



rwoodard#064#water.ca.gov#064#INET1@MW_X400 on 03/02/98 07:18:26 PM

To: Sarah E Holmgren/User/Americas/Montgomery Watson@MW,
jheath#064#water.ca.gov#064#INET1@MW_X400
cc:
Subject: 1/5/98 WQPP Draft Comments

>>>>

<excerpt>X-Sender: nhidkf@synergy.transbay.net
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.0
Date: Mon, 02 Mar 1998 16:10:18 -0800
To: rwoodard@water.ca.gov
From: David Fullerton
Subject: 1/5/98 WQPP Draft Comments

I am sure that this document is locked into place, at least until after the DEIR hits the streets. Still, I had some comments on the "Strategies for Phased Implementation" section which may be relevant for the period between draft and final. Feel free to forward this if you think it has any value.

I have always felt that wq was the least natural resource area for CALFED to work in. There is no constituency behind water quality as a whole. No one cares about water quality per se. Instead, interest centers on wq as it relates to the ecosystem or drinking water or agriculture or some other end use. It would be more natural to deal with wq within each of these topic areas, rather than to separate out all wq issues from end uses and throw them together. The only compelling reason to consolidate wq into one area would be if implementation of wq were also going to be centralized and we wanted to bring all the various responsibilities under one roof. But this is not what is happening nor is it likely to happen. With this introduction, here are my comments.

- o The WQPP is entirely process driven. There are goals and criteria, but these are advisory. There is no single action and no single criterion that CALFED is committing to accomplishing. This implies that we must have a strong handle on the institutional and financial arrangements if we are to make a credible case that CALFED will actually lead to improved water quality.

- o The structure of the institutional arrangements, as presented in Figure 6, is problematic.

<paraindent><param>left</param>o There is no agency responsible for meeting wq goals. Instead, the existing regulatory agencies will apparently examine possible actions and give them priorities, based upon the importance, the cost, and the relevance of the actions for the success of CALFED.

- o There is no dedicated source of money for Water Quality. Each action will need to either get money from some unspecified pot of CALFED money,

or will need to find its own funding.

But regulatory agencies have their own legal responsibilities. Without new legislation, do we expect regulatory agencies to change their mission to conform to CALFED or spend their money on CALFED priorities? Considering that CALFED has no legal existence, why should they? This is starting to look very much like the Estuary Project. Lots of good intentions, but no credible implementation or funding mechanism. I believe that an impartial reader would infer from this institutional description that CALFED's wq program is mostly smoke and mirrors, nothing but business as usual.

</paraindent> There are a couple of possible fixes to these problems:

<paraindent><param>left</param> Set targets. Develop legislation forcing the regulatory agencies to meet various wq criteria through a combination of market and regulatory mechanisms. This is what we proposed in the assurances committee, but you felt (as I remember) that this approach was too rigid and might force us into unreasonable and costly goals.

o Set funding. Create a wq agency (1) lacking regulatory authority but (2) having a reliable revenue stream, dedicated to promoting CALFED wq goals.

o Parcel out responsibility. The wq parameters that most people care about are eco, drinking water quality, and agricultural salinity. Each of those can be dealt with in other program areas within CALFED. Other parameters are unlikely to matter very much to people. Thus:

</paraindent><paraindent><param>left, left</param> Broaden the umbrella and expand the budget of the eco entity. Thus, DERA or the JPA would not only have responsibility for flow patterns and physical habitat, but would have money to invest in improved wq, if the benefit were worth the cost. If the problem needed regulation, DERA or the JPA could make recommendatinos to the regulatory agencies.

o Drinking water quality will largely be dealt with by the choice of water transfer facility. With an alternative 1 (or 2), we may wish to put increased emphasis on source control (though I doubt it would do much good in a basin this size). Who would run this program? DERA or the JPA? Not likely, since drinking water priorities and eco wq priorities are not identical and we do not want to create a conflict of interest. A new institution? Possibly. Or, if we can identify needed actions now, we can fund them up front and give them to DWR or some other motivated agency (e.g., a Delta island discharge control program).

o Agricultural salinity will also largely be determined by the choice of facility. There are some residual issues, however. In particular, we have talked about salinity discharge reductions on the San Joaquin River.

We have the same choice here as with drinking water. Create a new agency to do what needs to be done -- purchase land, fund discharge management programs, etc. -- or, if we can identify the needs up front, assign it to an existing agency. Give land buyouts to the USBR, fund the CVRWQCB to run a discharge management program.

My main point is that we must show how things will get done. Someone must be accountable for something, whether it is meeting criteria, spending a defined amount of money wisely, or meeting end use goals (e.g., biological). Otherwise, how can we show people that this is not the Estuary Project?

</paraindent>

</excerpt><<<<<<<<