

May 23, 2000

Torri J. Estrada, Program Director
Urban Habitat Program
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San Francisco, CA 94129

Re: Proposed Recommendation on CALFED Solution

Mike Madigan, Chair
Sunne McPeak, Vice-Chair
Bay-Delta Advisory Council
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Steven R. Ritchie, Acting Executive Director
Eugenia Laychak, BDAC Coordinator
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mike and Sunne:

I would like to formally thank you for your leadership and tremendous efforts to develop a recommendation on the Preferred Program Alternative (PPA) that reflects the concerns and issues of the many stakeholders represented on the Bay-Delta Advisory Council (BDAC). Your facilitation of the BDAC meetings and professional approach made my participation on BDAC not only productive, but highly enjoyable.

The Recommendation on CALFED Solution (the Recommendation) submitted on behalf of (BDAC) not only represents the culmination of almost five years of work, but just six months of hard work by rural and urban environmental justice groups to ensure that CALFED's proposed alternatives to the management of the Bay-Delta ecosystem provide long-term solutions for low-income communities and people of color who rely upon this system for their livelihood, health, sustenance, and enjoyment.

Although I was invited fairly late into the CALFED process and BDAC meetings, I remain confident that CALFED agencies will provide the needed assurances within its Record of Decision (ROD) and PPA to address environmental justice. The Recommendation provides some of the initial provisions and text for such assurances; below I identify additional provisions that should be considered as part of BDAC's recommendations for the PPA and inform the deliberations of the Policy Group as it develops the ROD and governance for the CALFED program.

I would also like to thank Steve Ritchie, the CALFED staff, including Eugenia Laychak, Mary Selkirk, John Lowrie, and Tom Gohring, and Alf Brandt of the U.S. Bureau of Reclamation for their assistance and willingness to address the issues and concerns of urban and rural environmental justice interests. I look forward to continuing our working relation with CALFED staff and agencies to assure that environmental justice is achieved throughout CALFED's programs.

Sincerely yours,

Torri J. Estrada

Bay-Delta Advisory Council Member

General Recommendations

I would suggest that paragraph (f) on page 4 regarding the adoption of an environmental justice operating principle for CALFED be incorporated as part of the CALFED Solution Principles identified on pages 2-3. I strongly support the recommendations in paragraph (f).

Paragraph (c) suggests that CALFED will define a process to address environmental justice concerns, avoid significant third party and unmitigable cumulative impacts, and create clear criteria for determining significant third party, environmental justice, and unmitigable cumulative impacts in the ROD/Certification. This process should be made explicit and clear within the BDAC recommendation as suggested by environmental justice representatives at the May 17 BDAC meeting. In addition, there was consensus with the recommendation I made at the May 17 BDAC meeting that paragraph 15 (addressing "open issues" in the May 9 version) under "Specific Recommendations" should be amended to state "Identifying in the ROD/Certification a timetable for implementing environmental justice actions enumerated in paragraph (c) and (f), including the development of environmental justice-related goals and objectives for each of CALFED's proposed programs and dedication of appropriate funding and staffing to implement said environmental justice actions contained in paragraphs (c) and (f)."

Specific Recommendations

The first sentence of Paragraph 1 should be amended to state, "assured funding for all Program elements, including environmental justice actions within each program area."

Paragraph 6 needs to explicitly state that water use efficiency objectives must address industrial water efficiency. Currently the Recommendation speaks in a highly general manner of "urban" uses. In practice, this general language fails to direct decision-makers' attention to industrial water efficiency strategies, instead encouraging them to look for potential efficiencies that can be made by other urban constituents, particularly homeowners. Environmental justice interest in the industrial water efficiency is driven by the belief that industrial water efficiency strategies can deliver multiple environmental benefits, in particular, reductions in water, energy and chemical use by factories. The language in the text of the Recommendation needs to highlight industrial efficiency objectives explicitly to address environmental justice advocates wider concerns with toxic exposure from manufacturing and related industrial activities.

As stated above, I strongly recommend that paragraph 15 (addressing "open issues" in the May 9 version) under "Specific Recommendations" be amended to state "Identifying in the ROD/Certification a timetable for implementing environmental justice actions enumerated in paragraph (c) and (f), including the development of environmental justice-related goals and objectives for each of CALFED's proposed programs and dedication of appropriate funding and staffing to implement said environmental justice actions contained in paragraphs (c) and (f)."