



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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MEMORANDUM

SUBJECT: Federal Agency Discussions of CALFED
Draft EIS and Draft Preferred Alternative -
Summary of December 1 Meeting

TO: Club FED Regional Policy Team

FROM: Patrick Wright
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SUBJECT OF MEMORANDUM

This memorandum summarizes discussions between regional Club FED agencies held on December 2 about potential "preferred alternatives" for the Draft EIS in the CALFED Bay Delta Program. The focus of the discussions was to reach consensus on the shape and content of the Draft EIS proposed for release in January 1998.

This memorandum is only a summary; no attempt is being made to reflect all of the concerns or points raised in the meeting.

This memorandum assumes substantial knowledge about the status and scope of the CALFED program. Some summary material is attached as a quick reference.

BROAD CONCERNS

The meeting identified a number of concerns that have broad applicability across the entire program:

1. There has not yet been an attempt to integrate the various components of the program.

Easy Example: Both the Ecosystem Restoration Program (ERPP) and the Levee Maintenance program affect levees in the Delta and elsewhere, but there has been no apparent attempt to develop these two programs into a single cohesive strategy or to identify cumulative impacts.

Harder Example: It is unclear how an aggressive water transfer program will affect the ERPP (assumptions about base flows, cropping patterns etc.)

DRAFT

2. It is difficult to make decisions in the absence of impact analyses, which are incomplete for the specific alternatives being considered.

3. The level of detail is problematic. Although this is a "programmatic document," we have also been asked to explore "assurances" under both the ESA and the 404 programs. We are concerned that the level of detail in many of these programs will necessarily result in a general "level of assurance" that will not meet stakeholder needs.

4. Some parts of the program are simply not available at this time. Examples: the levee program, the finance package component of the assurances package. We are reluctant to adopt these components as part of a "preferred alternative" without a chance to review them. Potential solution: Some of the material included in the DEIS could be presented as "available drafts" rather than as part of the preferred alternative. This is especially true of the BDAC subcommittee's "Assurances Package", which has not received substantial agency review.

5. The federal regulatory agencies especially are concerned that some stakeholders and agencies are incorrectly assuming that the CALFED program can actually change biological opinions or water quality standards. Although all parties are assuming that significant changes in the configuration of the Delta would require a reexamination of the regulatory regime applicable to the Delta, it would be improper for regulatory agencies to revise the requirements based solely on predictions and in the absence of real information developed through the monitoring program.

SPECIFIC PROGRAM CONCERNS/CONCLUSIONS

The federal agencies evaluated a "preferred alternative" by considering the separate components of the CALFED program. These are:

- I. Conveyance in and/or around the Delta
- II. Storage facilities
- III. Common Programs
 - Ecosystem Restoration Program (ERPP)
 - Water Use Efficiency
 - Water Quality
 - Levees

Comments and conclusions as to each of these are given below.

DRAFT

I. Conveyance

A. General Consensus: Alternative #2 (the "through-Delta" Option) is the worst of both worlds, given that it continues the entrainment problem without a commensurate benefit to aquatic habitat. The only beneficiaries of Alternative #2 are certain water users whose water quality may improve (CCWD, possibly exporters).

B. Heavily Caveated General Consensus: The group generally supports using Alternative #3 as the preferred alternative for purposes of the DEIS, with a range of sizes for the isolated facility in the 5-10K cfs (some said 7-11K cfs). Because the views on this important issue vary, we'll include a lot of detail.

1. The group agreed that, in reality, the real process would be more like "Alternative #1 first, then move to Alternative #3." There was substantial support, although not unanimity, for the idea that this "phasing" should be very intentional, and that information developed during the "Alternative #1" phase should consciously be used to better define the necessity for and/or shape and operations of the "Alternative #3" phase.

2. A proposal came up that this "phasing" should include a central Delta intake for an isolated facility as a first phase of Alternative #3. In the event that an isolated facility was then extended all the way to Hood, the central Delta intake could be retained as an extra flexibility device. This proposal did not receive full endorsement, but we believe it should be further evaluated.

3. All agencies recognize that Alternative #3 raises serious "assurances" issues that have not yet been addressed, and acknowledge that these assurance issues may require a different sizing or a different approach than might otherwise be suggested by a simple biological or water supply evaluation.

4. The strongest proponent of a "fully isolated" (meaning no or minimal exports from the south Delta) was the FWS, and they emphasized a number of points about their proposal. First, their proposal was not intended to be a conclusion that entrainment is the primary problem. We all acknowledged that there is a continuing scientific debate about the relative contribution of entrainment v. habitat loss in the Delta. FWS noted that its proposal explicitly recognizes the need to maintain habitat and water quality in the Delta, and noted two important parameters: maintenance of minimum flows in the Delta and addressing drainage issues on the San

DRAFT

Joaquin River.

The group did not reach consensus that a fully isolated facility should be the preferred alternative, but we did agree that an evaluation of full isolation should be included in the DEIS. The proponents of full isolation believe that this review should include an evaluation of a small (2000 cfs) facility in the south Delta as an adjunct to the isolated facility. They believe that there would be times and conditions for using this small facility that would significantly enhance water supply benefits without environmental risk.

C. Concern: Agencies acknowledged that the models were generally not created for many of the analytical purposes for which they are now being used, and expressed concern that we do not have consensus on many of the fundamental assumptions being made in running these models. Agencies believe this is an ongoing need to attain that consensus, both for the DEIS and thereafter.

D. Concern: We want to see additional/better modeling of the relationship between isolated facility size and water supply benefits.

E. Concern: We note that its impossible to pick only an isolated facility "size." We must simultaneously also pick a corollary south Delta facility "size."

II. Storage Options

A. General Consensus: Agency group was generally willing to agree that water supply benefits are largely driven by storage rather than by the conveyance choice, although we were reluctant to accept the total independence of the two variables that was suggested at the last Policy meeting. In addition, the group generally accepts the proposition that more storage generally translates into larger water supply benefits.

B. General Consensus: Agency group was generally willing to include in the DEIS the very general proposal of a range of 0-3MAF north-of-Delta storage and 0-2MAF off-aqueduct south of delta storage. This conclusion, however, was driven largely by frustration, for the reasons outlined below.

C. Concern: Agencies were concerned about why the "representative locations" and screening process seems to have stalled. This is the "level of detail" issue flagged above.

D. Concern: Agencies had serious questions about whether "AF of storage" at potential sites is the best metric, rather

DRAFT

than "AF of yield"

E. Concern: Continued agency concern that use of "average annual deliveries" as the major display characteristic is incomplete, and that many agencies and stakeholders believe an equally relevant measure is "critical period" deliveries.

F. Concern: Serious concern that the level of detail about possible storage locations makes it difficult to either (a) have a sense of what is realistic, or (b) be able to make a simple cost/benefit evaluation of particular storage configurations.

G. Concern: Role of "flood storage" seems to not be analyzed, especially when the program continues to make the arbitrary 1/3-1/3-1/3 allocation of new storage benefits.

III. Common Programs

General Comment: Group emphasized that common programs are the core of this effort, and that we should not release the DEIS until these programs are in adequate shape. Where absolutely necessary, we could release imperfect common programs in the DEIS and include a description of the process we intend to use to resolve outstanding issues, along with a timeline for resolution.

A. Ecosystem Restoration Program (ERPP)

1. General Consensus: Agency group believes that the ERPP released in the DEIS needs to have the conceptual models and indicators included. This was the major flaw identified by the science review process, and we believe it is critical to the credibility of the program to respond to it in the DEIS.

2. Concern: Ongoing concern about failure to clearly articulate what "adaptive management" means in the context of the ERPP. We have started this process by approving the CMARP monitoring effort and the indicators effort, but we need to see more definition of particulars.

3. Concern: Concern, although not unanimity, that the emphasis on market transactions and "willing buyer/willing seller transactions" may make implementation difficult. Absence of a secure funding source raised issues about assurances. Group recognized that these issues are also being considered by the Assurances Group and Finance Group, but still flags need for resolution.

4. Specific Concerns: Several of the agencies had already filed specific comments on the ERPP, and we have attached a list of those specific comments that the federal agencies believe are critical enough to require resolution before the

DRAFT

B. Water Use Efficiency Common Program

1. General Nonconsensus: Although cognizant of the significant changes being made to the WUE program by CALFED staff, there was not a federal consensus to endorse that program, as presently understood.

2. General Consensus: We are unclear exactly what was agreed to at the last Policy meeting. To clarify a consensus federal position: the federal agencies believe that entities wishing to receive CALFED benefits must all meet the same consistent standard, and that standard should set at the stricter of the requirements of the CVPIA and the AB3616.

3. Concern: Possible consensus in the group that there needs to be some form of indicator of success for measuring attainment of the WUE program.

4. Concern: Serious concern that parts of the WUE program don't really exist yet - neither the "Water Transfer" component nor a stronger "Water Reclamation" component.

C. Water Quality Common Program

1. Broad Issue: Concern that the level of detail is low and that it is hard to discern what the program actually proposes to do. Group recognizes that an effort is underway to revise this program, and urges that revisions be included in the DEIS.

2. Concern: Recommend that the program define a proposed "level of attainment" for the program itself, with indicators that measure attainment.

3. Concern: Recommend exploring whether this common program should also undergo scientific peer review.

D. Levee Common Program

1. Broad Issue: This common program is substantially behind the other programs, and we cannot endorse its inclusion in the DEIS until we have seen it and had adequate time to review it.