



April 23, 1999

The Honorable Bruce Babbitt
Secretary of the Interior
1849 C Street, NW
Washington, DC 20240

Post-it® Fax Note	7671	Date	# of Pages 2
To	Carter Snow	From	DL
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

RE: Implementation of Central Valley Project Improvement Act

Dear Secretary Babbitt:

We are in receipt of a copy of an April 21, 1999 letter to you from a number of environmental groups regarding implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act. Contrary to the letter's implication, Section 3406(b)(2) is being implemented this year. This is best evidenced by the fact the notwithstanding five consecutive wet years, Central Valley Project agricultural contractors south of the Delta have received only a 70% allocation. This water supply reduction has resulted from implementation of the Bay-Delta Accord and other upstream actions taken for the benefit of anadromous fish. Section 3406(b)(2) is being implemented.

As you know, Interior has implemented a reduction in exports under the 1995 biological opinion for Delta Smelt that coincides with the San Joaquin River pulse flow period. Contrary to statements contained in the April 21 letter, the action that was enjoined by the District Court was not a "critically-needed fish restoration action." Rather, the proposed action was an experiment that was intended to collect data concerning the relationship, if any, between out-migrating salmon smolt survival and exports. Even if the action had not been enjoined, the experiment could not have been conducted in a manner consistent with its experimental design because high San Joaquin River flows prevented the installation of the Head of Old River Barrier. Any incidental protection to the San Joaquin River fishery that would have resulted from the experiment is being provided by the current reduction in exports. These reductions are to be made-up in a manner consistent with the Bay-Delta Accord, and we suspect that is the environmental groups' real complaint.

The April 21 letter also makes reference to modeling studies that were conducted before the November 20, 1997 Final Administrative Proposal on Management of Section 3406(b)(2) Water was adopted. The letter states that this modeling "clearly indicates that less than 800,000 acre feet of water will be used for CVPIA implementation during years with hydrology similar to this year." However, an impact on water deliveries, which was the impact analyzed by the modeling studies, is not the measure of (b)(2) water, a point noted by the Administrative Proposal. The measure of (b)(2) water must be determined by calculating the delivery capability of the CVP during the critical 1928-34 drought period, not a year with hydrology similar to this year.

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The environmental groups' letter concludes by asking that Interior comply with the terms of the temporary restraining order entered on April 16, 1999. The San Luis & Delta-Mendota Water Authority could not object to this. However, given that the incidental protections, if any, that would have resulted from the action enjoined are being provided by the 1995 biological opinion, the Authority believes that Interior's efforts would be better spent on developing the (b)(2) accounting process. When that process is complete, the questions raised by both the environmental groups and the Authority can be answered.

Thank you for your consideration of these comments.

Sincerely,



Daniel G. Nelson
Executive Director

DGN/slm

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| cc: | Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Gary Condit
Congressman Cal Dooley
Congressman George Radanovich
George Frampton
Patty Benecke
Steve Richardson
Mike Spear
Lester Snow
Kirk Rodgers | Governor Gray Davis
Mary Nichols
Tom Hannigan |
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