



**CALFED
BAY-DELTA
PROGRAM**

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February 28, 1997

Terry F. Young, Ph.D.
Senior Consulting Scientist
Thomas J. Graff, Senior Attorney
Environmental Defense Fund
Rockridge Market Hall
5655 College Avenue
Oakland, CA 94618

Dear Dr. Young and Mr. Graff:

The following are responses to the comments contained in the January 30, 1997 letter concerning the CALFED Water Quality Program:

I agree with you that the CALFED Bay-Delta Program should be built on the foundation of laws and agreements already in place. We have consistently taken the position that the existence of CALFED in no way reduces requirements for observance of existing law, nor modifies the legal authority and responsibilities of other agencies, including regulators. And, in general, CALFED will build upon existing agreements.

With respect to the San Joaquin Valley Drainage Implementation Program, it is our intention to support the recommendations of the program as related to source control, drainage reuse, evaporation ponds, land retirement, ground water management, protection restoration and provision of substitute water supplies for fish and wildlife, and control of discharges to the San Joaquin River.

Through the stakeholder working teams that were assembled to develop potential water quality actions, several actions were proposed that would require water to be obtained for the purpose of diluting concentrations of pollutants in the Delta estuary. These potential actions are being retained as options for the time being; however, there has been a widespread expression of stakeholder opinion that such actions would be inappropriate. I believe it is likely that, as water quality actions are integrated with ecosystem restoration, system integrity and water supply components, any dilution of pollutant concentrations will be incidental benefits of actions taken to serve other purposes.

CALFED Agencies

California

The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal

Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
Department of Commerce
National Marine Fisheries Service

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As a general principle, I agree that a "polluter pays" philosophy is appropriate to CALFED undertakings. In its undertakings, CALFED will avoid reducing the accountability of any parties responsible for water quality degradation. It is, instead, our intention to integrate and coordinate the efforts of individual responsible entities into comprehensive, watershed-wide solutions. In this process we may consider supplementing, but not replacing, the efforts of others. It will be our intention always to invest in projects that are most appropriate for CALFED to implement, as opposed to other entities.

While direct approaches to pollution control are desirable, I do not necessarily agree that educational activities in partnership with other entities should fall outside the scope of CALFED activity. As an example, working with the agricultural industry to improve pesticide management practices, or working with cities to reduce chemical pollution from households may have the potential for significant pollution reduction.

Concerning the use of Habitat Enhancement Landowner Program funds, there has been no consideration of the use of these funds for educational purposes as part of the CALFED Program.

As set forth in the San Joaquin Valley Drainage Program report, development of holding ponds for subsurface drainage would need to be demonstrated not to cause toxicity problems for birds. Operation of any such facilities would be in accordance with state and federal regulations and policies.

Incentives to encourage separation of tail water and tile water should not penalize those entities that have already made such investments, and it would be the intent of CALFED to achieve equity in this matter. Exploration of markets for salt products should be part of all CALFED studies of drainage control projects that would result in concentrating salts.

Relative to Water Quality Action 25 and CALFED actions in general, we believe pilot scale projects make good sense, as such projects will provide the opportunity to test concepts before large scale commitments of resources are made.

The Environmental Defense Fund is on the mailing list for meeting notices and other materials produced by the Water Quality Program. I would like to take this opportunity to invite one or more representatives of the EDF to actively participate in the Water Quality Technical Group, which is the team of technical stakeholder experts who are assisting in the development of the CALFED Water Quality Program. The next meeting of the group is April 1, 1997.

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Thank you for the thoughtful comments. If you have further thoughts, you may call me at (916) 657-2666 or Rick Woodard, Manager of the Water Quality Program, at (916) 653-5422.

Sincerely,

A handwritten signature in black ink, appearing to read "Lester A. Snow", with a long horizontal flourish extending to the right.

Lester A. Snow
Executive Director