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THE NATURE CONSERVANCY
ENVIRONMENTAL DEFENSE FUND

OCT 22 1998

October 19, 1998

Lester Snow
CALFED
1416 9th Street, Suite 1155
Sacramento, CA 95814

Re: Issues Regarding the Ecosystem Restoration Program Presented by the August 5, 1998 Version of "Developing a Draft Preferred Program Alternative"

Dear Lester:

For over two months, we have been pondering how to address CALFED on the critical matter of how it is planning to implement its Ecosystem Restoration Program. As you know, this is a fundamental building block of the whole CALFED effort, and we applaud the work you and others have put into this part of your overall mission.

In summary, we support CALFED's attempt to define a staged implementation/staged decision-making process with real specifics, but we find the content even of the Ecosystem Restoration Program inconsistent with the fundamental precept that the program must assure that "everyone has a stake in the successful completion of each stage."

As presently framed, the CALFED approach simply does not respond to existing environmental imperatives and hence fails to provide a firm basis for extending the Bay Delta Accord or for carrying out a meaningful ESA Section 7 programmatic consultation. In this letter, we explain some of our fundamental concerns that relate specifically to the Ecosystem Restoration Program and then suggest actions that CALFED can take to address these issues.

- 1) Effective implementation of the Ecosystem Restoration Program (ERP) remains doubtful. The first 15 pages of the draft preferred alternative document discuss what is meant by staged implementation and staged decision-making, including an elaborate outline of "Conditions/Linkages for Future Decisions" and a detailed set of provisions addressing conveyance and storage (pp. 13-15). There is no comparable set of conditions/linkages for the ERP. As we have pointed out repeatedly during the past two years, provisions to assure that the ERP is implemented and yields results in the form of measurable ecosystem improvements are a prerequisite to any long-term agreement.
- 2) The discussion of new storage basically assumes that more water can be stored "during times of high flow and low environmental impacts" for use "during dry periods when conflicts over water supplies are most critical." There is nothing in this statement that reflects the scientific uncertainty (clearly stated in other CALFED documents) regarding this justification of additional storage—however operated—in the system. Nor is there any hint of commitment to the need to examine this fundamental assumption prior to any final decisions on new or increased storage aspects of a staged implementation plan.
- 3) Nowhere is there any clear discussion of the comprehensive water acquisition strategy that will be needed to provide the water necessary for carrying out the ERP and for meeting existing legal

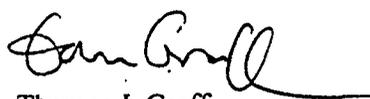
requirements. Any concept of CALFED staged implementation and decision-making must be premised on developing and implementing a comprehensive strategy, including secure and sufficient long-term funding and quantitative performance measures or milestones, for acquiring and managing both ERP and other above-baseline ecosystem supplies on a sustained long-term basis. (The supplemental water acquisition analyses set forth in the CVPIA Draft Programmatic EIS, the USDO's 10/95 "Least Cost CVP Yield Increase Plan," and the USBR/USFWS' 8/95 "Supplemental Water Acquisition Strategy" provide a useful foundation for CALFED's acquisition efforts.)

We strongly recommend that CALFED respond to the above concerns as follows:

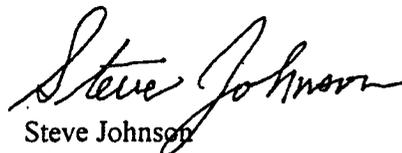
- 1) Continue the work of the scientific "core team" to assess and finalize the key elements of the Stage 1 ERP by the end of this calendar year, so that these elements can be used as components of a balanced set of linkages within the phased implementation program.
- 2) Under the direction of the core team, fund and finish the program for developing ecological indicators that was designed and initiated by the volunteer "indicator work group," and develop additional performance measures tied to specific Stage 1 ERP actions. The combined set of performance measures will provide a method to track restoration progress in general as well as to verify the successful implementation of specific elements of the phased implementation plan.
- 3) Use the ERP Strategic Plan, the work of the "core team" and other sources to prepare a set of ERP staged implementation/staged decision-making requirements comparable in detail to those provided for conveyance and storage at pp.13-15 of the August 5th CALFED draft.
- 4) Request that the core team of scientists or another independent group design a thorough assessment of the ecological impacts of the proposal to divert even more peak wet weather flows as identified on p.33 of the CALFED Phase II Interim Report, and complete the assessment prior to a final decision on additional water storage.
- 5) Undertake a thorough assessment of ERP water supply requirements, including stream geomorphology considerations, as part of the "core team's" work; determine the potential sources of this water supply, including current standards, full implementation of CVPIA as described in the CVPIA EIS, and additional water acquisitions; and then assure that this water supply will be available to meet the specified needs.

We remain firmly committed to the effort to address comprehensively all stakeholder concerns. However, we also believe that your positive response to the above recommendations is essential to restoring faith that ecosystem and listed species needs are on center stage as CALFED issues its draft preferred alternative.

Sincerely,



Thomas J. Graff
Senior Attorney
Environmental Defense Fund



Steve Johnson
Project Director
The Nature Conservancy