March 23, 2000

Mike Madigan
California Water Commission
202 C Street, 11th Floor
San Diego, CA 92010

Sunne Wright McPeak
The Bay Area Council
200 Pine Street, Suite 300
San Francisco, CA 94104

Dear Mike and Sunne:

In responding to your request for comments to the proposed motion on the Preferred Program Alternative, I am submitting this letter of preliminary comments on behalf of our environmental justice coalition. I understand that these comments may go beyond the scope of what your were requesting, but in trying to represent the concerns of the coalition, we felt it was important to comment broadly about concerns with the preferred alternative and CALFED program, as well as to offer some specific recommendations with program elements that we understand will largely be addressed during implementation stages. I would also note that these comments are preliminary in order to meet your March 23rd deadline; we will submit a final version for inclusion in the BDAC packet and for discussion at the next BDAC meeting.

The preferred alternative has been described as a framework for decision making, and it is well recognized that although numerous action steps are proposed, there still remains substantial analysis that must accompany any phased decision making in order to ensure that CALFED objectives are met; this becomes particularly important when objectives may be in conflict and/or actions have not been adequately studied to determine potential impacts that must be addressed.

In attempting to represent the concerns of urban environmental justice communities, we continue to feel strongly that the preferred alternative must make a stronger commitment to developing a framework to conduct, identify, and address existing environmental justice problems and impacts in its program. To be clear, our hope is that CALFED's preferred alternative and program will affirmatively address existing and potential environmental justice problems in the Bay-Delta, not simply engage itself in an extensive and reactionary mitigation program as it moves forward. In doing so, CALFED must:

- Develop and adopt environmental justice goals and objectives and a stronger model to conduct environmental justice analysis and take action that would cut across all program areas and guide specific actions in its implementation phase;

- Expand its scope of problem definition to include the identification and amelioration of social, economic, and human health problems that exist in the Bay-Delta as well as the related impacts of its actions; and,
- Commit it programs to developing strategies that empower and engage community-based organizations, urban watershed groups, and affected local residents to address program objectives, including those related to environmental justice.

Adopt an Environmental Justice Principle and program goal and objectives to address environmental justice issues

To date, CALFED has inadequately identified and analyzed existing environmental justice problems in the Bay-Delta and potential impacts of its program elements (please see comments submitted during the EIS/EIR public comment period from Torri Estrada, et. al, dated September 22, 1999). In moving forward with the preferred alternative and subsequent actions, CALFED must go beyond the current demographic analysis of the program areas to that of identifying and analyzing existing environmental justice problems and the specific community impacts its actions may have. The current Environmental Justice analysis correctly identifies two population groups that may be adversely impacted by CALFED actions: farm workers and agribusiness workers. We agree that attention must be paid to addressing potential impacts to these communities. However, in moving forward with specific projects, CALFED must recognize the need to conduct further and more detailed analysis of adverse impacts across all potentially impacted communities, including those of color in urban and rural areas.

CALFED must commit to developing and carrying out appropriate environmental justice analysis as a matter of procedure to determine whether or not its preferred alternative and the proposed actions have disproportionate impacts on identifiable segments of the human populations. It must also respond to such analysis by developing program goals and objectives to address such impacts. In essence, CALFED needs to adopt environmental justice as an operating principle. Any actions within the preferred alternative should be accompanied by a decision-making process that includes environmental justice analysis before moving forward. Such analysis should not only identify whether or not CALFED's program actions could introduce a disproportionate impact or worsen an existing disproportionate impact, but CALFED must commit to program actions that will avoid or remedy such impacts.

Broaden the scope to include environmental justice issues facing Bay-Delta (and CALFED) impacted communities

CALFED's current impact analysis represented in the EIR/EIS continues to frame the issues and potential significant environmental impacts too narrowly; CALFED's analysis does not adequately consider many communities of color impacting, and impacted by, the Bay-Delta system. Clear ecological and social linkages are overlooked in the analysis because arbitrary boundaries are created within assumptions of the CALFED analytical framework and choices of measurement criteria.

For example,

- CALFED frames the water quality issues in terms of drinking water and environmental water quality concerns, and ignores the substantial problem of water quality impacts on those communities that rely on the Bay-Delta system for subsistence. Access to fisheries is a constitutional issue in California and contamination of aquatic species is of critical importance for numerous communities throughout the Delta, Bay, and Central Valley watersheds. Exclusion of the aquatic food chain as part of the problem scope is a major omission and ignores the environmental justice issues affecting communities throughout the Bay-Delta and Central Valley watershed.

- CALFED's program has the potential to exacerbate groundwater problems in terms of overdraft and water quality. Its program should, therefore, more adequately address the need to improve groundwater management. CALFED's analysis of groundwater impacts does not adequately reflect the social, economic, and health problems and impacts in communities that could be adversely impacted by CALFED actions related to groundwater storage or water transfers.

- CALFED actions in the Delta could change water circulation patterns, adversely impacting the water quality in certain segments of the Bay-Delta system. Changes in peak flows from the Delta or other circulation patterns could impact pollution patterns, bioaccumulation, and exposure to toxic pollutants in the Bay. What analysis has CALFED done to identify the communities impacted by such changes in water quality? It has been stated before, and by others, that improved water quality for one set of users should not result in less adequate water quality for another purpose or another set of users. Nor should actions taken in one program area foreclose on options to remedy environmental justice problems being addressed in other programs areas.

This broader framing of the problem may expand CALFED's scope, but it also expands the actions that can contribute to a solution.

Support and implement actions that will address environmental justice issues by engaging community actors

CALFED, in its preferred alternative and actions, must commit to addressing environmental justice issues it identifies and demonstrate that it is conscious of the need to create a workable institutional framework to accomplish this task without harming institutional safeguards that are already in place. CALFED programs should contain explicit commitments to dealing with environmental justice issues. One such commitment must be to assure broad public and stakeholder involvement in the planning and implementation of projects.

In the examples above, and in the numerous examples we provide in our specific comments on program elements, CALFED misses an opportunity to define program actions that work with communities to address environmental justice issues that they face — actions that would contribute to a CALFED solution. Communities in urban areas are actively working on

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pollution prevention, watershed restoration, and education and outreach strategies that can contribute to CALFED objectives related to water quality, watershed management, ecosystem restoration, and water conservation.

CALFED should demonstrate in its programs a commitment to local and community implementation. Stage 1 actions continue to weigh heavily on studies, structural/engineering changes, and government actions, with incentives offered mainly to water agencies. CALFED support and incentives should be offered to community-based organizations who are effectively addressing water-related issues in the Bay-Delta. In addition, CALFED should support and create incentives for water agencies to build partnerships at the local and regional level with farm workers, community-based organizations, and local residents. Community-based organizations including urban watershed groups are currently addressing water quality, ecological and habitat restoration for endangered species (endangered fish such as chinook salmon and steelhead use habitat and the aquatic ecosystems in urban areas), and water use efficiency issues of the Bay-Delta and should be a formal partner in solving problems in the Bay-Delta.

Attached, we provide more specific comments on how CALFED programs can better address the issues that we have raised more broadly above. We understand that such comments likely go beyond the scope of commenting on a programmatic document, but we feel this will help better illustrate the extent to which we feel the programs must go to better address the environmental justice implications of the CALFED program. Thus, we leave our comments on program elements attached.

Thank you for this opportunity to comment. We hope that these concerns can be included in the motions as items that CALFED need to acknowledge and make progress on.

Sincerely,

Torri Estrada

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Urban Habitat Program

cc: Eugenia Laychak

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