting Program be prepared, in accordance with the California Environmental Quality Act ("CEQA" Section 21081.6). We suggest that this be prepared prior to the distribution of the Final Draft of the EIS/EIR, so that all interested parties may review the proposed mitigation measures and their requirements. This would provide a level of assurance for decision-makers in selecting an appropriate alternative that will provide the best restoration program possible.

### SALINITY MANAGEMENT

The primary interest by Orange County in the CalFed process is the reliable supply of high-quality water. The EIS/EIR should clarify that SWP exports that are low in salinity (Total

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Dissolved Solids, "TDS") maximize the opportunities for wastewater reclamation and conjunctive use groundwater programs. The EIS/EIR anticipates tremendous production increases in these programs (detailed in the Water Efficiency Appendix) and should reflect such projections with an equivalent commitment to delivering the appropriate quality source water. The document should cite the state-wide impacts of reduced efficiency in reclamation, conservation and groundwater programs as impacted by high salinity water. Management strategies should be included in the EIS/EIR for meeting salinity requirements and should include analysis for with and without storage facilities. Cost-effective salinity management may not be feasible without the implementation of storage facilities.

DRINKING WATER QUALITY

Orange County depends on the high quality of SWP supplies to blend with Colorado River water to meet drinking water standards. The protection of public health is accomplished through the delivery of water that is low in TDS, bromides and Total Organic Carbon (TOC) utilizing known and cost-effective treatment technologies. The EIS/EIR should specify that SWP exports should not exceed 50 mg/liter for bromides and 3 mg/liter for TOC to avoid concerns for disinfection byproducts. The document should also provide comparative data and performance level analysis for SWP deliveries under each alternative and the existing exports.

WATER TRANSFERS

A water transfer market is necessary to balance water demand and supply across the state. The EIS/EIR should identify the institutional oversight required to bring the market to reality. This analysis should include the physical and regulatory barriers (such as those encountered when attempting to "wheel" water through the Delta "bottleneck") that need resolution through the CalFed process. As a "no project" alternative, the EIS/EIR should outline the availability of re-establishing the Drought Water Bank initiated by the Dept of Water Resources in the late 1970's and early 1980's.

WATER EFFICIENCY

Improving water use efficiency should be supported throughout California. These programs should be utilized in public education programs as one of the most cost-effective techniques to spread a limited supply of water to more uses. All CalFed participants should be signatories to the State Best Management Practices (BMP's) to implement efficient and cost-effective water management programs under the certification process of the California Urban Water Conservation Council. The EIS/EIR should identify existing water use efficiency programs throughout the state and how anticipated expenditures for each alternative will be required for all water agencies to bring efficient water programs on-line at equal performance levels. The costs to implement such programs should be analyzed for equity - both in source funding and in resulting performance based on actual programs implemented. Providing for equitable efficiency requirements throughout the state is an assurance issue for Orange County's support of the CalFed Process. The EIS/EIR also needs to clearly indicate existing performance levels and

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benefits of water use efficiency programs throughout the state while outlining resolutions to regulatory and funding impediments.

The EIS/EIR states on page 7.2-32 that Alternatives 2 and 3 "will" contribute to growth inducement and related impacts. Existing projections of population growth for Southern California, which did not include or rely on any assumed increases in supply or reliability from the Bay-Delta, already show that in the near future demand will exceed supply. This is true even including assumptions about increased water use efficiency. Increased amounts or reliability as a result of selection of one of the alternatives will alleviate some of this projected shortfall between demand and supply. Because implementation of the alternatives will satisfy only part of an existing need, it is incorrect to state that implementation of the alternatives will induce growth.

### AFFORDABLE COST

The EIS/EIR should strive to keep goals achievable and costs equitable for all CalFed participants through itemized costs for each alternative and phase broken down as pro-rata shares. Finance requirements should be sensitive to regional capital improvement obligations while demonstrating the statewide commitment required in selecting the Preferred Alternative through balancing competing objectives. We suggest that those CalFed parties that benefit from the Preferred Alternative should share in paying the associated costs. Cost controls are suggested for the implementation program to provide another assurance level of accounting for expenditures. Ultimately, an assurances and finance package should be acceptable to the CalFed participants.

### INSTITUTIONAL REFORM

The EIS/EIR recognizes the complexity of institutional involvement in the Bay-Delta. The formation of the CalFed team is an example of the required long-term participation needed from regulators to achieve any level of success. The EIS/EIR should identify the entity or entities entrusted to carry out the implementation program along with assurances of expedited permitting and approvals. Through this collective process, regulatory agencies should be asked through a specific proposal in the EIS/EIR to alter their procedural routines in order to fully evaluate the complex requirements and information and to support consensus based solutions. This level of reform will be necessary to meet the CalFed objectives as well as to maintain a balance between interest groups. The documents should depict the regulatory and institutional frameworks anticipated for implementing the Preferred Alternative. This might require supplementing the Implementation Strategies Appendix with a proposed timeline matrix for each project implementation phase as another assurance issue that CalFed is to resolve.

### ASSURANCE AGREEMENTS

Providing assurances in the CalFed process is a major issue. Commitments by so many participants with such wide ranging interests need to be spelled out as part of the final EIS/EIR.

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and agreed to by the participants. Equity is the critical focus for achieving the required support. Benefits received should link to meet assurances for each interest group. The water providers should pay for a high quality and reliable water supply, the agricultural community should pay for cost-effective and reliable water supplies, and the people of the State of California should pay for a restored Bay-Delta. Each alternative should be matched with representative assurance commitments split to pro-rata shares. Acting as a template, a Mitigation Monitoring and Reporting Program would provide a real-time status snapshot for interested parties through the future implementation phases.

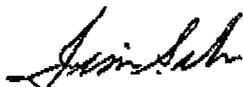
As part of its Implementation Strategy, the EIS/EIR should propose a lead agency or entity to spearhead the management of the assurances contracts and implementation of the phased actions of the Preferred Alternative. Included in the required tasks is the need to prepare the site specific project proposals (both environmental and engineering materials) for completing the Preferred Alternative. The EIS/EIR should identify the constraints and benefits from a number of possible candidates in the proposal.

### CONCLUSION

Orange County is willing to pay its fair share for improvements based on an equitable allocation of costs that will restore the Bay-Delta and meet water quality/water supply reliability requirements from the State Water Project. Cost containment and equitable cost allocations are crucial steps in keeping participants at the table. A complete and unified CalFed program that implements all of the elements through a coordinated phasing plan will maintain the desired momentum for success.

Thank you for the opportunity to comment on this project. We look forward to continuing participating in the CalFed Process. If there are any questions or need for clarification in regards to these comments, please feel free to contact Senior Planner Michael Wellborn at (714) 834-2486.

Sincerely,



James W. Silva, Chairman  
Board of Supervisors

cc: CEO  
SCWC