

**Letters  
and  
Responses**

SEP 16 1998

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September 12, 1998

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Mr. Lester Snow, Executive Director  
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SUBJECT : Comments on Draft Framework for a Preferred Alternative

Dear Lester:

I reviewed the Draft Framework for Selecting a Draft Preferred Alternative prior to the BDAC meeting held in Stockton on September 10 and 11 and made some comments during the course of the regular agenda. I also made some additional comments at the end of the meeting which were recorded. Steve Richie was present during this time. I have set these comments down with same intent if not the same words used during the meeting. I would appreciate it if you would give both these written comments and the meeting record your consideration as you prepare the final Phase II report draft.

The Draft Framework has three sections. First is the Policy Framework that identifies early implementation actions. Section 1-Framework is a 14 page layout of the general framework for implementation and decision making. Section 2 relates to the Record of Decision and Certification of the EIR/EIS. Section 3 is a list of actions to be taken during the first seven year period of implementation.

1. Regarding the Policy Statement. Item 2, The writeup for Continuous Development in all Resource Areas is inadequate. Resource Areas is a CALFED term for ecosystem, water quality. levees and water supply reliability.

The policy should also endorse continuous development of all program elements. By program elements, I mean all aspects of each selected alternative including the common programs, including water use efficiency, water transfers, storage, watershed management and any others. These should be implemented vigorously along with the ecosystem, water quality, levee integrity and water supply reliability actions.

If there is a policy to implement all program elements simultaneously, with adequate funding, vigorously, and under adaptive management principles, there is no reason to include in item 4-Assurances Package, the conditions and linkages that would attempt to impose requirements for achievements of certain levels of performance in water use efficiency as conditions for participating in benefits of storage, etc.

Under item 6-Delta conveyance, I object to the use of the term Primary strategy to designate the first seven year effort to implement Delta conveyance improvements. As you described this, I understood that the primary strategy items listed in Section 3 are more like those in Alternative 1, not like Alternative 2 which includes enlarged channels and fish screens in the

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north Delta. So this means that the proposed primary strategy is the No Action Alternative--three years and 20 million dollars later and CALFED is recommending no action on fixing the Delta. I think it should be changed to the initial strategy and it would represent an acceptable starting point for Delta improvements. I think there is enough information available to make a decision in favor of the Dual conveyance. Admittedly, there is a big political and public relations problem.

Therefore, an Initial strategy to move ahead on some basic improvements that have already been through the EIR/EIS process and to begin detailed work on the North Delta makes sense.

I also object to the use of the term contingent strategy to refer to a follow up program to continue to analyze additional needed improvements in Delta conveyance. I suggest calling it the continuing strategy. There is no commitment in the term contingent--its like saying maybe, if the no action alternative does not work out, we can try something else.

If the initial strategy is to be limited to North and South Delta improvements and to operations management, then there needs to be a strong CALFED commitment to a continuing strategy of solving the Delta conveyance problem by working on a long term strategy to develop the full potential of the Through Delta aspect of the Dual Conveyance alternative. The North Delta Improvements, including improved channels, setback levees, and major fish screens, are the necessary initial improvements. It seems to me that there should also be a commitment to developing the full potential of the Through Delta features of the Dual Conveyance first and this will extend well beyond the first stage. I have some trouble reconciling the policy section descriptions of the Delta Conveyance strategies and the Section 3 listing of actions planned to be taken initially. Hopefully they will be clear in the final draft.

2. Regarding Section 1-Framework, the 14 page document describing the items that go into developing a draft preferred alternative.

This is a longer paper describing the program to be consistent with the Policy paper discussed above.

Page 2, third paragraph mentions the eight program elements and the four resource areas--terms that may be confusing to anyone not familiar with CALFEDspeak. The four resource areas are then discussed in more detail but the program elements are basically not treated further except as conditions or linkages. My same comments on this subject as above apply to this section of the framework paper. They should be described in some detail, recognized as included in the alternative selected, and should be endorsed as integral parts of the overall program implementation.

Page 3, Water Supply Reliability. I believe that this section is inadequate to inform the public of the real nature of the Delta water supply problems or of the mission of CALFED to improve water supply reliability. As an example, in listening to comments from the public at the public meeting in Stockton on September 10, it was obvious that the public has only the

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conception of the water use concerns that prevailed from the 1960's to the 1980's with the State Project and the Peripheral Canal issues. Maybe there is some local and regional bias in their attitudes, but the CALFED program should be doing something to explain better the conditions that have resulted from the conflicts between protection of the fishery and the need for water supply. The section on Water Supply Reliability should describe in some detail the problems and losses of water from operating the State and federal water projects under water right decisions, Endangered Species Act requirements, and the recent Accord as means to cope with reduced fish populations. In my opinion, better public understanding of the actual problems would help gain their participation in solving these problems. The Delta and the environment will get better under the CALFED program, as the dual conveyance system is developed but local help is needed. And to get that help, everyone needs to understand the real issues better.

Page 8-re Delta Conveyance. I am very disappointed with the statement on page 8, third paragraph, that CALFED cannot conclude that the isolated facility is necessary for fulfilling its mission. It is implicit in the material published by CALFED in the Phase II report regarding Alternatives 2 and 3 that the dual conveyance system including the isolated facility offers the greatest benefits to both fishery, water quality and water supply reliability. I can agree that it may not be possible to define the actual facilities now, or how or where they should be constructed. However, it is clear that Delta conveyance system should include the isolated facility if fishery conditions are to be enhanced and the operation of the major water projects is to be optimized.

Page 9-re Primary /Contingent Strategy. See my comments above on this subject. I believe that the term primary should be changed to initial, so as not to imply that the Primary Strategy of CALFED is to revert to the no action alternative.

I would like to see the term contingent changed to Continuing Strategy to imply that there is a continuing commitment on behalf of the CALFED agencies to continue to solve Delta conveyance needs. I would modify the wording on page 9 that follows as: Continuing Strategy - the continuing strategy is to include the dual Delta conveyance with an isolated facility in the future because the initial strategy will not meet the CALFED goals and solution principles. I think there should be some explanation of what the continuing strategy means-a commitment to continue to solve Delta problems.

Page 9- re side bar on Stakeholder Concerns. Under the second point, it says that Others believe that beneficiaries should pay the full costs of any new storage. It should make clear that where the benefits are to the general public on behalf of the environment, that payments would be made from taxpayer funds-not necessarily water tolls. There is also a stakeholder concern that a lot of water, up to 2 million acre feet of developed supply has been reallocated through regulatory action to support fish survival and that there is justification for some of this water to be developed and returned to the water projects. This should be mentioned.

Pages 11-14. Condition/Linkages for Future Decisions. See my statement above

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that punitive or restrictive linkages be eliminated. I am proposing above that works to improve all program elements and resource areas be funded and conducted vigorously at the same time using the principles of adaptive management. That means if something isn't working right at a given checkpoint, steps will be taken to fix it. I particularly object to the proposal on page 14 of the Framework which would impose cumbersome regulations on water use efficiency programs.

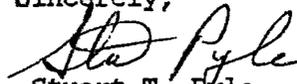
Section 2 - Status of Program Development at the Time of the ROD and Certification. My only comment here is that all of the items should be consistent with the changes I am suggesting for the Policy and Framework sections.

Section 3- Stage 1 Implementation (The First Seven Years)

These appear to be satisfactory lists of actions that should be undertaken and continue over the next seven years. I would like to see the wording compatible with the changes I am suggesting above. In that regard, the last item, Isolated Facility should be changed to Dual Conveyance system and the work items should be expanded to cover continuing work relative to enlarged North Delta channels, set back levees, fish screens and continuing studies for the isolated facility. It seems there is not enough direction for continuing to work on the through Delta part of the Dual conveyance system. This should include staged construction and periods of trial operations to gain information on changes in water operations and response of fisheries. The items listed on page 34 for the Isolated Facility are necessary to begin, but I would include at this place an item for a commitment to continue development of the Dual Conveyance System with the Isolated Facility as one of the items under that main heading. I feel that as more of the North and South Delta Improvements come into being and operation is understood, it will become more clear as to how to proceed with the isolated facility.

Lester, I hope these comments are clear and that they will be of some help to you. I know that I did repeat several points but only to try to relate them to specific parts of the framework document. I appreciate very much having Sunne McPeake extend the Friday meeting so I could discuss these in Stockton. If you have any questions, please let me know.

Sincerely,

  
Stuart T. Pyle