

The Environmental Defense Fund's Top Ten Concerns About the Current CALFED Draft Framework Agreement

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1. CALFED's recent process is extra/legal and its timelines are unrealistically truncated.
2. The baselines for Federal/State agreement are built on a shaky foundation:
 - a) the State has recently filed an amicus brief challenging the United States' implementation of the environmental water provisions of CVPIA; and
 - b) the State Water Project is once again renegotiating SWP contracts behind closed doors, thus missing opportunities for user fee and environmental equity possibilities to be raised.
3. CALFED's planning is inexorably tied to DWR's widely discredited Bulletin 160-98, which overstates current and future consumptive water demands and which ignores economics entirely in assessing the likely future demand for and supply of water available for use in the state.
4. CALFED's financial package is deeply flawed in a myriad of respects. Its baseline and its proposed "criteria" are arbitrary and unduly generous to those who have principally caused the environmental problems CALFED was set up to address. Further, it relies far too heavily on taxpayer subsidies and it makes unrealistic assumptions about the availability of state and federal funds for a variety of funding purposes that should be paid for by water users.
5. CALFED's "assurances" package relies most fundamentally on a "bundling" of projects, many of which would likely not be permitable if they were to be assessed individually on their own merits. This will very likely not pass legal scrutiny, at either the federal or state level.
6. CALFED is emphasizing new water development (e.g. enlarged Shasta, enlarged Friant, Madora Ranch, joint point of diversion, relaxation of Corps pumping constraints, etc.), without any serious scientific or technical analysis of how these projects (or others like them) would actually improve California's environmental quality, rather than contributing to its further degradation.
7. CALFED's commitment to the facilitation of voluntary water transfers - which are by far the single most important policy mechanism for accomplishing aquatic ecosystem restoration, while not adding further to the necessity for legislative, regulatory, or judicial reallocations of water in California - is feeble at best.
8. CALFED's apparent willingness to hold even a feeble water transfer program hostage to others' demands for water project subsidies (and particularly for new surface storage projects) is unacceptable.
9. CALFED's most promising recent new initiative, the establishment of an Environmental Water Account, also has unnecessarily and inappropriately been tied to an apparent CALFED commitment to build new water storage projects.
10. Nowhere in CALFED's Draft Framework Agreement is there even a mention of groundwater management, the policy reform, which, second only to voluntary water transfers, holds real promise for finally causing California's consumptive water users to live within a constrained water budget.