

10 July 1998

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Dear Roger and Mike:

First, I want to tell you both that the recent midyear review meeting on the Central Valley Project Improvement Act (CVPIA) Restoration Fund went great. Your staff (USBR and USFWS) painted a picture of activity and accomplishment that we have never seen before. I understand you are working on a "5-year" accomplishments report that will do much to tell this story. Great.

Sure, we still have lots of issues; Some, like the lack of implementation plans for the Anadromous Fish Restoration Program (AFRP) and the lack of coordination with the CalFed process, are very significant. However, it gives me great pleasure to no longer be able to say "nothing is happening"!

Based on what I learned at the midyear meeting and in the context of what is happening with the termination of the Trinity River Restoration program, I would like you to consider the following suggestions as your 1999 spending plans come into focus.

Historically, we have been supportive of spending CVP customer generated Restoration Funds to address Central Valley environmental problems totally unrelated to the CVP as long as these projects were chosen on the basis of biological soundness and priority. I suggest that we consider reviewing that practice.

Certainly ecological merit should drive all decisions, but we should think about establishing a programmatic priority when it comes to fishery and other ecological investments using CVPIA funds. Such a priority would have us fund fishery actions on CVP controlled streams and rivers first and then look at the broader landscape.

In addition to clear statutory intent and scientific merit, there is a great logic that would drive a decision to use CVP customers' funds to first mitigate, restore, and enhance rivers that have been impacted by the construction and operation of the CVP. Without dispute, the Central Valley Project Improvement Act was designed to address issues associated with the construction and operation of the Central Valley Project. The CVPIA program and funding authorities are focused on CVP issues and solutions -- and not meant to resolve all water and environmental concerns in the State. In addition to legal and practical justification (and perhaps mandate) that CVPIA authority and funding be used for CVPIA and CVP benefits and objectives, there is great biological opportunity.

Before I get to my examples, I should mention that further support can be found in the fact that since the CVPIA program and its process for making investment decisions was launched, two new, very large revenue sources have come on line (Prop 204 and federal funding for CalFed ecosystem work). If CalFed is successful, even more funds for environmental work will be available. Thus the CVP customer environmental funds are no longer the only source available and can be more appropriately directed as described above. Maybe we should step back and consider this.

Three CVP controlled streams make great examples.

Clear Creek has tremendous potential to contribute to the CVPIA objective of "doubling" anadromous fish production. Biologically significant actions can be taken to increase habitat values in a relatively short period of time. Because of inadequate CVPIA funding, the program has relied, in part, on the CalFed program. This not only contributes to delay but also needless bureaucratic process. When asked where the money was going to come from to pay for the removal of McCormick-Seltzer Dam, the program manager said, "I don't know". While that is certainly an honest answer, it just doesn't make sense.

We should know for sure that CVPIA money will be fully invested in improving this CVP controlled stream.

Battle Creek is a CVP controlled stream (hatchery fish barrier dam) that holds more potential than can be found anywhere in the Central Valley for satisfying the goals of the Act. A lot is going on relative to reclaiming this watershed and we truly appreciate your priority commitment to this endeavor. I can't think of a higher priority stream for CVPIA investment over the next few years.

The **Trinity River** is a new case. We are opposed to the termination of the Trinity River Restoration Program, and cannot understand why the historic supporters (and controllers) of that program allowed it to die. Now it appears that only a part of the Restoration Program can continue in FY99 and at an underfunded level. While we are much less confident in our understanding of the biological merits of the restoration activities in the Trinity (compared to Clear and Battle Creeks), we do feel that restoration funds should be available for reasonable and effective actions on the river.

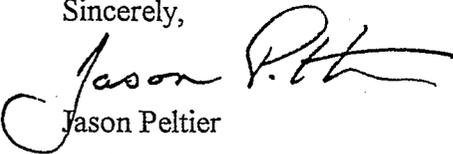
Parenthetically, this endorsement does not include funds to facilitate increased flows in the river until such time as the NEPA documentation on flow study as an alternative or component of a more comprehensive action, as contemplated in the Basin Restoration Program, are completed and demonstrate the biological basis and overall reasonableness.

Given that the Trinity River Restoration Program is ongoing and the funding shortfall is imminent, we encourage you to commit Restoration Funds in the \$2-4 million range for FY99 as soon as possible. Before the TCC is disbanded, we urge you to seek a prioritized and ecologically defensible list of activities for funding that you can consider.

In addition to considering a shift in how expenditures are prioritized, I would also like to note that we stakeholders need a more effective means of accessing and participating in the decisionmaking and priority setting processes, beginning at the earliest stages. This is relevant to actions on CVP controlled streams as well as across the full breadth of CVPIA expenditures. Providing comments "after the fact", as has been our only avenue in the past, is not the most efficient practice (nor the most helpful to you and your staffs, I would think).

Thank you for considering our views. While I do not expect a response to this letter, I would like to meet with you both to discuss the sensibleness of redirecting the programmatic priorities of CVPIA expenditures.

Sincerely,


Jason Peltier

cc: Restoration Fund Roundtable