AUGUST 10, 1998

COMMENTS: CALFED BAY-DELTA PROGRAM – DRAFT

"DEVELOPING A DRAFT PREFERRED PROGRAM ALTERNATIVE"

1. **"Background"**

- Pg. 2 Draft describes Delta "At the confluence... The Bay-Delta is..." should be amended to include a description of the *local* economic importance of the Delta: *"The Bay-Delta includes 738,239 acres (in five counties, in which the agricultural production value exceeded $1.6 Billion dollars (1993) which production is an integral part of the economic health of these counties."* (Source: Delta Protection Commission - Land Use and Resource Management Plan for the Primary Zone of the Delta – Feb. 23, 1995)

- Pg. 5 Draft states: " ... as long as the impacts from the actions in Stage 1 have been included ...the subsequent environmental documents can *tier off* the Programmatic document..."

  Parenthetically, does this mean that public objections and noted shortcomings found in the subsequent environmental documents can also be "tiered off" previous objections to the Programmatic EIS/EIR? Or will public objections/comments/corrections have to meet new EIS/EIR review calendars and time limits?
  This point needs to be clarified in this Draft document.

2. Staged Implementation

- Pg. 8 "Stakeholder concerns" box should amended to include:
"Delta stakeholders believe it is imperative to maintain the common pool of Delta water for all beneficial uses. If not drawing from such a "common pool", water users outside the Delta will not be concerned with maintaining Delta water quality."

Delta stakeholders believe that there is NO justification for EXPORT water quality to be ANY better than DELTA water quality. *We ALL share the same health concerns. Anything less than the maintainence of a continuing common pool violates many of CALFED's own "Solution Principles".*

3. Conditions/Linkages for Future Decisions

- Pg. 12 Conveyance "...decision to construct an isolated facility will be warranted if there is a **public health** necessity..., or there is **inability** to achieve **fishery recovery** with continuing impacts of diversion from the Delta." "...combination ...could also **trigger** ..." "In addition, a decision to build an isolated facility would be coupled with each of the following **assurances**:"

Under "a" what does "...under some circumstances... mean?
Under "b" what does "...be paid to waive their rights..." mean? Who?
Under "c" what does "commitment" mean? Does this make us whole?
Does this pay someone to leave the Delta?
Etc...
*This whole section of "assurances" needs to be explained in detail **prior to any ROD or Certification**. These "assurances" must be fully and publicly aired prior to adoption of any "preferred alternative".*

3

Delta stakeholders do not and will not have any control over water quality. Water quality is determined by DIVERSIONS FROM and DISCHARGE INTO the Delta by water users other than Delta stakeholders. There are no "assurances" that an isolated facility can be operated to the benefit of the Delta, especially in drought years.

- Pg 13 Storage *Shouldn't the discussion of "Storage" here include the same linkages and list of assurances that the "Conveyance" section and the "Groundwater/conjunctive use programs" do?*

- Pg 14 Surface Storage

"a" should read " *Water retailers serving 100% of the population in the solution area ....*" And "*...and irrigation districts serving 100% of the district acreage in the solution area must implement endorsed water management plans.*"

Everyone must "get well" together.

"e" *Why is "least cost" considered here, under "Surface Storage" and not when evaluating the "Conveyance" facilities on page 12?*

6

4. Status of Program Development at the Time of the ROD and Cert.

Throughout this section the phrase *"The following information will be available at the time of the ROD and Certification."* precedes the details.

This section must clarify the timing of the release of this "information".

Will this information be made available in detail for public review in time to correct any deficiencies or critique for adherence to CALFED's "Solution Principles" prior to the ROD and Certification?

And is the ROD & Certification contingent upon CALFED's full response to any such public commentary on the details?

Or does this mean that this "information" will be summarily approved without full CEQA/NEPA review?

Delta Stakeholders are fearful that the "adaptive management" philosophy will result in ***permanent harm*** done to the Delta if this "information" is relied upon to construct an isolated facility or "retire" Delta farmland.

- Pg 15 "Environmental Documentation"

  A "...summary to document compliance...", and "Programmatic EIS/EIR" must include detailed responses to the concerns of the public. Full discussion in writing must include valid data to justify any action, whether "programmatic" or not, under the legal auspices of CEQA/NEPA as applied to this EIS/EIR. A broad discussion of the "problem" and "solution" does not justify action. What if the "programmatic" type of EIR/EIS were used for other such reports? Why should this project be excused from the normal criteria for approval? Does a 500 unit housing project demand less detailed disclosure and planning than a 50 unit project?

5. Section 3 – Stage I Implementation

- Pg 22 "...as long as...subsequent environmental documents can *tier off* the Programmatic document..."

Please see comment on "tiered off" on Page 1 above. Again, can objections to data or findings in the "subsequent" environmental documents be "tiered off" the objections made to the Programmatic EIS/EIR?

This must be clarified in this "Developing a Draft Preferred Alternative" document.

- Pg. 32 Surface Storage

"Depending on the amount of storage **needed**." *This phrase begs some questions:*

Who determines "need"?
Is "need" for better water quality?
Is "need" for fish?
Is "need" for meeting contract commitments?
IS "need" determined AFTER an isolated facility?

This Draft document is unclear as to how "need" affects other program alternatives. This Draft does not explain why CALFED is considering an isolated facility, based upon improvements meeting goals, while surface storage considerations proceed only with a perceived but not explored "need". ***Shouldn't construction of all new facilities be based solely on a proven NEED?***

And shouldn't all new facilities be studied, using the ***least cost evaluations***? *This Draft document should explain and justify these differences in CALFED's approach to the recommendation and study of these different facilities*

FURTHER COMMENTS WILL BE SUBMITTED AT A LATER DATE. AUG. 5 TO AUG. 11 IS TOO SHORT A COMMENT PERIOD TO ALLOW COMPREHENSIVE DISCUSSION OF ALL THE QUESTIONS RAISED BY THE "DEVELOPING A DRAFT PREFERRED ALTERNATIVE" DOCUMENT.