

The Bay Institute of San Francisco
Environmental Defense Fund
Natural Resources Defense Council
Save San Francisco Bay Association

April 29, 1997

Michael Mantell
Patrick Wright
Co-Chairs, CALFED Management Team

RE: PROPOSED STANDARDS RELAXATION

Dear Mr. Mantell and Mr. Wright,

We have received the April 25, 1997, letter from the CALFED Management Team to the CALFED Operations Group regarding the proposed operations plan for 1997 spring export reduction and corresponding makeup. Much of the content of this letter is ill-considered and unjustifiable with regard to the interpretation of the no net loss provision and the implementation of the Central Valley Project Improvement Act, and we intend to comment on those aspects of the operations plan under separate cover. However, we must respond immediately to one new and outrageous element – the CALFED Management Team's proposal to relax compliance with water quality standards, including Delta outflow requirements, as a tool to implement export recovery. The standards relaxation proposal is nothing short of incredible in its blatant disregard for consensus agreements as well as for enforcement of the Clean Water and Endangered Species Acts. This component of the operations plan is unacceptable in any form to the environmental community, and will be an impediment to achieving progress in resolving the other difficult, critical policy issues raised by the operations plan.

The language of the Accord is clear on this point: operational flexibility to implement the no net loss provision is to be achieved within the limits of water quality and operational requirements and is to be implemented through adjustment of export limits. Furthermore, the subsequent findings of no jeopardy by fish and wildlife agencies under the Federal Endangered Species Act was based on the commitment of the state and federal water projects to meet the Accord standards and to use operational flexibility in the manner specified in the Accord. It should also be noted that the relaxation of minimum instream flow

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requirements on the Feather River is also precluded under the proper use of operational flexibility as defined in the Accord.

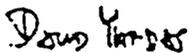
The inclusion of water quality standards relaxation in the proposed operations plan is therefore in gross violation of the terms of the Bay-Delta Accord, the 1995 Bay-Delta Water Quality Control Plan, and the biological opinions. The proposed action calls into question the ability and willingness of the Federal government and the State of California to honor their most fundamental commitments under the Accord and the Water Quality Control Plan. Planning for and proceeding with standards relaxation can only have the most fatal consequences for the success of the CALFED process in identifying a long-term Bay-Delta solution, by eliminating any confidence that future assurances for environmental protection and restoration will be fulfilled.

We urge the CALFED Management Team to repudiate the standards relaxation component of the plan, and to reaffirm in writing the existing agreement of the Federal government and the State of California in the Bay-Delta Accord that the exercise of operational flexibility under the no net loss provision is achieved through the adjustment of export limits only and must be implemented within the limits of the water quality and operational requirements of the Water Quality Control Plan. Any actions to implement the proposed standards relaxations or to perpetuate an operational flexibility policy based on adjustment of water quality and operational requirements of the Plan other than export limits will meet with the strongest opposition from our organizations.

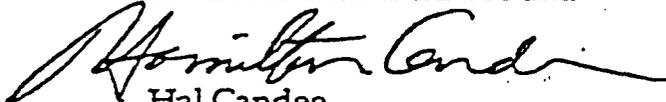
Sincerely,



Gary Bobker
The Bay Institute of San Francisco



David Yardas
Environmental Defense Fund



Hal Candee
Natural Resources Defense Council



Barry Nelson
Save San Francisco Bay Association