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# Environmental Water Caucus

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Telephone 415-931-3414

January 28, 1997

Lester Snow, Executive Director  
CALFED Bay-Delta Program  
1416 Ninth Street #1155  
Sacramento, Ca. 95814

RE: PREREQUISITES FOR SUCCESSFUL EVALUATION OF CALFED BAY-DELTA PROGRAM ALTERNATIVES

Dear Mr. Snow,

The Environmental Water Caucus (EWC) is preparing a set of criteria that we believe should be used to evaluate the alternatives being considered during the preparation of the CALFED Bay-Delta Program's Programmatic Environmental Impact Report/Environmental Impact Statement (EIS/EIR) on a long-term solution to management of the San Francisco Bay-Delta estuary's waters. In the course of preparing these criteria (which we will make available to you in the near future), it has become increasingly clear to us that before alternative evaluation can occur, the Program must adequately address two elements critical to the design of an intellectually and legally defensible environmental review document. Addressing these elements is a necessary prerequisite to a meaningful process for evaluating the alternatives.

These two key elements consist of:

- (1) Setting performance criteria for achieving the Program's mission of restoring the ecological health of the San Francisco Bay-Delta estuary system; and,
- (2) Ensuring that aggressive strategies to significantly reduce out-of-stream demand for water are adequately captured in the range of options considered by the Program to achieve the water management and water supply reliability objectives.

Thus far, although EWC has raised these issues on a number of occasions, the CALFED Bay-Delta Program has failed to adequately address these key elements, potentially

calling into question its ability to fully discharge its obligations under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) as it prepares to enter into alternative evaluation.

### Performance Criteria for Achieving Ecological Health

The Program has not yet adequately defined what constitutes "success" in restoring ecological health. Establishing measurable performance criteria (or "implementation objectives") for ecosystem restoration is absolutely essential to the creation of a credible and implementable long-term ecosystem restoration strategy for the Bay-Delta estuary. Defining ecological health is a challenging and complex task, and we understand that CALFED Program staff is working on the development of such performance criteria as part of the Ecosystem Restoration Program Plan (ERPP). Over the last year, EWC member organizations have made detailed recommendations regarding ecological health performance criteria. These recommendations have included:

- restoration of hydrological patterns during critical periods to reflect earlier, less disruptive levels of development (e.g., 1950 - 1967);
- expansion of key remnant habitat types by one or more orders of magnitude;
- restoration of estuary-dependent fish and wildlife species to earlier, more sustainable population levels that support instream beneficial uses (e.g., 1950 - 1967); and,
- doubling of natural production of anadromous fish species above the average production of the 1967 - 1991 period.

EWC will continue to work closely with CALFED Program staff to ensure that adequate performance criteria are developed. Unfortunately, what has been generally described as potentially the nation's most ambitious ecosystem restoration effort has not been given the technical resources, peer review or time for program development it requires. In addition, much work needs to be done to refine the methodologies the Program will use to assess the impacts of the alternatives on biological resources and systems, and thus the ability of the alternatives to achieve the mission of restoring ecological health.

It is the position of EWC that until such time as success in restoring ecological health has been defined and quantified, it will not be possible to meaningfully evaluate the ability of the various alternatives to successfully achieve the CALFED Program mission. Furthermore, the ability to assess the funding needs and institutional arrangements necessary to achieve the CALFED Program mission is also dependent on defining ecological health.

Therefore, the CALFED schedule should be modified to allow sufficient time for more extensive public and technical review, including peer review by a panel of nationally recognized experts in conservation biology and restoration ecology, and more extensive in-house analysis and revision.

### Demand Reduction

The CALFED Bay-Delta Program has not included in any of the three alternatives several technically and economically feasible options to aggressively reduce demand in order to help improve water management and reduce the mismatch between water supplies and beneficial uses. In the past, EWC, following the lead of the joint state-federal San Joaquin Valley Drainage Program, the Central Valley Project Improvement Act (CVPIA) and other initiatives, has argued on numerous occasions that these options represent sound public policy. Whether or not others agree with this viewpoint, however, these options represent reasonable alternatives that the Program must evaluate. By failing to consider these options, the Program would be failing to discharge its CEQA and NEPA obligations to evaluate all reasonable alternatives.

The CALFED Program has failed to date to include components to assure adequate implementation and enforcement of agricultural water conservation measures in its water use efficiency common program. (While the urban conservation elements of the common program also need further work, those elements are the subject of ongoing discussion between EWC and the California Urban Water Agencies, and we are hopeful that these discussions will lead to successful development of an acceptable urban conservation component of the water use efficiency common program). The water use efficiency common program should include specific measures that relate the attainment of desired levels of water use efficiency to the issuance of regulatory permits, the renewal of contractual arrangements, water pricing and surcharges, and the availability of public funding to water users.

Of equal concern, the Program omits use of land retirement and water acquisition under any scenario as an option for improving water management and reducing the mismatch between supply and demand. While removing land from production per se is not our goal, land retirement coupled with water acquisition may prove to be a durable and cost-effective way of meeting the Program's water use efficiency objectives. Assessing the relative efficacy of land retirement will not be possible, however, if it is prematurely excluded from analysis. It is possible that out-of-stream demand may be reduced incidentally as a result of the water acquisition for environmental purposes under the CALFED ecosystem restoration common program and the retirement of drainage priority lands under the CALFED water quality common program, but the Program does not begin to explore the full potential of land retirement and water acquisition as a tool for permanent demand reduction. Indeed, the Program appears to increasingly

preclude means other than additional water development to address water supply reliability (or even supplemental water acquisition for environmental purposes).

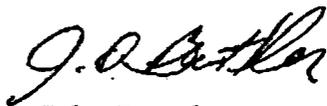
The voluntary, compensated retirement of land and the acquisition of associated water supplies is a feasible way to achieve water conservation objectives. The elimination from consideration in any alternative or variant of any alternative of land retirement and water acquisition as a feasible option for achieving the water management and water supply reliability objectives cannot be justified. Our original support for the CALFED process was based on the assumption that a broad range of options -- from additional water development to aggressive demand reduction -- would be considered. Absent consideration of aggressive demand reduction options, however, we would not support the consideration of options for additional water development in any alternative.

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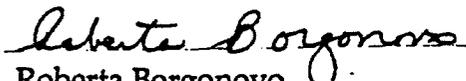
We continue to strongly support the need to develop a long-term comprehensive plan for the Bay-Delta. However, we question whether such a plan can be developed if the mission is not adequately defined by establishing measurable performance criteria and if important options for achieving the mission are not even considered. Furthermore, the present CALFED schedule does not allow sufficient time for adequate inter-agency coordination, public review, stakeholder consensus-building, or Program outreach and synthesis, all of which are absolutely essential to resolve these outstanding issues.

We would be happy to work with you and your staff to identify remedies to these critical unresolved issues in order to provide a sound basis for the process of evaluating the alternatives. We believe that successful resolution of these issues is essential if the Program is to continue to serve as an adequate vehicle for achieving a long-term solution.

Sincerely,



John Beuttler  
United Anglers of California



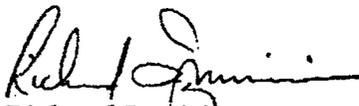
Roberta Borgonovo  
League of Women Voters of California



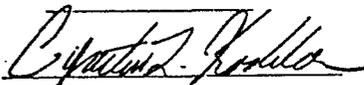
Harrison C. Dunning  
The Bay Institute of San Francisco



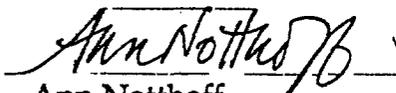
Thomas J. Graff  
Environmental Defense Fund



Richard Izmirian  
California Sportfishing Protection  
Alliance



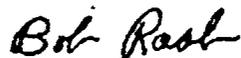
Cynthia L. Koehler  
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Pietro Parravano  
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Bob Raab  
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Dan Sullivan  
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