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M E M O R A N D U M

TO: MIKE MADIGAN AND SUNNE MCPENAKE

FROM: STUART T. PYLE *StP*

DATE : May 23, 2000

SUBJECT : Comments on Recommendation on the CALFED Solution

Your draft dated May 22, 2000 on the CALFED Solution looks pretty good to me -- it's a great improvement over the previous drafts. The meeting on May 17 resulted in some positive changes. As you might guess, I still have some comments.

First, the letter is complicated and needs to read in its entirety to get the full sense of what is being said. There should be summary in short form as what BDAC (or you-all) is really saying. I would think that all the busy people this will go to would want that. Also, if some press people were to ask what it means, how do you give him/her a short reply?

In the Summary on p.2 the thought -- "framework for an acceptable solution if modified to include more action in Stage I" is kind of lost in a long sentence. Is there a way to emphasize that the most important outcome of the CALFED program needs to be implementation of many programs in each one of the elements. Many must be started in stage 1 and more continued as studies, funding and adaptive management lead to agreement on additional actions. Perhaps you can edit this into item e) on p.3.

Page 4, item f). I know the Environmental Justice folks want to get some headlines, but the second paragraph and the five bullets seem like too much detail for this letter.

Page 5, item 4. This and item 5 are clear and more acceptable than the previous two drafts. However, the use of the word "balancing as now used" refers only to inflows and outflows -- whatever that means. My point in this long discussion has been that balance must be achieved between water designated for fishery purposes and water for export or use within the Delta. The second sentence implies that but does not call for a policy statement to that effect.

Page 5, item 5. This is a better statement than previously. I appreciate going on record with "and avoid the taking of additional water through additional regulatory actions." In the same sentence, I'm not sure if "capitalize" refers to funding or allocating water. Seems a little vague.

Page 6, item 10. "Reaching a decision" falls short of Steve Hall's call for recommending the early start in Stage I on a "functional equivalent of the Delta Cross Channel," i.e., a new diversion from the Sacramento River. (Maybe, it's the best we can do right now.) It needs one more sentence and prove the stage 1 should include actions to develop and prove the technical capability to provide fish screening adaptable to the

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species, sites, and quantities of water being moved.

Pages 6 and 7, item 11. This is a relatively good statement although it deals largely with a study-decision making program and not with a list of actions as I understood the February version of the PPA to be. I think the letter to the State and federal negotiators should include support for construction in Stage I of water control levee structures, improved intake facilities, dredging and levee setbacks as included in the PPA. Also, Alex's point on the list of expertise to be used, shown in the second bullet on page 7 - - make it read "Planning and implementation should utilize input from organizations such as U.C. Extension Services, etc, etc and expertise from local agencies and individuals. Not all of the groups named are "local."

Page 8, item 12. I still object to calling for CALFED to make forecasts of future water supply needs. This is strictly the legislatively designated purview of DWR with input from Department of Finance and Food and Agriculture. There is nothing in any of the federal agencies that equips them for this task. I would rather see it say: CALFED should obtain from the responsible state of California agencies forecasts of a range of probable - - etc. In addition, CALFED should cooperate with state agencies and stakeholders to forecast how much water is needed to avoid - -etc.

Eugenia asked me if I was ready to endorse this as a letter from BDAC. I would like to see my comments above worked into the finished project. Then could I endorse it? I probably could as a consensus product of BDAC. It does not do everything I would like to see, but, then, I know that others have some strong opinions in opposition to some of the statements in it.

What really matters to me is what will the PPA product that comes out of the state federal negotiations have in it. On this questions I go back to my letter of March 16 and repeat that Kern County Water Agency would not be able give its support to the CALFED program until it sees the package that comes out of the negotiating teams. It will take some work to blend the recommendations of the "Mike and Sunne" letter into the preferred Program Alternative. I think that would help bring some of the people closer to agreement. However, I would not like to see the PPA lose its specific reference to projects and programs that must move ahead in Stage I. The specifics in the February 17 draft of the PPA should be preserved, molded with the ideas in the BDAC letter and possibly be made more specific regarding storage and conveyance.