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CONTRA COSTA
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August 26, 1998

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

Re: CCWD Comments on Developing a Draft Preferred Program Alternative

Dear Mr. Snow:

Contra Costa Water District (CCWD) has reviewed the draft working paper, entitled "*Developing a Draft Preferred Program Alternative*" available on the CALFED web site and has the following comments.

Phased Decision Making

CCWD supports CALFED's phased approach for implementation of the CALFED Bay-Delta solution and the use of phased decision-making. There is currently insufficient information regarding the fisheries impacts or benefits of a screened intake off the Sacramento River (either as part of North Delta improvements or a dual conveyance alternative). It is too early to know what drinking water treatment requirements for bromate and pathogens will be promulgated by the U.S. Environmental Protection Agency in the future and whether a combination of in-Delta improvements and treatment technologies such as membranes will enable urban water users to meet future drinking water standards using Delta water. The presumption should be that there will be no isolated facility unless it is shown later to be necessary to meet CALFED's ecosystem and water quality goals. However, the Stage I Plan and Final Programmatic EIS/EIR must also include assurances that decisions to consider elements identified as contingency actions can be made in the future if shown to be necessary.

Delta Protection Act

In a number of instances, the draft working paper refers to watershed rights or area of origin, but the document seems to carefully avoid any mention of the Delta Protection Act. The Delta Protection Act was passed as the key assurance to protect Delta water users from the State and Federal water projects. Failure to recognize or even mention this Act and its assurance of an adequate supply of high quality water to Delta water

users calls into question CALFED's commitment to address assurances and Delta water quality and supply issues in particular. In fact, several CALFED agencies have consistently worked to reduce or avoid the protections afforded by the Delta Protection Act in order to increase exports at the expense of Delta water quality and Delta water users. CALFED must not only assure in practice that the incessant attacks on Delta water quality standards halt but that real progress be made to protect and improve water quality for Delta users. CALFED must begin to address the protection of in-Delta uses and must recognize that the original Delta assurance, the Delta Protection Act, exists and that its protections need to be taken into account in the CALFED Bay-Delta Program.

Draft Working Paper, Section 1

The first bullet in the **Introduction** states that decisions required during the period until the Record of Decision and Certification of the Programmatic EIS/EIR will be covered under existing authorities. However, these actions must still be analyzed in detail and fully mitigated, where necessary, in the Programmatic EIS/EIR.

CCWD also notes that with respect to the **eight integrated program elements** (water quality, water use efficiency, ecosystem restoration, levee system integrity, water transfer framework, watershed program, and storage and Delta conveyance), the latter four are only to serve the first four.

The document should note under **Ecosystem Quality** that the health of the Bay-Delta ecosystem has also declined in response to overfishing and climate changes.

The document should also note under **Water Supply Reliability** that although the primary water supply reliability objective of the Program is to "*reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system,*" CALFED's purpose is not to solve all the water supply problems of California.

Under **Water Quality**, the document should clarify whether the carbon that supports primary productivity and ecological function of the Bay-Delta system is the same as the organic carbon that is naturally present in Delta water and contributes to production of carcinogenic byproducts when water from the Delta is treated for drinking water use. If the amount of organic carbon that is diverted or exported from the Delta were to remain in the Delta, would it provide the necessary food for primary production.

Under **Levee System Integrity**, the document should note that levees are also vulnerable to failure because of improper maintenance activities. Nearly all the failures to date have been caused during floods. However, there have been two failures during improper maintenance activities and none during earthquakes.

Also under **Levee System Integrity**, the document states that "*indirect impacts result from salty water moving up into the Delta, as an island is flooded.*" This should be written as:

> ... indirect impacts result from salty water moving up into the Delta, as an island is inundated under non-flood conditions. Seawater intrusion will not occur under flood conditions for obvious but often forgotten reasons.

Under **Surface Storage**, after "*While aggressive implementation of water conservation, recycling, groundwater and conjunctive use is critically important for effective water management and for helping to reduce the growth in demand for water, new surface storage has the potential to provide additional multiple benefits,*' add:

> Furthermore, recycling conservation, groundwater management and conjunctive use will not produce necessary water quality improvements (and without storage to store conserved water can actually worsen urban water quality).

Also under **Surface Storage**, add reference to urban water quality, i.e., "*Surface storage can provide new opportunities for* urban water quality improvement, *flood control, power generation and regulation, recreation, and overall improved water supply reliability for environmental flows and water users.*"

Also under **Surface Storage:** "*Water quality can benefit from flow changes resulting from surface storage* especially when storage is used with conservation to store and reregulate conserved water to improve rather than degrade water quality during dry periods.

Under **Conditions/Linkages for Future Decisions, #2 Conveyance, bullet (b)**: "*assure that beneficial users of water have a right to receive water at some predefined quality or be paid to waive their rights* or are provided, at no cost to them, with facilities to ensure them an adequate supply of water of high quality, as required under the Delta Protection Act (Water Code sections 12200 et seq.)." The Delta Protection Act was added to the Water Code in 1959 and was a key commitment made to Delta water users at the time of the authorization of the State Water Project. This commitment must be reaffirmed and strengthened as part of any CALFED assurance package.

Similarly, under **Conditions/Linkages for Future Decisions, #2 Conveyance, bullet (e)**: "*Reaffirm commitment to protect area of origin rights (e.g., water rights, groundwater protection, etc.)* and the Delta Protection Act rights (e.g., adequate water supply, high quality water)."

Under **Conditions/Linkages for Future Decisions, #3 Storage, Surface Storage, bullets (b) and (c)**: "*Demonstrated progress*" needs to be defined.

Under **Conditions/Linkages for Future Decisions, #3 Storage, Surface Storage, bullet (e)**: "*Completion of 404(b)(1) Clean Water Act compliance, including project site screening, least*

cost evaluations, and equivalency analyses to demonstrate the need for surface storage should be done prior to the Record of Decision."

Draft Working Paper, Section 2

Under **Environmental Documentation, third bullet:**
"***Programmatic 404(b)(1) of Clean Water Act compliance***, including least Environmentally Damaging Practicable Alternative (LEDPA) analysis for storage (except site location).

Under **Common Program Element Descriptions, Water Use Efficiency Program:** Add a sixth bullet:
"Assure that compliance will result in benefits and in assurances regarding ESA restrictions and sanctions."

Under **Common Program Element Descriptions, Water Quality Program:** Need a list of actions like those for other program elements.

Under **Storage and Conveyance Element Descriptions, Surface Storage:** Also need to complete a LEDPA analysis as part of 404 analysis.

Draft Working Paper, Section 3

Under **Assurances & Institutional Arrangements, bullet #3:**
"restoration *strategy*" or "habitat *conservation*" would be preferable rather than "*conservation strategy*."

Under **Water Transfer Framework, bullet #4:**
"*e.g., area of origin, watershed* of origin and Delta Protection Act *priorities* and commitments."

Under **Water Quality, bullet #9:**
There will not be any forthcoming bromide standard as such. Instead say:
"*Develop a plan* to reduce bromide and TOC concentrations in water diverted or exported from the Delta to enable urban water *users to meet forthcoming EPA and Department of Health Services* drinking water *standards (by yr 7).*"

Under **Water Quality, additional bullets,** add:

10. Manage or relocate drains and discharges within the Delta that are located near drinking water intakes to minimize drinking water quality impacts without causing significant

redirected impacts to others, e.g., discharges located near the North Bay Aqueduct and Contra Costa Water District's Delta intakes (yr 1-4).

11. Through coordination between the SWRCB, Regional Boards and Department of Health Services ensure that any new or expanded wastewater treatment plants have tertiary treatment (to reduce pathogen and TOC loads in the discharge) and water is used and reused efficiently in upstream areas and in ways that minimize, to the fullest extent feasible, additional salt, organic carbon and pathogen loadings into streams and rivers tributary to the Delta. Existing treatment plants should develop a reasonable schedule for implementation of tertiary treatment and water reuse as current NPDES permits expire. All wastewater treatment plants should implement BMPs to minimize contaminant levels in the influent to the plants and minimize influent volume (1-7 yr).

12. Implement pilot programs for managing lands that have been converted to dry land farming or fallowed to reduce water quality impacts from local drainage and runoff (1-3 yr).

Under **Watershed Program, additional bullet**:

10. Through coordination between the SWRCB, Regional Boards and Department of Health Services ensure that any new or expanded wastewater treatment plants have tertiary treatment (to reduce pathogen and TOC loads in the discharge) and water is used and reused efficiently in upstream areas and in ways that minimize, to the fullest extent feasible, additional salt, organic carbon and pathogen loadings into streams and rivers tributary to the Delta. Existing treatment plants should develop a reasonable schedule for implementation of tertiary treatment and water reuse as current NPDES permits expire. All wastewater treatment plants should implement BMPs to minimize contaminant levels in the influent to the plants and minimize influent volume (1-7 yr).

Under **Conveyance, South Delta Improvements, bullet #1**:
South Delta improvements should not be automatically assumed to correspond to the Interim South Delta Program (ISDP). Other south Delta improvements, such as channel widening with setback levees or a small new intake to the State and Federal Pumping Plants near MacDonald Island, could render the three agricultural barriers unnecessary. This would avoid the water quality impacts of the ISDP on Contra Costa Water District and State Water Project, identified in CCWD's comments on the Draft EIR/EIS for the ISDP and temporary barriers program.

Under **Conveyance, North Delta Improvements**:
CCWD is not convinced that a short isolated channel in the North Delta that returns water back into the Central Delta to be rediverted offers any benefits to water quality or fish. Fish will still be vulnerable to entrainment when the water is exported in the South Delta. In fact, this alternative is likely to be detrimental to fish. An appropriate alternative is a small intake for the State and Federal projects near MacDonald Island (south Delta improvement), which could be

implemented largely using existing channels and sloughs. It could be implemented in stages, starting at 1000 cfs, to test various screening methods, and could incorporate several small separate intakes around MacDonald Island so that fishery and water quality benefits could be maximized.

Under **Conveyance, Isolated Facility**
CALFED needs to make clear that a decision on whether dual conveyance should be implemented will only be considered after through-Delta improvements have been implemented and have been shown to not meet Program goals and solution principles. Suggested language:
"*However, as mentioned above, dual Delta conveyance will only be implemented if through Delta improvements* have been implemented and have been shown to *not meet Program goals and solution principles.*"

CALFED's Enlarged Los Vaqueros Proposal

This District wishes to reiterate its the comments made in its July 28, 1998 letter (Walter J. Bishop to Lester Snow) regarding CALFED's consideration of CCWD's Los Vaqueros watershed for additional south of Delta storage. The District and its customers have made a significant financial investment in the existing Los Vaqueros Project and the water quality, environmental, reliability and recreational benefits that it provides. Any proposed use of the Los Vaqueros or Kellogg watershed by CALFED must improve and enhance those benefits while reimbursing the District and its customers for that investment. Such a proposal must have the full support of the people of Contra Costa County. A copy of CCWD's principles regarding CALFED's consideration of an expanded Los Vaqueros Reservoir is attached (Attachment A). These principles are a prerequisite for District consideration of an Expanded Los Vaqueros Reservoir in the context of an overall CALFED solution. The full CALFED package will have to be acceptable to the District in the final analysis, as well as any particular Los Vaqueros or Kellogg watershed proposal.

Please call me at (925) 688-8034 or Richard Denton, Water Resources Manager, at (925) 688-8187 if you have any questions regarding CCWD comments on the CALFED draft working paper Developing a Draft Preferred Program Alternative.

Sincerely

Walter J. Bishop

Walter J. Bishop
General Manager

Attachment: CCWD Principles

Attachment A

Contra Costa Water District Principles Regarding CALFED's Consideration of an Expanded Los Vaqueros Reservoir

1. Project must improve water quality and reliability for CCWD

2. Project must enhance the Delta environment

3. Project must protect and enhance the fisheries and terrestrial species benefits provided by the existing Los Vaqueros Project

4. Project must preserve and increase the recreational opportunities of the Los Vaqueros Project

5. CCWD must retain control of the watershed and operation of the reservoir

6. Project must protect and reimburse the financial investment made by the CCWD customers who financed the existing $450 million Los Vaqueros Project

7. Project must have the full support of the residents of Contra Costa County

CCWD 7-28-98