

**Major Concerns of Regulatory Agencies
regarding the ISDP Administrative Draft**

ISSUE #1: Technical Studies (CVP/SWP Operations and Delta Modeling) should assume revised Delta standards as per the Bay-Delta Accord and the SWRCB's June 1995 Water Quality Control Plan.

Discussion: Studies for the AD assumed operational criteria applicable for 1994 (D-1485 plus ESA constraints for winter-run salmon and Delta smelt). These studies were conducted prior to the signing of the Bay-Delta Accord. Preliminary analysis by DWR indicated that the impacts analysis for the ISDP preferred alternative would not change significantly with the new Bay-Delta standards. Based on this, DWR and USBR proposed to release a public draft EIR/EIS using the older studies with a commitment to re-run these studies with Bay-Delta Accord criteria in the Final EIR/EIS. Regulatory agencies objected to this approach.

RESOLUTION: DWR has now conducted revised studies assuming the current Bay-Delta standards. The results have been forwarded to the consultant (ENTRIX) preparing the public draft EIR/EIS and the impacts analysis will be revised to reflect the new studies.

ISSUE #2: The EPA/USFWS alternative for the EIR/EIS included in the AD was not characterized correctly by ENTRIX; therefore the impacts associated with this alternative are also incorrect.

Discussion: This alternative was conceived and proposed by EPA, USFWS, NMFS, and DFG. However, these agencies feel that ENTRIX has not accurately characterized the nature and scope of this alternative in the AD.

RESOLUTION: The description of this alternative is being revised in close coordination with USFWS. Once it is finalized, the impacts analysis will be re-assessed and included in the public draft EIR/EIS.

(Over)

ISSUE #3: Mitigation measures proposed for the ISDP are neither complete or adequate.

Discussion: Mitigation measures in the AD are not adequately described to the degree necessary to determine if they will avoid or minimize significant environmental impacts of the proposed project.

RESOLUTION: The mitigation measures proposed in the AD are those which DWR and USBR are proposing to implement at this time. We recognize that these mitigation commitments may change significantly before the ISDP preferred alternative is implemented. The appropriate times to identify additional mitigation actions and refine the proposed actions are during the review of the public draft EIR/EIS and during the formal consultation required under the Federal and State Endangered Species Acts.

ISSUE #4: The ISDP is not consistent with the Bay-Delta Accord.

Discussion: The regulatory agencies believe the AD implies that ISDP is consistent with the Bay-Delta Accord and disagree with this interpretation. ENTRIX's actual intent was only to point out that since ISDP implementation results in more operational flexibility, it could allow the CALFED Operations Group to better carry out its charter.

RESOLUTION: The public draft EIR/EIS will be revised to describe the relationship of the ISDP to all activities implementing the Bay-Delta Accord, including its consistency with longer term water supply options.

ISSUE #5: The AD does not contain a sufficient level of technical information to permit the reviewers to determine whether the impacts analysis for aquatic and terrestrial resources is correct.

Discussion: Much of the technical data used for the impacts analysis for the AD was contained in a separate appendix which was not distributed for agency review. Therefore, this information was not available to AD reviewers attempting to ascertain whether they agreed with the impacts analysis for aquatic and terrestrial resources.

RESOLUTION: We are working closely with the DFG to identify the pertinent data to be included in the EIR/EIS and any associated technical document supporting the EIR/EIS. The public draft EIR/EIS will be revised to reflect the required information.