NATURAL RESOURCES DEFENSE COUNCIL

98-119

August 11, 1998

Mr. Lester Snow
CALFED Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Developing A Draft Preferred Alternative - Comments on August 5, 1998 Draft

Dear Mr. Snow:

The following are the preliminary comments of the Natural Resources Defense Council (NRDC) on CALFED's document entitled "Developing a Draft Preferred Program Alternative." This document, dated August 5, 1998 was made available to NRDC on August 7, with a comment deadline of August 11, giving us only two working days to review, analyze and comment on this critical document. We strenuously object to this unrealistic timeline and urge CALFED to allow additional review time on this document and subsequent drafts of this document, as well as all future CALFED work products, before policy decisions are made on their content.

We believe that CALFED's continued focus on selecting a draft preferred alternative by the end of 1998 is creating a frenzied pace that could undermine the program's credibility both by providing inadequate time for stakeholder review and input, as well as by encouraging CALFED to make decisions prematurely, without adequate foundation to assure sound choices. These dangers are clearly evident in the current draft, which contains many proposals that are not yet ripe for inclusion in the CALFED preferred alternative, in part because the analyses to show whether the proposed actions are necessary or even beneficial have not yet been completed.

Baseline Issues

NRDC has serious concerns about the baseline information underlying the CALFED draft preferred alternative. Recent analysis by the California Research Bureau[1] has confirmed that much of the CALFED analysis has been based on obsolete data regarding statewide demand for water. Relying on this data results in inaccurate estimates about the need for water deliveries, and the corresponding impacts on the environment, and potential need for new water facilities. To propose a preferred alternative prior to addressing these baseline issues will result in poor policy choices and fatally flawed environmental documentation. Further comment on these baseline issues will be submitted under separate cover by members of the Environmental Water Caucus (EWC).

[1] Statement of Dennis O'Connor, Assistant Director, California Research Bureau, California State Library. Presented to Senate Select Committee on CALFED. August 5, 1998.

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Phased Decision-Making vs. Staged Implementation
The preferred alternative document appears to depart from the earlier concept of "staged decision-making" in favor of a "staged implementation" approach. Phased decision-making is consistent with positions advocated by the Environmental Water Caucus in its criteria letter of September 1997 and subsequent communications, and is, we believe, the only justifiable path for CALFED to follow in light of the remaining informational gaps in the CALFED analyses and the long-term studies currently underway to fill these gaps. We urge CALFED to return to the phased decision-making approach, and to defer expenditure of funds on program elements that have not yet been selected for inclusion in the preferred alternative.

Inadequacies of the common programs. The preferred alternative document notes that "There is generally broad agreement on proceeding with the program elements for water quality, water use efficiency, ecosystem restoration, water transfer framework, and the watershed program..." However, this statement fails to recognize that there is tremendous dissatisfaction among the environmental community regarding the specifics of these common programs, especially the water use efficiency and water quality programs, nor does it recognize that in many cases, such as the watershed program, the transfers program, and the levee program, these details do not even yet exist. (Our detailed concerns about the common programs are contained in the July 1, 1998 comments of NRDC and of the EWC on the CALFED DEIS/R.) Pre-committing to storage and conveyance projects based only on inadequate or ill-defined common programs, fails to provide the promised environmental assurances.

The preferred alternative document states that "the ROD and Certification will contain agreement on the level of programmatic detail contained in each of the six common program elements." This statement is unclear. We request that CALFED revise and clarify this statement to reflect that there will be agreement on the program details, rather than agreement about the level of the details.

Proposed extension of the Bay/Delta Accord. Attachment A of the preferred alternative document proposes to extend the 1994 Bay/Delta Accord, thereby indemnifying water users against the water supply impacts of future endangered species act listings. This "assurance" to water diverters threatens harm to endangered species protections and far exceeds any assurances provided to the environment. As members of EWC indicated a year ago, we therefore do not support extending the Accord in its current form. Indeed, almost all of the items listed in attachment A, which lays out "Actions and Assurances for 1998-1999 Under Existing Authorities" are geared toward providing benefits to water users only (e.g., south of Delta groundwater storage, environmental documentation and feasibility analysis for surface storage, funding for delta levees program, south Delta improvement actions, etc.) without corresponding environmental assurances.

Inclusion of storage in the preferred alternative prior to the completion of CALFED's least cost analysis, or any other evidence that storage is necessary to restore the environment or to provide water supply reliability. Despite the fact that CALFED has belatedly embarked upon a least-cost analysis of water management options, which we believe will reflect that there are more cost-effective ways than new or expanded storage to achieve CALFED's water supply reliability goals, the implementation plan included in the August 5th document states definitively that "New storage will be included in the preferred program alternative." It is irresponsible for CALFED to make this decision absent any evidence that such storage is necessary or beneficial, or that adequate assurances can be arranged regarding the operation of such facilities. Additionally, the baseline issues raised earlier in this letter requires that any supposed benefits from new storage be revisited using more accurate demand projections.

Inclusion of project interties. The implementation plan includes an intertie between the Delta-Mendota Canal and the California Aqueduct downstream of the export pumps during years 2-4 of program implementation, and environmental documentation and permitting (years 2-4) and design (years 5-6) for a CVP/SWP intertie upstream of the export pumps. Such interties would increase project export capacity. The decision to implement such actions should not be made prior to evaluation of environmental impacts, or of potentially more cost-effective and less environmentally damaging ways to improve water supply reliability, and certainly not before an adequate package of assurances has been developed.

Given these and other premature policy decisions reflected in the preferred alternative document, we urge CALFED to return to a phased decision-making approach, to adopt a time-line that will allow meaningful stakeholder participation, and to prioritize further development of the common programs.

Thank you for considering our comments. We look forward to continuing to work with CALFED to develop a preferred alternative and environmental documentation that can be supported by all stakeholders.

Sincerely,

Ronnie Cohen

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