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September 23, 1999

Mr. Lester Snow, Executive Director  
Attn: Mr. Rick Breitenbach  
CalFed Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, CA 95814

Dear Mr. Snow:

The following comments on the Draft Programmatic Environmental Impact Report and Statement on the CalFed Bay-Delta Program, June 1999, are on behalf of the Mono Lake Committee. Please enter these comments into the formal record of this proposed action.

I am focussing our comments on two fundamental and related problems that are built into the assumptions of the entire CalFed Bay-Delta Program: baseline data and 2020 water demand assumptions.

#### Baseline Data

According to the California Congressional Research Bureau, urban demand figures for the CalFed EIR/EIS are overestimated by 800,000 to 1 million acre feet. California does not have a water budget or an agreed upon way to resolve water supply and water quality disputes, except through litigation. Investments in water conservation, water recycling, watershed management, and conjunctive use create water supply and water quality benefits, but these benefits are not credited directly to a CalFed solution for the Bay-Delta.

In the absence of good baseline data, a water budget, and real-time water demand and water quality information, large-scale engineered solutions have a programmatic advantage over a water-crediting system, water conservation, watershed management, conjunctive use solutions because large projects are easier to track now. But, good public policy must have much better information for informed choices. Good public policy needs good science to choose the best mix of programs to study and/or implement over the next 30 years. Since it will take some time to get new baseline information, we argue that the 30-year ROD is premature. There should be a ROD for 7-10 years that focuses on creating a sound base of information for 21<sup>st</sup> century decision-making.

2020 Water Demand Assumptions

The CalFed Bay-Delta Programmatic EIR/EIS makes water demand assumptions that are at best faulty and at worst intentionally misleading. The two scenarios concerning future water needs assumes as follows: 1) all future demand will be made up by conservation and water management techniques--without significant future investments--or 2) 100% of the State Water Project and Central Valley Project water will be delivered to contractors, which in fact is a 10% increase in Delta exports.

Because the modeling effort on these two scenarios is measuring exports, the modeling assumptions are focused on two points: maximizing 1) what is currently assumed to be "taken" from the system (1995 baseline, other facility needs in the no action assumptions and operations criteria) and 2) what needs to be pumped in the future. The inclusion of the Monterey Agreement contract commitments in the CalFed Programmatic EIR/EIS directly impacts both issues. For example, CalFed uses the Monterey Agreement to justify the assumption that any water Metropolitan Water District does not need will be picked up by the San Joaquin Valley users as surplus water. Since the amount of water being pumped is viewed as an aggregate number (Banks + Tracy), CalFed simply assumes that some contractor south of the Delta will need/take the available water -- and the pumping is assumed to be at the capacity of the system, given physical and environmental constraints.

Under these assumptions, it is virtually impossible for any agricultural or urban conservation, water recycling, watershed management, groundwater conjunctive use program or other alternative water supply generated south of the Delta pumps to alter how much water is assumed by CalFed to be needed for export from the Delta.

The implications of this modeling issue are profound. Water conserved south of the Delta may be identified rhetorically by CalFed as a potential benefit for fish in the Delta or to relieve pressure on northern California, but in the modeling, the benefits DO NOT COUNT. This robs the people of Southern California and the farmers south of the Delta of their role in making California's water supply and water quality programs work better, not only for the Delta for these regions. Drought-proofing Southern California in Southern California is a much more reliable strategy than building more dams and canals for Southern California IN Northern California.

Another effect of the modeling assumptions is that the CalFed Bay-Delta Program EIR/EIS selects for those water projects that fit within programs that call for more Delta exports and against those that would reduce Delta exports. The spill over of these modeling flaws affects other core analyses, such as integrated storage.

This predisposition in the EIR/EIS for increasing Delta exports makes it impossible to propose that a 30-year ROD be made. CalFed should limit the upcoming ROD to the next 7-10 years, making this stage the "due diligence" stage, and as such focus on aggressive implementation of the common programs to enhance the existing

system, while completing the water management studies, the assurance package, finance package, and the governance package.

The EIR/EIS has done a relatively good job of defining Stage 1 actions, and these could be completed in the "due diligence" stage. In addition more accurate baseline information on the state's water supplies, water demands, water quality, and "no action" baselines could be prepared. At the end of Stage 1, CalFed could reopen the normal NEPA/CEQA decision-making processes in order to evaluate the long-term (23-year) alternatives using better information and evaluation of Stage 1 actions. It has already conducted two EIR/EIS processes in 1998 and now in 1999, so having another in 7-10 years is easily within the capability of the Federal and State government agencies.

There are many other very important problems within the EIR/EIS that are either not addressed or misleading, and thankfully, there are also many other organizations working very hard to address those points. On behalf of the Mono Lake Committee, we will appreciate your attention to the issues we have raised that must be addressed first if we are to find real solutions to the conflicts in California's water supply system.

Sincerely,



Frances Spivy-Weber  
Executive Director