

CENTRAL VALLEY PROJECT WATER ASSOCIATION

March 7, 1996

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Mr. Marty Kjelson
Program Manager, AFRP
U.S. Fish and Wildlife Service
4001 N. Wilson Way
Stockton, CA 95205-2486

Dear Marty:

We are alarmed that the Interior Department appears to be unilaterally implementing actions from the Draft AFRP in the context of making 1996 water allocation decisions. We discussed this concern in Fairfield on Monday but recent developments have heightened our concerns and have, unfortunately, further set the stage for conflict.

We have been generally supportive of the Draft AFRP in large measure because of the repeated assurances from the Service that the plan amounted to no more than a "menu" of possible actions. Of critical importance is that we have been led to believe that the essential analysis and discussions of specific biological benefits, biological monitoring, operational impacts, relationship with the 800,000 acre feet and other CVPLA environmental restoration tools, NEPA compliance, ESA consultation and coordination with the CALFED operations committee will all occur within some formalized, stakeholder-involved, implementation process. As a result of these latest developments, we urge you to fully define the "implementation process" in the final AFRP.

It was indeed the assurances that a detailed analysis of any implementation decisions would occur prior to implementation that kept us from challenging the many possible AFRP actions as inadequately defined and not supported by sound science and understanding.

Many AFRP actions seem to have little more than a "best guess" or "gut feel" foundation, which is a wholly inadequate basis for decision making. I was somewhat relieved by your statement that the AFRP items were not being implemented this year, but that you had simply given them to the Bureau and DWR to see if they could be accommodated within planned operations at no additional water cost.

We are now alarmed, however, that Bureau operations staff indicate they are reworking the current forecast to accommodate "changes in operations requested by the Fish and Wildlife Service" related to minimum river flows and Delta operations. I hope this is just a miscommunication between yourself and the Bureau.

If not, the future of the AFRP will be in deep question. If in fact unilateral implementation is now being undertaken, we would have to strongly oppose the Draft AFRP in its current form and request that the specific analysis identified in the second paragraph of this letter be undertaken prior to finalization of the report.

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Mr. Marty Kjelson

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We would also urge your agency to be fully responsive to President Clinton's Executive Order #12866 which requires extensive benefit and impact analysis before actions implementing federal statutes are undertaken.

Not only does the credibility of the AFRP rest almost entirely on the foundation of an open and fully informed implementation process, its relation to and conformance with the letter and intent of the Bay/Delta Accord of December 1994 also relies on that same foundation.

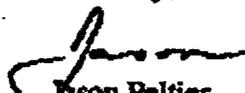
The December 15th Accord was borne largely out of our collective frustration with unclear "rules of the road" for operating the CVP and SWP. The Accord was celebrated because of the certainty that it brought to water project operations. Quite clearly, the unilateral implementation of AFRP "ideas" will make a mockery of the federal government's commitments to the principles of certainty and an open, collaborative process behind the Bay/Delta Accord.

I hope I am not overreacting, but things do seem to be quite out of control. This situation is made all the more important by the fact that despite the best storage and precipitation conditions in the last decade, over 1 million acres of the CVP service areas now have only a 60% supply.

That's almost a 50% cutback when farmers are out planting their crops for the 1996 harvest. Many are planting in the dark, without assured water supplies. I guarantee that farmers are not planning to idle 40% of their ground. They are assuming higher supplies, and it appears taking a major risk, with the assumption that the Accord was and is the controlling factor.

Marty, we can talk through these concerns at your briefing and the Bureau's subsequent operations workshop on the 11th of March, but I feel the need to supplement our previous comments in light of what appears to be a major development.

Sincerely,


Jason Peltier
Manager

cc: Roger Patterson
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