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July 1, 1998

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Mr. Lester Snow  
Executive Director  
CALFED Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, California 95814

Dear Mr. Snow:

The Northern California Water Association (NCWA) appreciates the opportunity to comment formally on the CALFED Bay-Delta Program Programmatic Environmental Impact Statement / Environmental Impact Report ("Draft PEIS/EIR"). In addition to these preliminary comments, NCWA plans to submit further written comments on the revised Draft PEIR/EIS that CALFED has indicated it will release later this year.

NCWA represents 66 private and public water agencies, companies and individual water rights holders with entitlements to the surface waters and groundwater of the Sacramento Valley region. Our members collectively irrigate over 850,000 acres of farmland throughout this region. Several of our members also deliver water to state and federal wildlife refuges and much of this land serves as important seasonal wetlands for migrating waterfowl, shorebirds and other wildlife.

In 1994, the State of California and the United States signed a "Framework Agreement" pledging cooperation on a long-term plan to address chronic environmental and related water supply problems in the Sacramento - San Joaquin River Delta and San Francisco Bay (Bay-Delta). Consistent with this pledge, NCWA, along with urban, agricultural and environmental interests, in December 1994, signed the "Bay-Delta Accord" which established an interim management plan for the Bay-Delta. The 1996 passage of Proposition 204 and the federal California Bay-Delta Environmental Enhancement and Water Security Act, which NCWA also supported, assisted CALFED to advance its program and jump-start beneficial restoration measures.

NCWA's members have worked constructively with CALFED and participating agencies in a remarkable partnership to enhance fishery habitat, by improving passage on tributary creeks and installing protective fish screens on agricultural diversions. Our participation in the Bay-Delta Accord and our constructive support for the CALFED process reflects our members' historic commitment to protect the environment. This commitment has resulted in improved water quality in the Sacramento River and its tributaries, more efficient water use, increased protections for fisheries and the establishment of thousands of acres of privately managed habitat for waterfowl and wildlife. Sacramento Valley agricultural water suppliers and farmers have also initiated

comprehensive efforts to increase water supplies, improve flood control protection, and protect groundwater resources - all in a manner that sustains the region's economy and environment.

NCWA has unequivocally supported the CALFED process, and we will continue to work with CALFED agencies in the hope of developing an equitable long-term solution. Moreover, we recognize that CALFED represents the best opportunity to resolve the Bay-Delta's chronic environmental and related water supply problems. NCWA supports the program although we believe Sacramento Valley water users are only minor contributors to the Bay-Delta's problems. NCWA's Board of Directors recently adopted specific principles on the CALFED program, which were subsequently forwarded to CALFED. NCWA has utilized these principles to assess the program, the three alternatives and their components in the current Draft EIR/EIS.

NCWA is unable to support any of the three alternatives contained in the Draft PEIS/EIR, and has numerous policy and technical concerns with the individual actions, their cumulative effects, recommended in the alternatives. For example, the Draft PEIS/EIR fails to provide a sufficient level of detail and specificity on the alternatives and their individual components. Additionally, some of the proposed recommendations exclusively focus upon resolving Delta environmental problems while overlooking upstream problems caused by Delta conditions. Many of the actions aimed at alleviating Delta environmental problems will result in adverse impacts in the Sacramento Valley - without regard to their resultant social, economic or environmental consequences. It is our recommendation that CALFED revise its draft report to fully address the policy recommendations and technical issues raised in this letter.

Our intent is to provide CALFED with a brief assessment of the Draft EIS/EIR from both a policy and technical level. NCWA's major points are raised here, followed by technical comments. I would be pleased to meet with any of the CALFED staff or state and federal officials to discuss our perspective on the program's draft.

**1. The draft PEIS/EIR fails to provide a sufficient level of detail and specificity on the three alternatives and the individual program components.**

The Draft PEIS/EIR does not provide the necessary amount of information on the three alternatives, their variations, and many of the specific program actions and related components. Additional detail is necessary for actions fundamental to resolution of the Bay-Delta's problems, such as new surface storage, Delta conveyance improvements, and environmental restoration measures. Crucial information is equally necessary on elements such as the phasing and implementation of various program projects and actions, financing and assurances.

CALFED has yet to develop a staging plan to allow various plan elements to be implemented in a manner that allows all stakeholders to "get better together." Adequate programmatic findings are essential to ensure implementation of storage actions simultaneously

with the common programs, particularly ecosystem restoration program measures. Additionally, assurances are vital to the success of CALFED's solution, and the Draft PEIS/EIR does not present all of the necessary information relevant to key assurances. The final plan must contain clear and convincing legal assurances that all program actions will be consistent with California's water rights priority system and area of origin protections. All of the various actions in the interim and final plan must affirm these laws and policies.

The projected capital and annual program costs associated with the alternatives are immense, and many question how CALFED will equitably finance a project of the scope proposed without new taxes or water use fees. The CALFED financial plan is so general in nature that an adequate test of compliance with NCWA financial principles cannot be made at this time.

- 2. CALFED has primarily focused on Delta environmental solutions, overlooking existing upstream problems caused by Delta conditions. Additionally, some of CALFED's recommended actions to improve Delta conditions will create severe problems adversely affecting the economy and environment of upstream areas.**

The solutions proposed by CALFED may improve Delta conditions, however, they will likely occur at the expense of Northern California's environment and economy. Obviously this violates CALFED's principle of "no significant redirected impacts." One example is the flooding and seepage problems in the Sacramento Valley, which are not well documented in the Draft PEIS/EIR. These problems will likely worsen under the proposed Ecosystem Restoration Program (ERP) - which emphasizes restoration activities of a theoretical nature. Actions such as riparian reforestation, promotion of stream meander, and replication of natural floodplain processes via setback levee development are viewed skeptically by resource managers and landowners - due to their potential to affect river diversions, fish screens, levee maintenance, flood control protection, and normal agricultural activities. These restoration actions also raise related concerns regarding land management and county tax revenue limitations.

Sacramento Valley water suppliers, reclamation districts and farmers are struggling with increasingly rigorous environmental permitting to perform routine bank repairs and flood control maintenance and protection work. Downstream flood control potential provided by state and federal projects is already compromised by competing demands for statewide water supply needs (including temperature and flow requirements). Some of the current restoration activities in the ERP will exacerbate these problems. Significant existing levee seepage problems occurring near the Sacramento River, and its tributaries, will also be further complicated by increased instream flows such as those proposed by CALFED to meet Delta requirements.

Contrary to the Draft PEIS/EIR assertion that "no significant unavoidable impacts are expected to flood control under any alternative (p. 8.4-26)," there are, in fact, serious consequences that may arise as a result of these projects. These may include river level and flow fluctuations that

will contribute to erosion of levee and bank projects, and cause additional seepage problems. Increased sediment and debris loading poses a growing threat to existing water diversions and multi-million dollar fish screen projects now in place, as well as to projects currently under construction or in the planning stages.

Due to the unpredictable nature of these restoration projects, and the risks they present, NCWA encourages CALFED to initially focus on restoration actions that resolve known fish and wildlife problems such as the installation of fish screens on agricultural diversions to prevent the entrainment of fish species<sup>1</sup>.

**3. CALFED's EIR/EIS establishes an over-reliance on traditional water use efficiency measures and water transfers to solve the Bay-Delta's problems, rather than integrating improved water management practices with new storage reservoir facilities.**

Although certain water management practices promoted by CALFED have merit and should be pursued, these measures will not alleviate the current environmental problems in the Bay-Delta ecosystem, nor will they provide additional water supplies for California's surging population. Traditional "soft path" measures such as water transfers, conservation and conversion of farmland have varying applicability in different regions of California, and may cause severe impacts to Northern California. An over-reliance on traditional methods of water conservation also ignores the hydrologic reality of the Sacramento Valley, which as acknowledged in the Draft PEIS/EIR, is unlikely to generate new water for the Bay-Delta system.

CALFED's emphasis on conservation measures and water transfers as potential sources for "new" Bay-Delta waters overlooks the necessity of additional water supplies for the long-term economic prosperity of California. Although water transfers may, in certain years, alleviate State shortages, these actions alone cannot meet California's long-term water supply needs. Sacramento Valley agricultural water use is already near maximum efficiency in terms of generating "new" water,<sup>2</sup> so it's doubtful that water use efficiency alone will provide "a beneficial impact to rural communities and regional economies dependent on agriculture" as the Draft PEIS/EIR suggests.

Considerable redirected impacts may occur in this region if significant surface water is transferred for environmental use to areas outside the basin, according to the Programmatic EIS/EIR prepared by the U.S. Department of the Interior to assess the consequences of the Central Valley Project Improvement Act. Potential impacts due to these actions include increased groundwater pumping, farming changes, and the reallocation of water away from area of origin

<sup>1</sup> Please refer to December 22, 1997 NCWA letter to Lester Snow for detailed recommendations relative to the ERP.

<sup>2</sup> "...because virtually all applied water losses are recoverable and reusable in the Sacramento River Region, no net savings in consumptive use or irrecoverable loss (that is, "real" water savings) are likely." Draft PEIS/EIR page 8.1-37.

agriculture and toward Delta and export applications. CALFED itself predicts that water use efficiency and transfer actions may impart potential adverse impacts on farm labor, substantial costs associated with achieving efficiency goals, and reduced flows to agricultural habitat areas. We fail to see how imposing a regulated water transfer mechanism on this region will provide a long-term benefit to the region or the State.

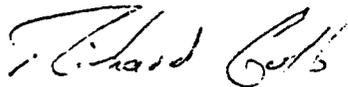
**NCWA Recommendations:**

It is our hope CALFED will revise its draft PEIS/EIR and release a draft preferred alternative that NCWA can support. Our perspective is that certain elements, crucial to a CALFED solution, should be further developed and refined. For example, CALFED must reaffirm California law regarding the water rights priority system, and areas of origin and ensure that all element of the ultimate program are consistent with these laws and commitments. Further the facilitation of new off-stream storage projects is essential to the realization of many program goals and will enhance support for related actions, such as voluntary water transfers. Finally, CALFED should refocus Ecosystem Restoration Program activities on resolving known problems, such as the voluntary installation of fish screens on agricultural diversions.

**Conclusion:**

We are encouraged by CALFED's recent decision to focus on new Delta conveyance alternatives to protect the Bay-Delta's beneficial uses. We urge you to consider our comments in a constructive manner. We will continue to work with CALFED and to view your process as the best means of resolving the Bay-Delta's chronic environmental and related water supply problems. Please contact our office if you would like to further discuss our perspective.

Sincerely,



Richard Golb  
Executive Director