



September 8, 1999

The Honorable K. Maurice Johannessen  
Chair, Senate Select Committee on CALFED Water Program  
State Capitol, Room 5061  
Sacramento, CA 95814

Senator Johannessen:

This is in response to your letter of August 18, 1999, in which you strongly assert that I have not dealt with the Select Committee in a "a straightforward and honest manner."

While I do not understand the connections you attempt to make between my testimony before the Committee on June 8, 1999, and an August 4, 1999, San Francisco Chronicle story, the two critical issues appear to be land acquisition by the Department of Water Resources and the status of a potential Hood-to-Mokelumne River diversion. I will address these issues in order.

Land Acquisition

The transcript of this lengthy hearing covers many topics including a short discussion of land acquisition near Hood by the Department of Water Resources. This topic arose as part of a discussion of the CALFED through-Delta approach - which includes an evaluation of a Hood-to-Mokelumne diversion. A review of that transcript will show that I answered every inquiry as directly as possible, given the information available to me at the time of the hearing:

After asserting that everything points to an isolated facility (p. 52), you asked if the environmental documentation for an isolated facility should be prepared now, because we are already purchasing land, implicitly for an isolated facility (p. 54). I responded that we have determined that a through-Delta strategy is the better approach and that we - by which I meant CALFED - are not purchasing land for an isolated facility right-of-way.

After stating that 130 acres were bought at Hood, you asked whether Hood is the approximate location of the end of the isolated facility. I concurred.

You then stated that 130 acres were bought for the purposes of the isolated facility. I expressed uncertainty about your reference and expressed a belief that DWR has been negotiating for some property near Hood.

**CALFED Agencies**

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

**Federal** Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Geological Survey  
Bureau of Land Management  
U.S. Army Corps of Engineers

Department of Agriculture  
Natural Resources Conservation Service  
U.S. Forest Service  
Department of Commerce  
National Marine Fisheries Service  
Western Area Power Administration

You asked why Department of Water Resources was negotiating for property near Hood. I suggested that questions about the purpose of these negotiations should be directed to the Department of Water Resources.

You indicated that someone from the State testified that this acquisition was for purposes of an isolated facility, and you expressed uncertainty about my knowledge of this acquisition.

I then continued with a discussion of the uses of a Hood-to-Mokelumne diversion to address in-Delta water quality concerns. This exchange concluded with your statement that you assume that "it" was bought for "that" purpose.

Following receipt of your letter, I asked the Department of Water Resources about a 130-acre purchase near Hood. No purchase matches this description exactly, but DWR has acquired 122 acres just south of Hood. According to the environmental documentation associated with this purchase, this acquisition originated in a 1990 EIS/EIR. I understand that this property was appraised in 1994, an offer was made in February 1995, and escrow closed in June 1995. For the Committee's reference, the CALFED Bay-Delta Program was initiated May 1995, well after this acquisition was planned. In my testimony, I indicated that I believed that DWR was currently negotiating for some property near Hood. I have since learned that this property was a 4.5 acre parcel adjacent to the 122-acre DWR property, to be used as a staging location for work on a screened diversion - if that became necessary. However, I understand that DWR has subsequently informed the landowner that they are no longer interested in acquiring this property.

As I indicated at the June hearing the most accurate source of information regarding DWR land acquisition and DWR's intent with the acquired property is the Department of Water Resources, not CALFED.

#### Hood-Mokelumne Diversion

A Hood-Mokelumne diversion has been part of one or more CALFED alternatives for more than three years. Between the March 1998 Draft EIS/EIR and the December 1998 Revised Phase II Report, the Hood-Mokelumne diversion changed from a major program feature to a downsized contingent action. In the preferred alternative, the north Delta facility is only to be considered if necessary for water quality purposes and if its fishery impacts can be addressed. The June 1999 Phase II Report was intended to increase the detail of the contingent action. However, some stakeholders have interpreted the change in text as increasing the probability of construction. That was not the intent, and if the Hood-Mokelumne diversion remains in the final EIS/EIR, that section will be rewritten to more clearly establish the contingent nature of the action, the decision process to be followed, and the significant nature of the problems to be addressed during the evaluation.

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Again, I do not understand the connection you make between the June 8, 1999, hearing and the August 4 Chronicle article. However, I have provided the most direct information I could, both to the Select Committee and to stakeholders. I will continue to do so.

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