

96-237 *criticism*
John C. ...



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
August 9, 1996

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REPLY TO
ATTENTION OF

Regulatory Branch (199600168)

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

Dear Mr. Snow:

I am responding to the materials that your program has generated during the scoping process for the forthcoming draft Programmatic Environmental Impact Statement (PEIS) on the CALFED Bay-Delta Program.

A review of these materials shows that the range of alternatives that currently remain in scoping for potential evaluation in the draft PEIS has been essentially reduced to three alternatives for water conveyance: use of the existing system; a "Through Delta" conveyance system; and a "Dual Facility" conveyance system. It is the current form and content of the third alternative that is the subject of my letter.

Our understanding is that the Dual Facility conveyance system involves the use of some, as yet unidentified level, through the Delta movement of water, combined with an isolated facility that would move water from north of the Delta to the existing export facilities located at the south end of the Delta without using the existing waterways. The combined transport capacity of the through Delta and isolated facilities would be equal to, or slightly greater than, the capacity of the export facilities, approximately 15,000 cfs.

As presented, the Dual Facility conveyance system would be evaluated at various levels of transport capacity, ranging from 10,000 cfs within existing channels and 5,000 cfs in an isolated facility up to 1,500 cfs within existing channels and 13,500 cfs in an isolated facility. Also evaluated within the Dual Facility alternative would be a fully isolated facility with a capacity of 15,000 cfs and optional use of existing channels to convey flows of up to 4,200 cfs.

Our concern is not over whether an adequate range of alternatives has been identified to date in the scoping process, but over the form of their presentation. The programmatic EIS's content, preparation, and form must foster both informed decision making and informed public participation. The current structure of the Dual Facility alternative contains a fully isolated facility. The difficulty with presenting the alternative in this form is that it does not clearly disclose how a fully isolated facility has the potential to function in a fundamentally different fashion from all other sub-alternatives in the Dual Conveyance alternative. This functional difference relates to how the existing channels are used to convey flows at 15,000 cfs from north of the Delta to the export pumps south of the Delta. The fully isolated facility alternative's use of the existing channels is merely an option which enhances operational flexibility, while at all times still being capable of moving 15,000 cfs around the Delta. Under all of the other sub-alternatives, some level of flow must move through existing Delta channels to be able to convey 15,000 cfs to the export pumps. This functional difference between the fully isolated facility and all other sub-alternatives within the Dual Facility alternative significantly alters the potential range and intensity of impacts to the environment. Examples of where impacts may change are in water quality and fisheries within the Delta.

The Through Delta alternative's current presentation, as a separate and discrete alternative, would be subject to proportionately more scrutiny than may reasonably be expected for the fully isolated facility, assuming it continues to be presented as merely one of six sub-alternatives in the Dual Facility alternative. Should the Dual Facility alternative survive in its current form to the draft PEIS, we believe that document would fall short of meeting the mandates for fair disclosure established under NEPA.

In the event that the fully isolated facility survives the scoping process, it should be presented as a separate alternative on an equivalent footing with the Through Delta alternative. This would ensure presentation and evaluation of all alternatives that are both practicably capable of meeting the program purpose, and that have the potential to affect the human environment in a substantially different way, on an equivalent footing. Such presentation would ensure full and fair disclosure of the potential range of impacts and allow for equitable scrutiny of the range of alternatives by the public.

We appreciate the opportunity to comment on the scoping and development of your NEPA documents during this stage of your program. We also hope that this information is useful to you as you move towards the final development of the alternatives to be evaluated in the draft PEIS for the CALFED Bay-Delta Program. If you have any questions regarding the subject matter of this letter, please write to Mr. Jim Monroe, Room 1480 at the letterhead address, or telephone (916) 557-5266.

Sincerely,



Art Champ
Chief, Regulatory Branch

Copies Furnished:

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